LEGISLATIVE COUNCIL

Wednesday 13 October 2004

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

LEGISLATIVE REVIEW COMMITTEE

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

Report received.

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

Report received and read.

PAPERS TABLED

The following papers were laid on the table:

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

River Murray Act 2003—Report, 2003-04

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

Reports, 2003-04—
Adelaide Entertainment Centre
Non-Government Schools Registration Board.

MURRAY RIVER

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I lay on the table a copy of a ministerial statement on the River Murray Regional Disposal Strategy made earlier today in another place by my colleague the Minister for the River Murray.

INDUSTRIAL RELATIONS

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I lay on the table a copy of a ministerial statement on industrial relations law reform made yesterday in another place by my colleague the Minister for Industrial Relations.

QUESTION TIME

DEPARTMENTAL FUNDS

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make an explanation before asking the Minister for Industry and Trade, representing the Treasurer, a question about taxpayers' funds and public accountability.

Leave granted.

An honourable member interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: Mr President, as you and other members would be aware, this week the Auditor-General's Report has raised a significant number of very serious questions, illegal acts, improper practices and deliberate falsification of financial accounts in terms of the presentation of the state's public finances. I refer in particular to the issues surrounding the Crown Solicitor's trust account. The public record shows that, in the last full year of the former Liberal government, the level of funds listed in the Crown Solicitor's trust account at the end of the financial year 30 June 2001 was $2.26 million. Just two years later, on 30 June 2003, the level of funds in that trust account increased to $6.25 million—an increase of just over $4 million.

The Hon. A.J. Redford: Three hundred per cent.

The Hon. R.I. LUCAS: But there is more! When one looks at 30 June this year, the level of funds in the Crown Solicitor's trust account is now $12.42 million. In the space of three years, there has been an increase in the Crown Solicitor's trust account of just over $10 million. All members will be aware of the claims by this government, and the Treasurer in particular, of the supposedly strict financial controls that the Treasurer and Treasury have implemented—

The Hon. J.F. Stefani: Tight fiscal management.

The Hon. R.I. LUCAS: And tight fiscal management, as the Hon. Mr Stefani indicates. My questions are as follows:

1. Given the extraordinary increase in funds lodged in the Crown Solicitor's trust account, why did the Treasurer not, in his bilateral meetings with the Attorney-General and senior officers over the past two years, raise questions as to the reasons why there had been such a significant increase in Crown Solicitor trust account fund levels?

2. Given that the Treasurer has indicated that the Expenditure Review Committee of the Rann government maintained a strict monitoring of financial expenditure within government departments and agencies and their accounts, why did the Treasurer and other cabinet ministers not seek a response from the Attorney-General and senior officers in the Attorney-General's Department as to the reasons for the significant increase in funds held in the Crown Solicitor's trust account?

The Hon. R.D. Lawson: It's not a trust account; it's a slush fund.

The Hon. R.I. LUCAS: Dodgy deals done dirt cheap.

The PRESIDENT: Order!

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I hope those comments have gone on the record because, when the Treasurer investigates this, there may be very good reasons why there has been an increase. That is a matter for the Attorney-General, and I will bring back a response. However, given that the Leader of the Opposition has asked questions about the Auditor-General, I think it is appropriate that we have another little history lesson in this place about the role played by the former treasurer in relation to the Auditor-General.

I am pleased to see that we now have some recognition by the opposition of the importance of the Auditor-General and the integrity of the current incumbent, because that is not what we had, of course, when the Leader of the Opposition was the treasurer of this state. Indeed, towards the end of 2001, who could forget the quite disgraceful attacks that were made upon the Auditor-General by members of the then Liberal government and also other Independent members? For example, on 28 March 2001, in a debate on electricity privatisation, the then treasurer said:

> I have read the report and I was astonished when I read that aspect of it. . . it defies all commercial logic to have come to the conclusion that the Auditor-General and/or his advisers did in relation to this aspect of [the asset].

He continued:

> How any Auditor-General, or indeed his advisers and the Auditor-General, could come to a commercial judgment that government envisaged a wind down along the lines that he believes was contemplated in the electricity leases, as I said, is mind-boggling.

And, of course, we had an extraordinary situation (and I am sure the Hon. Julian Stefani would well recall the case) where a motion was moved by the Hon. Terry Cameron that required the Auditor-General to answer a question in this parliament. That is all part of history. It is a shameful history, but members on this side of the council and I defended the Auditor-General, and we still do. I said in opposition, and I say again: the Auditor-General has an absolutely crucial role within our parliamentary system, and I take very seriously any comments that are made by the Auditor-General.

The reason why we have an Auditor-General is to go through the accounts of the state, in particular, things such as trust funds. The nonsense that the Leader of the Opposition, and the opposition generally in the other place, are trying to suggest is that, somehow or other, every minister should be involved in the intimate minutiae of detail in the accounting of the department. Of course, none of them as ministers ever did it; none of them ever would or could do that. But, of course, that is the line they are trying to suggest.

We need an Auditor-General, with a team of, I think, something like 50 people, to go through the details of things such as trust accounts. That is why we have such a big team in that department; so that every year they can go through and ensure that the Treasurer's instructions—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: The former treasurer must have a short memory, because he should know that, by and large (there are a couple of exceptions where ministers are referred to), in the 27 chapters of the Treasurer's instructions, they refer to the chief executives of departments maintaining certain standards. What is extraordinary is not only the current attitudes but also the disgraceful attacks on the Auditor-General we had during the latter term of the Olsen government. I am pleased to say that at least the opposition now appears to recognise that the Auditor-General of this state is doing a very good and very important job. Good governments will work with the Auditor-General, and, in my two years as a minister, if there are issues in relation to managing things, either I or my department will take the opportunity to talk to the Auditor-General's Department.

Members interjecting:

The Hon. P. HOLLOWAY: They don't like this! We talk to the Auditor-General's Department to ensure that proper accountability procedures are in place. At the end of the day, given that there are thousands of accounts and 60 000 public servants in this state, we have a team of people in the Auditor-General's Department to go through things. Even in spite of that, there will be occasions when not even the Auditor-General will pick up things that have happened. In spite of all those checks and balances, things will still be missed. What has happened over the past 2½ years of this government is that some improvements have been put in place in relation to some new policies; for example, the cash alignment policy.

The Hon. R.I. Lucas: That has nothing to do with it.

The Hon. P. HOLLOWAY: Well, it has a lot to do with returning cash to Treasury; the cash alignment policy returns balances in departments. The cash alignment policy of this government has been put in place in relation to those things.

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: The Auditor-General over the past decade has made some comments about dishonesty, but they were not about members of this government: they were about members of another government.

The Hon. A.J. REDFORD: I have a supplementary question. Given that it is illegal for a legal practitioner to mix trust funds with other money, will the Treasurer check that the Crown Solicitor has not intermixed other moneys in its trust account?

The Hon. P. HOLLOWAY: I think that is probably a matter for the Attorney-General to address. I will refer the question on.

The Hon. R.D. LAWSON: I have a supplementary question. During the period in which the minister held appointment as attorney-general and acted as attorney-general, did he receive any advice, either written or oral, about the effect on the Attorney-General's Department of the government's policy of not allowing carryovers?

The Hon. P. HOLLOWAY: I think the question should be whether the member who asked the question was himself attorney-general for a longer period than I. I do not have access to the records of the department. I will refer the question to the Attorney-General in accordance with practice.

Members interjecting:

The Hon. P. HOLLOWAY: I have nothing at all to hide.

MOTORCYCLE THEFT

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the minister representing the Attorney-General a question about motorcycle theft.

Leave granted.

The Hon. R.D. LAWSON: The National Motor Vehicle Theft Reduction Council has just published the latest figures relating to motor vehicle and motorcycle theft in Australia; in particular, the council notes the fact that motorcycles increasingly account for a higher proportion of overall vehicle theft in Australia. South Australia continues to have the highest rate of thefts of all vehicles of any Australian jurisdiction. The council reports that motorcycles are recovered at a very low rate of only 30 per cent and that newer motorcycles are over-represented amongst thefts compared with passenger vehicles. Indeed, 45 per cent of stolen motor vehicles were manufactured from 2000 onwards. In particular, Yamaha and Honda motorcycles account for 60 per cent of reported motorcycle thefts. My question to the Attorney-General is: in the light of this government's cuts to crime prevention programs, what action has it taken specifically to address the issue of motorcycle theft in this community?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I will refer that matter to either the Attorney-General or the Minister for Police and bring back a response.

The Hon. J.F. STEFANI: I have a supplementary question. Will the minister investigate the possibility of advanced driver training, which exists in Victoria and which has been conducted by the Honda company, for riders of high-powered motorcycles?

The Hon. P. HOLLOWAY: I assume that the honourable member is talking about road safety, rather than the theft of motorcycles. It is a reasonable question, and I will refer it to the Minister for Transport, but it scarcely has—

Members interjecting:

The Hon. P. HOLLOWAY: I was asked a question about motorcycle theft, and I get a question—

The PRESIDENT: About road safety.

The Hon. P. HOLLOWAY: I think I have made a very generous interpretation of standing orders in answering it as a supplementary question. Nonetheless, it is an important question, because this government takes road safety seriously. I think it deserves an answer, and I will ensure that the Minister for Transport provides one.

The PRESIDENT: It would take a very bad interpretation of standing orders to accept the question as being relevant. However, I think the minister has shown statesmanship in taking the question.

Members interjecting:

The PRESIDENT: If members of Her Majesty's opposition do not want latitude, I suggest they continue along the same line. However, when they are being accommodated, I think they should continue with their tongue in their cheek.

ROYALTY PAYMENTS

The Hon. CAROLINE SCHAEFER: My questions are to the minister for Mineral Resources Development about the payment of royalty moneys into the Treasury bank account, as follows:

1. Will the minister provide details of the $340.5 million, being the royalty moneys net of reconciling items, transferred from his department to the Department of Treasury and Finance on 28 June 2004?

2. What account or accounts was the money transferred from?

3. Given that page 10.90 of the Auditor-General's Report shows only $75 million transferred to consolidated accounts, where were the royalties transferred to, and how can we trace that transaction?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): I will take that question on notice. The honourable member has obviously read that part of the Auditor-General's Report. That money has been transferred to Treasury, but it goes back for some considerable time—into the 1990s. However, I will take those questions on notice and provide that information to the honourable member.

CORRECTIONAL SERVICES, ABORIGINAL PRISONERS

The Hon. G.E. GAGO: I seek leave to make a brief explanation before asking the Minister for Correctional Services a question about Aboriginal prisoners attending funerals.

Leave granted.

The Hon. G.E. GAGO: I understand that new arrangements are being entered into in relation to allowing Aboriginal prisoners to attend the funerals of family members in their home community. My question is: will the minister inform the chamber of these new arrangements and the benefits they might bring?

The Hon. T.G. ROBERTS (Minister for Correctional Services): The Department for Correctional Services has struck an agreement with Aboriginal communities in the Far North of the state to allow Aboriginal prisoners to attend family funerals in their home community. In what is thought to be the first such agreement in Australian corrections, Aboriginal prisoners (mainly serving sentences in Port Augusta Prison) will be allowed to attend funerals in Far North communities under the supervision of recognised local people. Those given the responsibility of supervision will be trained by the department and accepted as official volunteers to ensure the security of the prisoners from the time they are handed over by corrections staff to their being returned to prison following the funeral.

The department will train more than a dozen Aboriginal people from traditional communities to act as escorts for funerals in Aboriginal lands. The agreement is in line with the recommendations of the Royal Commission into Aboriginal Deaths in Custody, which urged Correctional Services to recognise special kinships and family obligations of Aboriginal prisoners that extend beyond normal family relationships, particularly regarding funerals. So far, four communities—Mimili, Kaltjiti (Fregon), Pukatja (Ernabella) and Iwantja (Indulkna)—have joined the agreement, and negotiations are being held with other communities in the APY lands, hopefully for a further extension of this agreement. It will see staff at Port Augusta Prison deliver a prisoner granted leave to attend a funeral to the community, which will take responsibility for his or her supervision, before returning the prisoner to the officers' custody and to the prison following the event.

Previously such prisoners would be escorted to the funeral, mostly handcuffed to an officer and, in some cases, accompanied by the department's Operations Support Unit (or dog squad), a situation that often caused distress and, in some cases, prisoners would not take part in such an operation. Departmental staff will monitor the change in the initial period to ensure the escorts are conducted appropriately. This agreement is unique, and other states are showing interest in it. We may be able to extend it to other parts of our state.

BAXTER DETENTION CENTRE

The Hon. IAN GILFILLAN: I seek leave to make an explanation before asking the Minister for Industry and Trade, representing the Deputy Premier and Minister for Police, a question about police behaviour at a protest at Baxter in 2003.

Leave granted.

The Hon. IAN GILFILLAN: A constituent, Mr Bruce Lennon, who was present at the Easter protest in 2003 at the Baxter Detention Centre in company with many hundreds of other people, has informed me that police officers who were in attendance removed their epaulets and name identification, thereby making them virtually anonymous as they went about their duties. I have a photograph that verifies that fact, but I will not lift it off my desk, because I realise that that is inappropriate. However, I want to bring to the attention of honourable members that I do have photographs. Allegations were made that the actions of the police officers in some circumstances were unwarranted, bordered on being brutal and, as far as many people were concerned, were unacceptable. When asked what reason there could be for the police officers removing any form of identification, the only justification that could be brought forward was that it enabled them to behave in an unacceptable way anonymously.

Mr Bruce Lennon complained to the Police Complaints Authority, and he has only just received a formal response to virtually finalise the issue. The response was by way of an email from WayneMackay@agd.sa.gov.au on 12 October, which reads:

Mr Lennon

You indicate you do not understand the contents of a letter I sent you. Although I am unsure which letter you are referring to, I can only assume it is the letter sent to you on the 25th May 2004 enclosing a copy of the Assessment & Recommendation made in relation to your complaint. The outcome is set out clearly on page 3 of the Assessment & Recommendation.

What I can advise you is that no officer will be charged with a breach of discipline over the matter. As a result of your complaint an amendment has been made to the relevant police General Order. It now states:

'When deployed to a public order incident, you may only remove epaulettes and name badges where authorised in the operation order or by the Police Commander responsible for the management of the incident.

Police Commanders responsible for the management of public order incidents are to ensure that members are readily identifiable, and should instruct them to exhibit their name or identification number onto protective dress or equipment worn, by using adhesive tape or similar means.'

I hope this addresses your query.

From our perspective your complaint file has been closed.

Yours faithfully

Wayne Mackay

My questions to the minister are:

1. Was there an order authorising the removal of epaulets and name badges at the public order incident that took place at Baxter over Easter 2003? If so, by whom, and for what reason? If there was not such an order given, why was there no complaint upheld against any offending officer so far?

2. The amendment made to the relevant police general order as a result of Mr Lennon's complaint specifies that epaulets and name badges can be removed by an operation order or by the police commander responsible for the management of the incident. Under what circumstances, and for what reason, other than allowing police officers to behave anonymously in an unacceptable manner, can such permission be granted?

The PRESIDENT: Before the minister answers that question, I am impressed by the question's adherence to the standing orders, but I should point out to the member that, if he describes a document and it is called for by members of the opposition, he will be required to table it.

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I will refer that question to the Minister for Police in another place and bring back a reply.

The Hon. A.J. REDFORD: I move:

That the document be tabled.

Motion carried.

DRUG DRIVING

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the Minister for Industry, Trade and Regional Development, representing the Minister for Police, a question about drug driving.

Leave granted.

The Hon. A.L. EVANS: In a recent survey by insurance company AAMI, it was found that, under the age of 34, 24 per cent of drivers knew they had been involved in drugs and driven while under that influence. The survey showed that this statistic is increasing, with more young people driving under the influence of drugs each year. The survey also showed that there is an increased rate of young people who see drug driving as acceptable, because there is no way for police to randomly check whether they are under the influence of drugs. From my understanding, Victoria has a model that helps detect drivers that are driving under the influence of drugs. It uses samples of saliva from the driver and gives a quick indication as to whether there is any presence of illegal drugs in the person's system. My questions are:

1. What does the minister propose to do to curtail this increasing problem of people driving under the influence of drugs within South Australia?

2. What measures does the minister have, or propose to put in place, to educate young people on the dangers of drug driving?

3. Has the minister been informed of the Victorian model, and what is his assessment of adopting that model within South Australia?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I thank the honourable member for his questions. I will refer them to the Minister for Police or the Attorney-General and bring back a response.

WORKCOVER LEVIES

The Hon. A.J. REDFORD: I seek leave to make an explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Industrial Relations, a question about WorkCover levies.

Leave granted.

The Hon. A.J. REDFORD: I was recently approached by a constituent about his WorkCover levy. My constituent, Mr Sandercock, runs a small taxi truck business known as ABD Taxi Trucks. He complained that his levy had gone from $800 a year to $2 214—a whopping 250 per cent increase. He advised me that WorkCover told him that a loading had been applied as a result of injuries suffered by an employee, and that the loading would last two years. I am informed that Mr Sandercock's employee was delivering duck material to a hotel near Salisbury, somewhere near the Premier's electorate.

His employee, a Mr Chris Mountford, noticed the driver of a car behind him remonstrating with him. Apparently the other driver could not see past the truck and felt that he was impeding his access into a driveway. He was stationary in traffic. When Mr Mountford arrived at the premises just a few yards further on, he got out of the truck and, as he was commencing his unloading, he was king-hit from behind. As he turned he was hit again, losing two teeth and causing profuse bleeding. Mr Mountford was attended by an ambulance. The police attended and, I understand, interviewed the perpetrator. The victim, Mr Mountford, informs me that the perpetrator, a criminal, was charged but has never been seen since.

So far he has got off scot-free, while Mr Sandercock, a law-abiding citizen, has been punished and will be punished for two years under this government's WorkCover and law and order policies. I wrote to the minister regarding this matter and asked him what action had been taken to recover moneys from the offender.

The Hon. Carmel Zollo interjecting:

The Hon. A.J. REDFORD: Pardon?

The Hon. Carmel Zollo: I'm not talking to you.

The Hon. A.J. REDFORD: Good. I just like to hear from you from time to time, because you are just so easy. In response, the minister said that he had left his address, that it is difficult to find him and, apart from that, there was no other source of comfort for my constituent, Mr Sandercock. In the light of that, my questions are:

1. What specifically has WorkCover done to locate the offender?

2. Does the minister think that it is fair that Mr Sandercock is forced to pay for someone else's criminal conduct and that the criminal gets away scot-free?

3. Will the minister instruct WorkCover to review its policies so that people such as Mr Sandercock will not be penalised by the criminal conduct of third parties?

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. I am not sure whether the minister is obliged to answer the question about fairness, but all the other answers will be supplied.

ASBESTOS

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

Leave granted.

The Hon. J.F. STEFANI: There has been much publicity about the health problems caused by exposure to asbestos. Many people who have worked with asbestos and who were unwittingly exposed to asbestos fibres have, unfortunately, been afflicted by asbestos-related diseases, including lung cancer. Asbestos will commonly be found in old fibre cement, or fibro as it was known. It was also used in insulation materials, plaster, electoral switchboards and the lagging of water and heating pipes.

There are many other products in which asbestos was used and, in many instances, the presence of asbestos may not be obvious. For example, asbestos was used in linoleum floor coverings. Asbestos fibres are very strong and do not degrade easily. Microscopic asbestos fibres when breathed into the lungs cannot be removed by the ordinary function of the body and, eventually, work their way deep into the lungs. Normally other very small foreign particles that are not coughed up from the lungs are removed by the body's blood system.

However, the shape and nature of the asbestos fibres cause them to remain implanted in the lungs and scar tissue is formed around them. At present, many people in South Australia are living in or buying older homes, and many others are renovating older premises. The danger arises when unsuspecting owners and renovators of older homes break, cut or sand asbestos products, creating extremely dangerous dust particles. For instance, people will prepare a surface for painting by sanding it back. This can be lethal when sanding back fibre cement sheeting. In view of the potential dangers of asbestos, my questions are:

1. Will the minister consider the printing of an information pamphlet regarding the dangers of asbestos products?

2. Will the minister investigate the possibility of distributing such a pamphlet to every household with the accounts of SA Water?

3. Does the minister agree that this is a serious health issue which requires immediate government action in order to protect the health of many unsuspecting South Australians?

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

RESEARCH AND DEVELOPMENT EXPENDITURE

The Hon. R.K. SNEATH: I seek leave to make a brief explanation before asking the Minister for Industry and Trade a question about research and development spending.

Leave granted.

The Hon. R.K. SNEATH: In the August 2004 study entitled 'Australian manufacturing and China opportunities and challenges', the Australian industry group estimated that the impact of China translates into a financial loss for the domestic manufacturing section in the order of $560 million over the past year. In order to compete in this environment it is essential that the industry is at the cutting edge. The State Strategic Plan sets a target for South Australia to exceed the national average of business expenditure on research and development as a percentage of GSP and approach the OECD average within 10 years. Will the minister advise the council how the state is performing in terms of achieving this goal?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I am pleased to report that, given the recent Bureau of Statistics' results which are released every two years, our state outperformed every other state and therefore the national average in 2002-03. The latest ABS statistic of gross expenditure on R&D (known commonly as GERD) in 2002-03 released just a month ago (13 September) confirmed that South Australia is an important research and development state. The leading states in terms of GERD in 2002-03 were New South Wales with 3 547 million and Victoria with 3 574 million, accounting for 30.6 per cent and 29 per cent respectively. However, the leading states in terms of GERD as a percentage of gross state product were South Australia at 2.28 per cent and Victoria at 1.84 per cent. Relative to other states, South Australia and Victoria outperform in R&D on the basis that their proportion of total R&D spend for both states is greater than their share of national GDP.

The business sector was the greatest contributor to the significant GERD increase in dollar terms in 2002-03. In 2002-03, South Australia's GERD was estimated to be $1 113 million, an increase of 31.5 per cent compared with the 2000-01 GERD of $846 million. This represents 2.28 per cent of GSP and is much higher than the Australian average as a percentage of GDP of 1.62 per cent and the OECD average of 1.94 per cent. In comparison to the GERD to GDP ratios of OECD countries, South Australia ranked as eighth—slightly above France and behind Denmark and Germany—which is five positions higher than Australia's ranking as a nation. Australia's GERD to GDP ratio is low, ranking 13 out of 19 OECD countries for which comparable data is available.

South Australia's performance is considerably higher than the rest of the states for which comparable data is available. New South Wales' GERD increased by 19.7 per cent; Queensland, 19.6 per cent; Victoria, 14.4 per cent; and Western Australia, 11.9 per cent. That is compared with 31.5 per cent here. Pleasingly, the business sector was the major contributor to this increase of GERD in dollar terms, accounting for 73.4 per cent of the increase, followed by an increase in the higher education sector of 13 per cent. GERD in Australia in 2002-03 was estimated to be $12 250 million, 17.6 per cent higher than that recorded in 2000-01. With the exception of the state and territory government expenditure which remains steady, all sectors showed an increase in R&D expenditure compared with 2000-01. GERD as a percentage of GDP has risen from 1.55 per cent in 2000-01 to 1.62 per cent in 2002-03.

In 2002-03, 63.1 per cent—or $7 726 million—of R&D expenditure was directed towards economic development. Society accounted for a further 20.7 per cent of R&D expenditure, followed by environment, 6.5 per cent; non-oriented research, 6.4 per cent; and defence, 3.3 per cent. Manufacturing accounted for 38.6 per cent—or $2 981 million—of R&D expenditure directed towards economic development.

In terms of expenditure by research field, the business sector can be split up into engineering and technology, 54.4 per cent, and information, computing and communication sciences, 24.1 per cent. In the commonwealth government sector we have engineering and technology, 25.7 per cent; agricultural, veterinary and environmental sciences, 15.9 per cent; earth sciences, 13.3 per cent; and information, computing and communication sciences, 10.8 per cent. The state government sector is spending 54.4 per cent on agricultural, veterinary and environmental sciences; 18.1 per cent on medical and health sciences; and 10.7 per cent on biological sciences. Then we have the higher education sector: other research fields (primarily the social sciences and humanities), 27.4 per cent; medical and health sciences, 25.2 per cent; biological sciences, 12 per cent; and engineering and technology, 10.9 per cent. And, lastly, the private non-profit sector: medical and health sciences, 61.4 per cent; and biological sciences, 29.1 per cent.

The results are a very pleasing outcome for South Australia. It indicates that South Australia is now in a good position to achieve those State Strategic Plan targets, as we are already leading the nation in relation to the proportion of business expenditure on research and development. Of course, what we must now do is achieve that OECD average figure.

WOMEN'S HOUSING

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 Housing, a question about housing programs for women exiting prison.

Leave granted.

The Hon. KATE REYNOLDS: Recently, the head of the Social Inclusion Unit, Monsignor David Cappo, asserted that the unit was funding programs for women exiting prison to prevent homelessness. However, I have discovered that this funding, whilst very welcome, provides an information and referral service for women still in prison. This is a service auspiced by the Offenders Aid and Rehabilitation Services (OARS), and it is not able to guarantee housing for its women clients.

The Housing Information and Referral Program works to deliver housing information, referral, advocacy and assessment to people in correctional facilities, and it provides continuing support to assist people to access and maintain accommodation. However, as I am sure members, and you, Mr President, would appreciate, it is very difficult for women and men exiting prison to find appropriate housing—they are certainly not in the favoured tenancy group.

Mr President, as you would appreciate, these women require intensive support and, even if they are able to access public housing before other people on the category one waiting list, their tenancies are at risk almost immediately because of the many issues they face in reintegrating into family and community life. These women often do not have support networks waiting on the outside and, because many find it extremely difficult to access housing, the result is that many of these women either very quickly become homeless or are at grave risk of homelessness within a very short time.

The Women's Housing Association currently has six Housing Trust homes in which to house women released from prison, but this program costs significantly more to operate than its general housing program, and it has been unable to access any additional funds to keep the program viable. Staff from various organisations working with women who have been released from prison are very effective advocates and, despite a shortage of accommodation options, are often, but not always, successful in finding accommodation for their clients. However, they all agree that more accommodation must be provided to meet the particular needs of women exiting prison. My questions are:

1. Given that the Social Inclusion Unit has allocated funding to an information and referral service for people still in prison, have steps been taken to ensure that appropriate housing is available for people using that service?

2. How many people exiting prison have found housing as a result of this service, and how many remain on a waiting list for housing?

3. Will the minister review the mechanisms in place to help people released from prison to access public housing and re-assess funding allocated to public housing to meet those particular needs?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): Housing is an important issue when exiting prison for both men and women, but in particular for women who have no support. The honourable member referred to programs which are now being developed. I will refer the question to the minister in another place to obtain more detail and report back to the council.

The Hon. J.F. STEFANI: I have a supplementary question. Will the minister investigate the possibility of cooperating with the housing associations to explore the possibility of providing additional housing to the people to whom the honourable member has referred?

The Hon. T.G. ROBERTS: The question assumes that no discussions are occurring at present. I think the housing cooperative sector is one of the sectors in South Australia to engage. South Australia's cooperative housing is very active. I will pass on that suggestion to the minister in another place and bring back a reply.

GAMBLERS, PROBLEM

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 Families and Communities, a question about waiting lists for the BreakEven gamblers rehabilitation service.

Leave granted.

The Hon. NICK XENOPHON: On numerous occasions I have raised the issue of waiting times for individuals seeking assistance with their gambling problems, most seeking help because of problems from playing poker machines. Last year the government launched an advertising campaign, 'Think of what you're really gambling with', and allocated several hundred thousand dollars for that campaign, which featured extensive television, radio and press advertising. The information I have obtained from a number of gambling counsellors to whom I have spoken is that there

were not sufficient resources to deal with the increase in calls to the gambling helpline and the requests for face-to-face consultations and ongoing treatment. I have been told that waiting times for face-to-face consultations and treatment stretched out to three months in some cases and still run into several weeks, even with the winding down of the advertising campaign.

One of the gambling rehabilitation services provided under the umbrella of the BreakEven network is the Flinders Medical Centre's centre for anxiety and related disorders in the department of psychiatry. That service provides an inpatient service that incorporates intensive therapy for severe problem gamblers, including individuals at risk of self harm, such as suicidal ideation, and those who have attempted suicide. The centre also provides an outpatient program.

The Flinders Medical Centre program has been praised internationally for its effectiveness. However, because of funding constraints, I am aware that individuals have waited months and, in one case of which I am aware, up to five years to be admitted to the inpatient program. My questions are:

1. What funding does the Flinders Medical Centre program receive for both inpatient and outpatient services?

2. Is the minister aware of significant delays that can occur for individuals being admitted to the inpatient program?

3. In relation to the 'Think of what you're really gambling with' campaign, what was the level of increased calls and referrals for face-to-face counselling as a result of that campaign?

4. Following that initial face-to-face counselling, how long did individuals have to wait for ongoing regular treatment?

5. What information has been collated with respect to the increase in waiting times for referrals?

6. In relation to the program, is there a proposal to reinstate the advertising program and to provide additional funding for the BreakEven service?

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

The Hon. J.F. STEFANI: I have a supplementary question. Will the minister advise what level of funding is presently provided to address problem gambling?

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

DOMICILIARY CARE

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 Families and Communities, a question about domiciliary care.

Leave granted.

The Hon. J.M.A. LENSINK: Metropolitan Domiciliary Care is the product of the amalgamation of the four Metropolitan Domiciliary Care services (being the Northern, Southern, Eastern and Western regions) into one service. At the outset, this was done to free up resources from the administrative section, to streamline services and to ensure that a greater volume of services would be available to clients.

Recently, I visited a constituent in the southern suburbs—the mother of a girl with severe disabilities—who had sought services from the Carer Support and Respite Centre based at Bedford Park. They were advised by the centre that it was overloaded because Domiciliary Care had referred all its clients there and is not providing any more respite services. My questions are:

1. Has there been an increase in demand for services through Domiciliary Care?

2. Has there been an increase in the resources to meet demand?

3. Will the minister look at the services and make some adjustments so that the parents of children with severe disabilities can get a break?

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.

NATIONAL ELECTRICITY MARKET

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Minister for Mineral Resources Development, representing the Minister for Energy, a question about competition payments for South Australia's involvement in the national electricity market.

Leave granted.

The Hon. SANDRA KANCK: As an inducement to dismantle the publicly owned, vertically integrated Electricity Trust of South Australia, the federal government offered South Australia so-called 'competition payments'. These were meant to be a reward for the disaggregation of the South Australian electricity industry and its entry into the national electricity market. We were promised cheaper power in a more efficient, competitive industry. Of course, we now pay 30 per cent more for our electricity. Last month, the federal government pledged to provide $2 billion to the Australian water fund. It transpires that that money will be funded by the cessation of competition payments. My questions are:

1. How much has South Australia received from the federal government by way of competition payments for the deregulation of the South Australian electricity industry?

2. How much did the South Australian government pay in electricity concessions in 2002-03?

3. How much is it anticipated it will pay in 2004?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): If I heard the latter part of those questions correctly, it referred to competition payments in 2004. I think that is a big question, and we are all waiting to hear from the re-elected federal government about what will happen in relation to competition. Of course, what happened during the election campaign was that the Prime Minister promised that the states would not be getting competition payments: they would all go towards River Murray payments.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Well, water resources, or whatever. We all wait to see whether that is the case. Of course, we also had the situation of what that means for the barley single desk or the chicken meat legislation, when the commonwealth government penalised this state. In 2003-04, this state was being penalised for that money, so we all wait with some interest to see whether or not the federal government intends to persist with the old policy or adopt the new policy. I will refer the question to the Treasurer, who is also the Minister for Federal/State Relations. I am sure that he would have the data in relation to past competition payments, and I will get an answer for the honourable member.

ROCK LOBSTERS

The Hon. D.W. RIDGWAY: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Agriculture, Food and Fisheries, a question about the southern zone rock lobster season extension.

Leave granted.

The Hon. D.W. RIDGWAY: The rock lobster season opened in the South-East on 1 October this year. They have had some very good and very promising catches, and the early price was some $38 per kilo. The season has traditionally been open from October to April, but last season, for the first time, the season was extended to include the month of May, although the total allowable catch was not extended or increased. The best prices for the 2003-04 season occurred in the month of May. In fact, the best prices traditionally for many years have been for the period from May through to September.

I have been advised today that the price has fallen from $38 per kilo last week down to $21 per kilo. So, this $100 million industry has now dropped to a $50 million industry. The industry still wants to have the season extended until May to allow it to perhaps get a higher price for its product, but it still does not have any clear indication from the minister as to whether he intends to open the season during the month of May, potentially undermining the confidence of this very important South Australian industry. My questions are:

1. When will the minister advise the industry that its season has been extended to May?

2. In future, will the minister undertake to make a more timely announcement, rather than procrastinating about any alteration to the time limit for the season and, again, not undermining the confidence of this vibrant and important South Australian industry?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): It is good to see the honourable member take an interest in crayfish. I will refer those questions to the minister in another place and bring back a reply.

MABO DAY

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question about a Mabo day petition.

Leave granted.

The Hon. J.S.L. DAWKINS: I understand that a petition is being circulated by the Aboriginal Legal Rights Movement supporting the creation of a Mabo Day public holiday on 3 June every year. It was on 3 June 1992 that the High Court of Australia handed down its decision in Mabo versus the state of Queensland, recognising the existence of native title. My question is: will the minister indicate whether the government supports the creation of a Mabo day holiday?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I am aware of the ALRM petition. I expect that the organisational structure would be considered at a national level, so I suspect that it would be—

The Hon. R.I. Lucas: Public holidays are decided by the states. It is your decision.

The Hon. T.G. ROBERTS: Mabo is a national issue. When the petition is presented to me, together with the details and the request that is being made, I will give it consideration. However, I would have to refer that matter to my colleagues in cabinet in order to make such a decision.

BUREAUCRATIC GUIDELINES

The Hon. T.J. STEPHENS: I seek leave to make a brief explanation before asking the Minister for Industry and Trade, representing the Premier, a question about bureaucratic guidelines.

Leave granted.

The Hon. T.J. STEPHENS: Members on this side of the council are acutely aware of this government's reluctance to provide answers to parliamentary questions, respond to correspondence and, more generally, to subject itself to proper scrutiny, despite its election promise to restore accountability. In many cases, members have waited years for a response to letters and questions.

In late August, it emerged that the Victorian Labor government, also supposedly advocating accountable government, issued instructions to the Public Service on how questions should be answered, including the line, 'The government cannot justify the waste of public time and resources in answering these questions.' My question is: will the government confirm or deny that it has issued similar instructions to the South Australian Public Service, and at what point did it do so?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I could not quite hear the details of the instructions that were supposedly issued, but I will refer the question to the Premier. In relation to the number of responses that have been sent to Parliament House for tabling in 2004—up to and including 19 July, so we are looking at the first session of this year—in the House of Assembly there were 112 questions without notice responses given, and 201 responses to questions on notice—a total of 313 that were tabled in parliament for the House of Assembly. In the Legislative Council, the questions without notice in the second session were 36, and in the third session it was 241—a total of 277. For questions on notice, in the second session there were 10, and in the third session there were 44—a total of 54. That is a grand total of 331 for the Legislative Council. The total number of replies that have been sent to parliament for tabling in 2004 is 644. I am sure that, if anyone went back over the record for the previous parliament, that would be greatly in excess—

The Hon. R.I. Lucas: We asked more questions.

The Hon. P. HOLLOWAY: Well, parliament sits more often. There is a far greater level of accountability than ever existed in any previous government, and the record shows it. In the first half of this year there were 644 answers to questions tabled in parliament. I doubt that it would be several hundred at the most under the previous government. This government certainly has no need to make any apology whatsoever for its response to questions in question time. I do not accept the premise that was outlined in the explanation to the honourable member's question. This government is not tardy in relation to providing responses to questions. I will refer the question to the Premier and bring back a reply.

CONSTITUTIONAL ADVICE

The PRESIDENT: In the chamber yesterday, the Hon. Mr Lawson asked a question of the Minister for Industry and Trade regarding an opinion tabled by the Speaker in the other house from Sydney Tilmouth QC and Henry Heuzenroeder,

two barristers at the independent bar, regarding certain constitutional issues. The honourable member's second question sought an opinion from the Attorney-General as to whether he agreed with the conclusions reached in the opinion. Questions seeking opinion are out of order, and I have to rule accordingly.

The honourable member's third question sought information as to the government's advice on this matter and, in particular, from whom and when that advice was obtained, and whether it agreed with that provided by the independent bar members. This question is also out of order as it seeks information about matters which are, in their nature, confidential, for example, crown law advice to the government. I have had a word with the questioner, and I have instructed the Leader of the Government to take no action on those questions asked yesterday, and I understand that the questioner will reframe his questions and ask them again at another time.

The Hon. R.D. LAWSON: I seek leave to make a personal explanation.

Leave granted.

The Hon. R.D. LAWSON: In light of the remarks which have just fallen from the chair, I should say that the questions to which you referred, Mr President, are ones which I framed in a way which I thought complied with standing orders and did not, in fact, seek an opinion. I will not debate the point, but I will reframe the questions and ask them again tomorrow.

MATTERS OF INTEREST

RYAN, Mr T.

The Hon. R.K. SNEATH: I would like to take this opportunity to congratulate a great South Australian, Mr Tony Ryan, for his recent induction into the Australian Shearers' Hall of Fame. I have had the pleasure of knowing and working with Tony Ryan for some 15 years. Tony has been a shearer, a contractor, a trainer of shearers and a judge and commentator at many show shearing events. He is a member of the Show Shearing Federation of Australia and, as an ambassador, he is superbly dedicated to all sections of the industry. Tony is one of the few people I know in the shearing industry who has played so many different roles; and, certainly, he has enjoyed every one of them. Tony has made many friends in all areas of the trade, and he has been held in high esteem by wool growers, trade unionists and trainees. Tony is a life member of the Australian Workers Union, and he was also awarded an OAM in the Queen's honours for his services to shearer training. Now he has been fully recognised by the industry itself as a result of his induction into the Australian Shearers' Hall of Fame, which is based at Hay.

Tony is a very talented story teller with a great sense of humour and a great memory for events that occurred many years ago when he was mixing it with some of the real characters. Whether in the shearing sheds, buck-jump riding at rodeos, in the boxing ring, on the various committees he has served on over the years or with his continuing involvement within his church, Tony has stories to tell that relate to all these experiences. Tony was born into a family of eight children in Burra in the state's Mid North on 8 November 1923. His first big shed as a shearer was with Stock Owners Shearing Contractors at Mulyungarie (which was a 13-stand shearing shed north of Cockburn), where he averaged shearing 100 sheep per day. Tony's top tally was 234 sheep a day, which was achieved at Mount Victor shearing Bungaree marino ewes using a narrow comb in 1950. After shearing for some 10 years Tony established himself as a contractor and, at the time, had five shearing teams shearing in all parts of the state. During this time Tony earned his well-deserved reputation of reliability, integrity and honesty from wool growers, shearers, shed hands, trainees and the community. Tony became a shearing instructor with the Australian Wool Corporation and went on to become the coordinator and head instructor of the Wool Corporation's training program.

During that time Tony was responsible for introducing many new training methods. Tony was also responsible for arranging David Stuart (a senior lecturer in physical education and sports studies at the University of South Australia) to undertake research into shearer/shed hand fitness and heat stress. David spent many long days in the northern summer heat performing the tasks of checking the effects of heat stress on shearers and convincing shearers (along with Tony) that some exercise outside the shearing shed could help them maintain their work rate for longer and ease the burden of the job on their bodies. Outside of Tony's employment with the Australian Wool Corporation as senior shearing coach, Tony gave a lot of his time voluntarily to the industry, and he still does to this day in retirement. Tony also volunteers a lot of his time to his church in his community. Nowadays Tony is spending a lot of time at the quarry helping his son, even though he is now in his 80s. Tony also spends a lot of time with his long-time partner, Sylvia, who has not been in the best of health in the last 12 months. Tony brings his wife home as much as he can and looks after Sylvia in their home. He is very busy in all walks of life, yet he still has time for shearing and for shearers in general.

Five minutes to talk about a gentleman such as Tony Ryan is very short, because to recall a full list of Tony's achievements and personality would take a lot longer. Of course, this story is probably best told around the camp fires up north, and it will be repeated in the shearing sheds for many years to come due to the high regard in which Tony is held by the young shearers of today. Despite the age difference, Tony has always been able to relate well to younger people. Again, I would like to congratulate Tony Ryan on his induction into the Australian Shearers' Hall of Fame. He is a most deserving South Australian to achieve this honour, and I wish Tony and his wife, Sylvia, all the best in the future.

SLOVENIAN COMMUNITY

The Hon. J.F. STEFANI: Today I wish to speak about the Slovenian community which celebrated the 30th anniversary of the Slovenian Australian Youth Concert on 2 October 2004. I was privileged to be amongst a number of invited guests who attended this special event. As a close friend of the Slovenian community, I was honoured to receive an invitation to attend the concert held at the Slovenian Club in the year when Slovenia also celebrates the 13th anniversary of its independence. The Slovenian Community Club in Adelaide was established 47 years ago and is part of our rich

cultural diversity, reflecting a mosaic of the various traditions, languages and religions that are part of our everyday life in Australia.

Over the years, Australia has become a home for many people. The early arrival of a small group of Slovenians occurred between the two world wars. Most of them were single men who were later reunited with their families. The first group of Slovenians to arrive in South Australia in 1946 were emigrants from displaced persons camps in Italy, Austria and Germany, after the communist regime took control of their country in 1945. They were seeking freedom and a better life for themselves and their families. From that early period in 1946, when some 20 families settled in the Riverland and worked in the fruit industry, many other Slovenians have settled in South Australia, making their contribution to the development of our state and assisting other fellow countrymen and women to resettle in their new adopted homeland.

During the early 1950s, the Slovenian people gradually organised themselves into a community group to meet the social needs and interests of their people, and on 22 September 1967 the Slovenian Club was incorporated. The club occupied premises purchased in Young Avenue, Hindmarsh where the community hall was subsequently built and officially opened in 1971. On 6 June 1987, the Slovenian Club moved to its current premises in Dudley Park. The clubrooms were built as a result of the enormous efforts of the Slovenian community. I know from my own experience as a migrant that most of the people from Slovenia faced, and perhaps are still facing, the challenges and difficulties of starting a new life in another country, leaving behind their beloved homeland and relatives in difficult circumstances. In accepting these challenges, they have built a strong community spirit and have developed social activities and substantial facilities that have enhanced, with great human compassion, the social, cultural and religious life of their fellow South Australians.

In paying tribute to the contribution made to the development of South Australia by the Slovenian people, I would like to say that, as a community, they have never forgotten their motherland—Slovenia—which is known to many European migrants as the 'Jewel of Europe' because of its diverse landscape and rugged mountains, its fertile valleys and beautiful lakes. This wonderful country represented in South Australia by the culture and history of its people will always remain alive in the hearts of many people from Slovenia and will continue to provide a unique opportunity for many South Australians to share in the rich cultural traditions and the proud history and success of the Slovenian community.

Finally, in offering my warmest congratulations to the organisers and the participants of the youth concert celebration, I take this opportunity to express my sincere thanks to Reverend Father Janez Tretjak, the chaplain to the Slovenian community, for the honour of the invitation which enabled me to share once more in the life and traditions of the Slovenian people. I also pay a special tribute to the work of Mr Ernest Orel, the President of the Slovenian Club, together with all members of the executive committee for their continuing contribution for the success of the club and wish them every success for the future.

NATIONAL LANDCARE AWARDS

The Hon. J. GAZZOLA: South Australia is widely known for punching above its weight in national sporting competitions, as we have seen with the success of the 36ers, the Thunderbirds, Adelaide Lightning, Adelaide Football Club and now Port Power in its first of what will be many premierships. In a similar manner, the state is excelling in other equally important competitions of environmental care and education through the 2004 National Landcare Awards. It is pleasing to report that the Port Vincent Primary School, a school of only 23 children, has landed a heavyweight blow in winning the Westpac Education Landcare Award in the 2004 National Landcare Awards. This competition involved a total of 82 finalists and 11 national winners across 11 categories. Some collective national finalist statistics (in no particular order) in the categories of education and coast care give us a general idea of the measure of the school's achievement: students involved, 7 760; school hours per week, 555; volunteer hours per week, 1 306; and 4 468 kilometres of coastline covered are figures by which to measure the school's success.

The Marine Team at Port Vincent Primary School is comprised of all staff and students of the school, ably led by principal Michelle Hawthorne and instructors from the co-sited Aquatic Centre. This prestigious national award follows on from the impressive successes at state level in the 2003 South Australian Landcare Education Award, the 2003 Coastcare Education Award, the 2003 Coastcare Award of Excellence, the 2003 SA Great Education Award and the 2003 KESAB Award of Excellence. The first two awards allowed the school to be automatically represented in the national awards. These alone are wonderful achievements. The Marine Team was established in 1994 and has tackled a number of environmental issues, including soil salinity, threatened species, water quality in fresh and saltwater environments and tree decline. Members also have been involved in educating local communities about better land care practices, while the linking of environmental practice to the school curriculum has seen the release of an educational CD called Jewels of Gulf St Vincent for presentation at conferences, and a web site for further educational purposes.

There have also been other important spin-offs, with the formation of an eco-club that tackles recycling and land care issues as well as selling products through its Beach Bliss company. They have also had the honour of representing the junior eco-club in Hiroshima, Japan, as well as being part of major conferences. Port Vincent to Japan certainly puts this school in the big league as far as effort and performance are concerned. The culmination of its magnificent efforts saw the school awarded its national award at a ceremony in the Great Hall of Parliament House in Canberra on 8 September. The school was represented by year 7 student Leah Costa and year 4 student Andrew Marner, who both undertook the education award presentation, and year 6 student Henry Bruhn and year 4 student Guy Collins, who both gave the Coastcare presentation. The Landcare Australia Chief Executive, Brian Scarsbrick, said at the presentation:

> This South Australian school beat seven other schools to take the national title and the Marine Team is an absolute land care powerhouse. In their presentation, the school highlighted that they live in a special place and that they feel it's their job to look after it.

It is a special place, and they are a special group. They have done something special and should be recognised and congratulated by the council.

SPORT

The Hon. T.J. STEPHENS: I rise today to speak about an issue about which I feel very strongly: the hypocritical actions of this government in relation to sporting clubs and South Australia's sporting culture in general. We all know that childhood obesity is a major concern, so our state government should be sending a positive and helpful message to support sporting and healthy lifestyles. Let me talk about our Premier. I am sure that many Adelaide Crows supporters laughed heartily to see their Premier celebrating Port's grand final victory. I am also sure that Port supporters would have enjoyed seeing the photograph in *The Advertiser* of the Premier in his Crows colours celebrating one of their premierships. Talk about an each way bet!

The Hon. A.J. Redford interjecting:

The Hon. T.J. STEPHENS: That is right. More seriously, I consider this Premier to be the most anti-sport premier we have had in this state. Consider Hindmarsh stadium. The previous government was deliberately and consistently attacked by the then Rann opposition for its vision in building a word-class soccer venue—a venue which has hosted numerous sporting events and Olympic level matches, which will host the upcoming World Police Games and which has been filled to capacity on many occasions.

In fact, I understand that more parking space is required, such is the demand for Hindmarsh stadium. Since I have been here the government has been religious in attacking the building of Hindmarsh stadium—until recently. Since then the former government has been vindicated. The Rann opposition said that it was a white elephant and a disgrace and it was determined to smear the name of several good ministers. Certainly the Premier would struggle to find ministers of such quality in the current cabinet.

I am always amused when the Premier attends Hindmarsh stadium because, whenever he attempts to link himself with its success, his appearances are marked with much booing and ridicule. The public hurl abuse and scorn on the Premier for so blatantly trying to bake his cake and eat it, too. Naturally, I am unable to take part in this heaping of scorn on the Premier only because I am too busy laughing at the fact that the Premier does not deceive the soccer community. On this issue, and many more, the public has woken up to his slick media manipulation and rejected it. He tried to associate himself with several federal candidates. Look what happened to them! It was like the kiss of death.

This brings me to my next point. I was sickened by the Premier's so-called brokering of an agreement between the Australian Soccer Association and Adelaide United. I did not realise that the Premier held Mr Gordon Pickard's negotiating ability in such low regard. Let me state for the record that I hold Mr Pickard in very high esteem; and I take this opportunity to thank him for not only his assistance with this issue but also his statesmanship within the sporting community and his generosity with things such as the $3 million gift he has made to the Royal Adelaide Hospital for the da Vinci robotic surgical device. It was a typical Pickard gesture; Mr Pickard truly is a great South Australian.

I realise that Mr Pickard welcomed the Premier's so-called assistance, but I suspect only because he was too well mannered to decline. I was especially amused to see Mr Rann playing politics by dragging along the failed candidate for Makin, Mr Tony Zappia. Was Mr Zappia there to lend moral support or to get everyone's coffee? I am not sure. Really, it is a joke to think that Mr Pickard would need Mr Rann's help, let alone Tony Zappia's. The only deal I can remember Mr Rann pulling off was a compact with Peter Lewis, and the millions of dollars he has wasted on buying the votes of the Independent members of the House of Assembly to secure his government. Even then there was speculation that it was Mr Rann's chief adviser, Randall Ashbourne, who brokered the Lewis deal which brought the Rann regime to power.

Finally, I want to highlight the hypocritical attitude Mr Rann has towards local sporting clubs, as evidenced by his poker machine reduction legislation. His legislation principally will hurt sports and community clubs, as well as hotels. Worst of all, it will do nothing to reduce the level of problem gambling. The government will not lose a single dollar as a result of this legislation—even Treasury admits this. Whilst I do not intend to go through the merits or otherwise of this bill, I do mention it to demonstrate that in this instance the government's actions speak louder than its words. It seeks to reduce the level of financial assistance clubs can provide to their local communities.

For instance, if we look at what the Central District Football Club, the current premier club, gives back to its community, we find that the benefits are substantial. The club returns more than $200 000 to the community, to groups such as Kids for the Future, Elizabeth Bowling Club, Central District Junior Football League, Barossa Light and Gawler Football Association, Central District Football Club development squads, promotional coaching clinics, mini league, Auskick, school football, and technical and development wages and expenses in their under-age teams. It is quite phenomenal. I conclude by saying that I will continue to highlight the fact that this government is a disgrace when it comes to promoting sport and healthy lifestyles, and particularly the Premier's hypocritical stance.

ENERGY, RENEWABLE

The Hon. SANDRA KANCK: On Friday 4 June this year, I released a media statement that included the following sentence:

> Global warming poses a far greater threat to our way of life than international terrorism, and its devastating impact may be widespread in as little as two decades' time.

On 27 August this year, the Premier echoed my belief in his ministerial statement which carried the headline 'Greenhouse threat to Australia worse than terrorism'. This could lead one to believe that the Rann government is serious about tackling global warming. On a personal level, I think it is fair to say that the Premier is doing his bit. He has photovoltaic cells installed in his house—as have I. However, mine was done entirely at my own cost during the 1990s when PV technology cost more and there was no rebate.

Unfortunately, the installation of PV cells on the Premier's house is where he largely ends his commitment to renewable energy. He will be at the photo opportunity presented by the opening of a wind farm, but so far his government has not yet invested a cent in the establishment of wind farms in South Australia. The Rann government announced plans to install photovoltaic cells on 200 state schools, Parliament House and the Onkaparinga council chambers, but that investment relies not only upon state government money but also upon the commonwealth funded photovoltaic rebate program.

The state government has a modest subsidy for solar hot water installation and a commitment to require that all houses built after 2006 are five-star energy rated, but these initiatives are no more than a tentative beginning. To its shame, South

Australia is the only state that does not have a rebate scheme for installing PV cells. With the state government soaking up virtually all the commonwealth funding, a likely and highly undesirable outcome will be the decimation of the local photovoltaic installation industry. All funds are expected to be dried up by June next year, if not earlier. The Howard government's decision to back the Mickey Mouse solution of geosequestration for greenhouse gas emissions from coal-fired power stations is proof positive that it is not grappling with the issue. With the federal government's disappointing response to the inquiry on MRETs (mandated renewable energy targets), its decision not to increase the targets and the re-election of the federal Howard government, the role of state governments in the abatement of the threat of greenhouse gas emissions must now come under the spotlight.

It seems to me that it must be up to the Democrats to tell the state government what to do. Today, I propose the establishment of a state backed MRET scheme and a state based PV rebate scheme. During the election campaign, much was made of the untapped potential of a cooperative approach in a nation of Labor state governments. Whilst there is no federal Labor government, there is still the possibility of state and territory Labor governments joining together to drive investment in the renewable energy sector. A nationwide state and territory Labor compact would give life to federal Labor's commitment to sign and implement the Kyoto Protocol. Most importantly, it would be a commitment to future generations.

Should we choose to do nothing, global warming will have devastating consequences for future generations of South Australians. Parched lands are poor lands, and global warming will scorch large parts of the productive land of this state, rendering it useless. The Murray will be reduced to a series of fetid ponds, in the process breaking the economic backbone of our prosperity. Unless we have reduced our electricity consumption by 2040 via demand management and virtually eliminated reliance upon coal by the use of wind, hydro, photovoltaic, biomass, natural gas and cogeneration means of energy generation, we will have failed the future. As the Premier says: greenhouse gas emissions and the greenhouse effect are threats greater than terrorism. But actions speak louder than words, Mr Premier. We have heard the words, and now we are waiting for your government to take substantial action.

GOVERNMENT ADVERTISING

The Hon. A.J. REDFORD: On 21 October 2002—nearly two years ago—I asked a question of the government concerning government advertising. On Monday—nearly two years later—I got an answer. In my explanation, I pointed out that in 2001 the Hon. Nick Xenophon introduced the Government Advertising (Objectivity, Fairness and Accountability) Bill 2001. At the time of its introduction, he held a joint press conference with the then leader of the opposition and now Premier, who endorsed the bill. At the same time, on 3 June the now Premier issued a press release pledging an immediate review of all state government advertising promotional spending if Labor won at the next election. He is quoted as saying:

> If Labor wins the next state election, people will see a dramatic and immediate shift in spending priorities. . . Labor believes in different priorities; I am quite happy to take a knife to the spin doctors if it frees up more money for real doctors to cut the hospital waiting lists.

In opposition, Labor was quite vocal on this issue. In his budget reply of 6 June 2001, the then leader of the opposition lambasted the Liberal government's 'outrageous approach to using taxpayer dollars for advertising'. On 11 September 2001, the then shadow treasurer and deputy leader (Kevin Foley) said:

> We find again that, instead of money going into teachers, hospitals, nurses and police, money is being wasted on blatant party political advertising by this Liberal government. A desperate and unnecessary and totally inappropriate use of taxpayers' money. . . Party political advertising by any other description.

Indeed, on Wednesday 4 July, the leader in this place, the Hon. Paul Holloway, revealed that he supported 'proposed new laws to cover financial "kick backs" and "cash for comment" in a range of areas including the media. . . but he says the laws must include the government as well.' Notwithstanding this apparent pre-election determination to overhaul government advertising upon winning office, I notice that the policy on the Premier's web site entitled 'Advertising procedures manual for campaign and non-campaign government advertising services 1997' remains the same as it was in 1997.

I sent a freedom of information application to the Premier seeking copies of any documents or any other papers or conventions issued to the public sector providing guidance, and I discovered that there had been no change. I asked questions as to whether the government had breached its election promises, and finally I got this answer. I note that, when the government decided it would give the answer, it thought it could be too smart by half. Erstwhile reporter with the quirky bent, Tom Richardson, reported in today's newspaper as follows:

> The government spent more than $21 million on advertising in each of the last two financial years, compared to almost $24 million spent by the previous Liberal Government and the incoming Labor Government.

I must say that the article did not include the fact that the government had failed to change a single policy since assuming office. It did not mention anything about the question. It did not mention that the government had not reviewed advertising policy, as promised, and it did not mention what the government had spent money on. What *The Advertiser* did say was that $11.5 million was spent on advertising by the government in nine months. However, I am not sure where that came from, because it does not appear in the answer. Anyway, I am sure Mr Richardson will go to some trouble at some stage to report both sides of the argument when he gets reasonable space to report something.

What the answer actually shows is that, in the six months since it took office, it spent $6 million. As I have said, in providing those figures the government was too smart by half, because a careful analysis shows some serious questions about the government's spending priorities. It shows that the Labor Party spent half a million dollars more on advertising lotteries, nearly $180 000 less on health advertising, and $330 000 less on WorkCover work safety advertising. It also spent $450 000 less on anti-smoking campaigns. It did not have to advertise a festival of arts, so it did not spend anything there. We see where this government's priorities lie. It is not interested in public health outcomes, and it is not interested in safety at work. It wants us to all buy keno tickets. I just wonder why the Hon. Nick Xenophon, who was quite strong in his criticism of the former government, has been so silent on this issue.

The Hon. Nick Xenophon: No, I haven't.

The Hon. A.J. REDFORD: Yes, you have. He must soon come to the same conclusion as we have on this side, that is, that this government is all spin. Indeed, the bulk of the $1.2 million difference is made up of the following: the Quit campaign, $400 000; tobacco control unit, $200 000; arts and Festival Centre, $440 000; and the TAB, which was not owned by this government after the election, $380 000—a total of $1.4 million. Yet it has dramatically increased Lotteries advertising for keno by 50 per cent, or $523 000. That is an indictment of this government, its priorities and its rhetoric, and I look forward to Mr Richardson reporting that in a balanced fashion.

GOVERNMENT ADVERTISING

The Hon. NICK XENOPHON: I seek leave to make a personal explanation.

Leave granted.

The Hon. NICK XENOPHON: The Hon. Mr Redford has just referred to my lack of action in terms of the government's advertising campaign and that I criticised the former government but not this government. I place on the record that I have asked questions in this chamber about that matter. Indeed, the day after the government's budget was handed down earlier this year, I held a press conference where I was highly critical of the Hon. Mr Rann for his promises on this matter. It was reported extensively on a number of television stations, so my views on this matter are well known. In fact, I think my criticism of this government was more widely disseminated than of the former government on this very issue.

The PRESIDENT: That is very close to becoming a debate. Personal explanations are normally confined to where you were misquoted or misrepresented; and where misrepresentation comes in, I suppose, is debatable.

VICTIMS OF CRIME

The Hon. J. GAZZOLA: I move:

That the regulations under the Victims of Crime Act 2001, concerning Allowable Victim Compensation made on 29 July 2004 and laid on the table of this council on 15 September 2004, be disallowed.

I advise that, at its meeting this morning, the majority of the Legislative Review Committee voted to recommend the disallowance of these regulations. I was part of the minority and, therefore, opposed the motion to disallow. However, the regulations specify which reports the Crown Solicitor will pay for in a victims of crime compensation claim.

The committee received submissions from Mr Russell Jamison and Ms Koula Kossiavelos, solicitors who handle victims of crime compensation claims, and the Australian Psychological Society. Mr Jamison indicated that amendments to the regulations that were disallowed on 5 May 2004 'are of no consequence and, therefore, these current regulations should be disallowed'. Ms Kossiavelos said the regulations should be disallowed because they 'prevent legal practitioners from obtaining specialist medical opinions'. The Australian Psychological Society said the current regulations represent an improvement but also said that the court and not the Crown Solicitor 'should determine the nature of expert evidence that it will choose to accept or reject'.

The Hon. A.J. REDFORD: This is an extraordinary series of events engaged in by the Attorney-General, and it represents utter contempt for this parliament. So that members understand, the history of these regulations are: first, the regulations under the Criminal Injuries Compensation Act were introduced on 19 December 2002. Second, regulations under the Victims of Crime Act were introduced on 1 January 2003. Third, regulations under the Criminal Injuries Compensation Act and under the Victims of Crime Act were disallowed on 16 July 2003. Fourth, regulations under the Victims of Crime Act were introduced on 24 July 2003. Fifth, regulations made under the Victims of Crime Act were disallowed on 15 October 2003.

Sixth, the Victims of Crime (Criminal Injuries Compensation Regulations) Amendment Bill was tabled and read for the first time on 12 November in the House of Assembly, and read for the second time on 17 November 2003 in the House of Assembly. Seventh, on 3 December 2003, the bill was read a third time and amended in the Legislative Council and has remained in a deadlock. Eighth, regulations under the Victims of Crime Act were reintroduced on 18 December 2003. Ninth, regulations under the Victims of Crime Act were disallowed on 5 May 2004. Tenth, regulations were introduced under the Victims of Crime Act on 20 May 2004. Eleventh, regulations under the Victims of Crime Act were disallowed on 2 June 2004. Twelfth, regulations under the Victims of Crime Act were reintroduced on 29 July 2004.

This Attorney-General has introduced regulations on about six occasions, and he has also introduced a bill. On every single occasion this Legislative Council has told him that the model he has come up with is unacceptable, and on one occasion we amended his bill, and on five occasions we have disallowed the regulations.

Standing orders prevent my making any comment about the intellectual capacity of the Attorney-General in understanding what the Legislative Council is demanding in terms of these regulations. However, I can tell the Attorney-General that he ought to read our lips, and our lips say that this is not acceptable. The Attorney ought to go back to the drawing board and come up with a set of proposals that might be acceptable. It is disappointing to stand up here time and again and disallow regulations made by this Attorney-General.

This is unprecedented. Of course, I recall that in the previous government some regulations on fishing were disallowed on two separate occasions but, at the end of the day, the then minister (I think it was the Hon. Dale Baker) had the wit to come up with an alternative strategy to deal with the issue that did not offend against the principles that were being advanced by the Legislative Council. I have never seen a government minister thumb his nose so repeatedly and so regularly at this chamber. It is an absolute disgrace that the first law officer in this state seems to think that he can keep ramming this regulation back at us because, at the end of the day, it will keep going back to him.

I also draw the attention of members to the state of the Criminal Injuries Compensation Fund. It is in good shape. It is not in any danger. Indeed, when one looks at the biggest risk to the Criminal Injuries Compensation Fund, one can see that it is from those very same bureaucrats who are now in trouble for hiding money and not properly returning money

to Treasury. From my understanding, the Attorney-General's Department wants to build up this fund so that it can hire an army of bureaucrats to run seminars as opposed to paying good, hard-working victims of crime proper and reasonable compensation. I hope that the Attorney finally gets the message after we vote this regulation down today.

The Hon. IAN GILFILLAN: One could almost say 'ditto' as this is a tedious repetition of the same issue that has been debated convincingly in this chamber; and the score-sheet was very effectively demonstrated by my colleague the Hon. Angus Redford. I think I feel most concerned about all the advice that we (as a committee) have received and that the Attorney has received that the regulation deprives victims of crime of what are reasonable expert opinions to assist in assessing the damages that should be appropriate to the injuries received.

It is not a question of semantics; it is not a question of the government versus the rest: it is a question of those people who are working in the field coming forward and saying, 'This is unfair.' It is on that basis that the Democrats persist in their role in terms of having a representative on the committee (and I am that representative) to oppose the regulations as they are returned stubbornly by the Attorney-General who appears to be more determined to exercise this rather frivolous, vexatious approach to dealing with regulations. The Attorney should realise that this is an ever-revolving circumstance, that we in the Legislative Council will not accept the regulations in their current form and that he best do something about it if he wants our approval.

The Hon. NICK XENOPHON: I support the motion. I am substantially in agreement with the remarks made by the Hon. Mr Redford and the Hon. Ian Gilfillan. This is a long-running saga. I find it absolutely staggering that the Attorney-General has been so obdurate in dealing with this matter. This matter ought to be resolved satisfactorily. The complaints are legitimate. The Attorney has not acted on those legitimate complaints. Attempts to negotiate and conciliate this matter have failed dismally. I urge the Attorney to sit down with the interested parties and sort this out once and for all, because this is becoming a case of high farce.

Unfortunately, this farce has very unfortunate consequences for the victims of crime. This government prides itself on doing the right thing by victims of crime. However, the way in which it has dealt with these regulations and the contempt with which it has dealt with the Legislative Council indicates that, certainly, its record is blemished with respect to this matter. I urge the Attorney to do the right thing, reach a solution that is reasonable in the circumstances and to stop this nonsense. I think that the investigative reports by Craig Bildstein of *The Advertiser* were very useful in the context of providing the history of this matter. Again, I urge the Attorney to reach a sensible solution rather than continuing with this ongoing farce.

Motion carried.

ASBESTOS (PROTECTIVE MEASURES) BILL

The Hon. NICK XENOPHON obtained leave and introduced a bill for an act to provide for protection procedures in relation to the presence of asbestos in premises. Read a first time.

The Hon. NICK XENOPHON: I move:

That this bill be now read a second time.

At the outset, I disclose again that I am one of the patrons of the Asbestos Victims Association of South Australia, and I am very privileged to be part of that organisation. Over the years, I have worked with Mr Colin Arthur, who recently received an Order of Australia medal for his work. Mr Arthur is very ill because of his exposure to asbestos. I am now working with Mr Terry Miller, who has also been exposed to asbestos over the years as a result of his work with asbestos products. It is a great privilege to be working with that group of individuals and to be associated with all the work that they are doing. I wish to dedicate this bill to Belinda Dunn, who, as a toddler, was playing at her family's home some 33 years ago when some renovation works were being undertaken. She was playing king of the castle on fibro rubble which was left at her parents' home and which contained asbestos.

Belinda Dunn has since been diagnosed with mesothelioma. She is 36 years old. Against the odds, she is still with us today. The diagnosis was made some five years ago. Her son Nathan is six years old and, over the years, she has received support from her husband Stephen. She has defied the odds, and I hope and pray that she will continue to do so for many years. However, Belinda Dunn was exposed to asbestos because her family did not know of the risks and did not know that asbestos could kill or lead to very serious health problems. We have learnt over the years that the extent of the problem is massive. We know already that, in the next 20 years, some 2 500 South Australians are marked to die as a result of their exposure to asbestos products. We know from the medical evidence that it can take between 20 and 40 years from the time of exposure to asbestos for it to manifest into an asbestos related disease—and mesothelioma is the deadliest of those diseases.

We know from the recent Jackson inquiry into James Hardie Industries of their culture of deceit and the way in which they hid the true extent of the problem over the years. From information to which I have referred in this chamber in respect of a bill to protect the rights of asbestos victims we know of whistle blowers who were aware of James Hardie's effectively covering up the risks of exposure many years ago—two to three generations ago. We know from the Jackson inquiry that James Hardie's behaviour has been nothing short of disgraceful in the way in which it has attempted to avoid its liabilities to the victims of asbestos exposure by setting up a company in the Netherlands. It has asset stripped its Australian operations and shifted those assets offshore, leaving a grossly under-funded medical compensation fund. Of course, the Australian Securities and Investments Commission is currently investigating the conduct of those directors—and let us wait to see what arises out of that.

This bill is not about the issue of compensation; that is something that needs to be dealt with elsewhere. I hope that the victims groups and the ACTU, which are negotiating with James Hardie, come to a satisfactory solution and do not let James Hardie get away with what they have attempted to get away with. This bill is about preventing the next wave of asbestos exposure. It is about ensuring that lives can be saved by some simple, practical measures to ensure that South Australians are aware of the risks involved with asbestos exposure. In recent years we know that there has been an absolute craze in this country with home renovations. As we know, there are a number of high-rating television programs such as *The Block* which are all about renovating, and renovation mania has taken place throughout our state and the nation.

One of the consequences is that many individuals can be exposed to asbestos products. I have received information that approximately two-thirds of homes built before 1982 contain asbestos products, whether it is asbestos roofing, asbestos in the eaves, the fibro asbestos homes or the cladding. A whole range of building products contain asbestos and, if that product is disturbed, damaged, becomes brittle or is sawed or broken as a result of renovation work, asbestos fibres are released into the atmosphere. In question time today the Hon. Julian Stefani asked some very legitimate and important questions about the potential risk of asbestos exposure and what is being done to inform the public. This bill seeks to deal with that in a straightforward and comprehensive manner. This bill seeks to ensure that a hotline is established to provide members of the public and, in particular, home renovators with information and advice relating to the presence of asbestos in any premises. Currently we do not have that hotline or that central source of information. It is important that we do so to ensure that, in the next 20, 30 or 40 years, we do not have another wave of asbestos related illness and deaths.

The hotline must be provided free of charge, it must operate during normal business hours and it must be staffed by people with appropriate knowledge and experience in dealing with asbestos in premises. We do not have that at the moment. It is important that we have an easily found number, and a number that is advertised widely throughout the state (and the bill provides for that), to let people know that this service exists so that they do not expose themselves or members of their family to asbestos.

The bill also provides for home inspection services so that, if need be, inspectors can visit a residence to advise as to whether or not material contains asbestos. This is not the be-all and end-all in terms of dealing with this issue, but it is an important step forward to ensure that we reduce the risk of exposure to asbestos by future generations of South Australians. Having a hotline will raise that awareness, and advertising a home inspection service is an important step in that direction. The government has already moved in other respects to deal with asbestos, and I am grateful for the support of the Labor Party in previous years, and, indeed, of some Liberal members of parliament in the other place, in dealing with the issue of asbestos exposure—and, of course, the Democrats and others, including the Hon. Julian Stefani in this chamber who has been very concerned about asbestos exposure over the years. This is about doing the right thing to ensure that we do not have more and more deaths in the future as a result of exposure to asbestos.

I should acknowledge that the Premier (Hon. Mr Rann) is also a patron of the Asbestos Victims Association. He has been a very strong supporter of that association and he has done the right thing by that association in terms of his support of legislation for the victims of asbestos exposure. However, I note that, in a recent report in *The Advertiser* regarding the idea of a hotline, as I understand it, the Premier gave broad endorsement for the concept but was quoted as saying that he was looking at setting up a national hotline. That is something with which I take issue.

I beg to differ with the Premier in relation to that, for the following reasons. The Premier has made much (and this is certainly not a criticism of the Premier) of his association with the Hon. Don Dunstan, one of the great premiers of this state, and dedicated his first days in office to the memory of Don Dunstan, and I congratulate the Premier for doing so. I urge the Premier to take a leaf out of his mentor's book and not wait for a national approach—not wait for the lowest common denominator—but, instead, to go forward and ensure that South Australia is a pacesetter with this legislation so that we can set the template for the rest of the nation in dealing with asbestos exposure and minimising the risk for South Australians.

A national approach will take too long. We need to be the first state with such a service, and we can show the rest of Australia how to do it, in terms of dealing with this terrible issue. Given that South Australia has the second highest rate per capita in the world of mesothelioma (the deadly lung cancer caused by asbestos exposure), I believe that it is incumbent on this parliament to do the right thing and to move forward; not to be part of some national scheme that might occur in 12 months, 18 months or two years, but to act sooner rather than later with such a hotline, which I believe will inevitably save the lives of South Australians in many years to come.

The Hon. G.E. GAGO secured the adjournment of the debate.

FISHERIES (PROHIBITION OF NET FISHING IN GULF ST VINCENT) AMENDMENT BILL

The Hon. IAN GILFILLAN obtained leave and introduced a bill for an act to amend the Fisheries Act 1982. Read a first time.

The Hon. IAN GILFILLAN: I move:

That this bill be now read a second time.

I urge support for the legislation. In my second reading contribution I would like to briefly cover the background to this bill. The message really is that the whiting stocks in South Australia are severely depleted and are currently overfished. The Democrats' concern for the effects of net fishing in Gulf St Vincent has resulted in this legislation, which is aimed at removing net fishing, except in special circumstances, from the whole of Gulf St Vincent.

I think I ought to declare a matter of peripheral interest in so far as the waterway that will be embraced by this measure laps on the shore in front of my home on Kangaroo Island. I feel it is appropriate that honourable members are aware that I am not totally disinterested in the fact that, if this bill is effective, netting will be prohibited completely through the waters of Antechamber Bay.

I value the role that commercial fishers play in our community and our economy. If I personally had to catch King George whiting, my level of consumption would be unacceptably low. Quite clearly, I depend on the skills of the commercial fishers to provide the excellent eating of King George whiting, one of the world's most sought after fish.

The bill is not about attacking commercial fishing but, rather, putting an end to net fishing in Gulf St Vincent and being fair in the management of the King George whiting fishery. The fishery is in trouble. Scientific evidence shows that stocks of King George whiting are currently over fished, and it is not sustainable to continue as we have done. The problem is particularly acute in gulf waters. The simple answer is that we need to take fewer fish to allow the spawning population to recover. PIRSA recently released a report conducted by SARDI into King George whiting (*Sillaginodes punctata*).

The Hon. J. Gazzola interjecting:

The Hon. IAN GILFILLAN: I am happy to accept correction in the pronunciation from the Hon. John Gazzola,

who I am sure is an expert in that terminology. This stock assessment was dated September 2003 and is a comprehensive analysis of the fishery. It is valuable in that it includes information on the impact of both commercial and recreational fishing. The minister's response to this report has been to introduce new regulations restricting recreational fishers. Information published by the minister's department states:

> A new minimum size limit of 31 centimetres will apply for all King George whiting caught east of the line longitude 1360 (near Cape Catastrophe, south of Port Lincoln, including all the waters of Spencer Gulf and Gulf St Vincent).The current minimum size limit of 30 centimetres will still apply to King George whiting caught west of the line. The increase in the size limit from 30 centimetres to 31 centimetres applies to both recreational and commercial fishers. There will be a reduction in the daily recreational bag limit for King George whiting from 20 to 12 and the boat limit from 60 to 36, effective from 1 October 2004. A possession limit of 36 per person will also be introduced to reduce fishing effort. This will continue to provide for a reasonable catch by each fisher and also assist in reducing illegal sales of King George whiting.

Quite clearly, this matter will excite ongoing discussion and criticism. However, that is not the major purpose of this bill. I must make an observation on the side that, although these regulations may not be perfect and should be subject to ongoing assessment, it appears to us that at least they are a step in the right direction. In addition to this, the notice discusses the reductions in catch that have already been made by the commercial sector and that net sizes will be reviewed to minimise by-catch of juvenile fish.

The problem over some time has been that, although the size of the whiting has been increased, the actual mesh legally able to be used on the nets has not. In fact, undersized fish are caught in the net and the survival rate of fish thus caught is virtually nil. There is a very high loss in by-catch. It is my belief that the government needs to be fair in its approach to the management of the King George whiting fishery. Reductions in commercial catches in Gulf St Vincent have not been large and, given the population spread across coastal waters, it is not unreasonable that recreational fishers would account for a large proportion of the total catch in Gulf St Vincent—and should continue to do so.

In saying this I do not mean that reductions should not be made. However, these reductions need to be fair between recreational fishers and the commercial sector. It seems to me, however, that the government is targeting recreational fishers by not placing equally strong restrictions on commercial fishers. If we look closely at the stock assessment report in relation to the commercial sector, it shows that the commercial catch is decreasing and that the netting component of the total commercial catch is only about 30 per cent. However, the report also shows that commercial netting is very heavily concentrated in Upper Spencer Gulf and Gulf St Vincent, where we have the biggest problems with fish numbers.

In 2002 commercial netting made up over 65 per cent of the total commercial catch in Gulf St Vincent. Although this gulf makes up only 14 per cent of the total commercial catch across the state, it accounts for some 40 per cent of the total netting catch. Netting has been phased out already in many parts of the state. This is because of its impact on fish populations, its indiscriminate by-catch and its effect on the marine environment including seagrass. Netting activities concentrate in near shore areas in the upper gulfs and take predominantly small fish, but they have a greater relative impact on the fishery.

Although the minister has indicated that he will review net sizes, there is little doubt that the nets currently used in the gulfs have a large impact on undersized whiting, as I have already indicated. My understanding is that PIRSA fisheries signed on to the national policy for by-catch reduction and committed to reducing netting in nursery areas as a means of controlling by-catch. However, not one closure has been implemented since that time that makes any reference to this policy. I do not think the effect of netting in nursery areas can be understated, and I have heard too many stories of a small number of netters who are happy to haul a net through seagrass in the hope they will get some fish that are legal, which may be only 30 per cent of the total catch. The rest will be discarded. The more fish caught, the greater the chance of fish suffocating in the bunt of the haul net.

The purpose of this bill is to put an end to net fishing in Gulf St Vincent. The substance of this bill is achieved through the expansion of section 41 of the Fisheries Act 1982. This section makes it an offence to engage in a fishing activity of a prescribed class. Under the new provisions of my bill, this wide power of the minister to prescribe fishing activities is retained. The minister will continue to be able to prohibit specific activities. In fact, it is interesting to note that the minister could at this very moment use the existing provisions of the act to ban net fishing in Gulf St Vincent. Clearly, he has not done this and that is why we are taking this measure. The bill will take the decision which the minister is reluctant to take out of his hands.

I urge members to take note of the bill. The actual definition of Gulf St Vincent is spelt out clearly in the bill. It is spelled out in some detail in clause 3, so honourable members will be able to see the extent of the intended banned area. Another important point is that the effectiveness of this measure will be reviewed after five years, when the desirability of its continuing or being modified will also be reviewed. I commend the bill to the council.

The Hon. G.E. GAGO secured the adjournment of the debate.

STATUTORY AUTHORITIES REVIEW COMMITTEE: ANNUAL REPORT

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

That the 2003-04 report of the committee be noted.

This is the ninth annual report of the Statutory Authorities Review Committee, and it provides a summary of the committee's activities for 2003-04. In November 2003, the committee tabled the report of its inquiry into the South Australian Housing Trust, and the Minister for Housing accepted the vast majority of the recommendations arising from the report. The committee received 98 written submissions and spoke to over 50 witnesses from the Adelaide metropolitan area and regional South Australia. It visited Murray Bridge, Port Augusta, Port Pirie and Whyalla to take evidence and to view the trust's local facilities. The committee will invite the management of the trust back in November 2004 to update it on progress and change within the trust.

In 2003-04, the committee also took a number of written submissions and a great deal of oral evidence in relation to its inquiry into the WorkCover Corporation of South Australia. It intends to report on these matters before the end of 2004. The committee also tabled a fifth report on the timeliness of annual reporting of statutory authorities for 2001-02, and it reiterates its earlier recommendation that a

central registry of statutory authorities be set up by the current government. It will make a further report this year.

As Presiding Member of the Statutory Authorities Review Committee, I thank the members for their ongoing contribution to its work. We are a diverse group, drawn from regional and metropolitan areas. The Hon. Nick Xenophon MLC and the Hon. Andrew Evans MLC are from newer independent political groups, and the Hon. Caroline Schaefer MLC, the Hon. Terry Stevens MLC and I are from the older established parties. The committee's research officer for the past 20 months, Mr Tim Ryan, left in July 2004 to become an economic policy adviser to the Premier (Hon. Mike Rann MP). Tim's contribution to the committee's work has been outstanding, and we wish him well for the future. Miss Jenny Cassidy commenced duties as research officer on 20 September 2004. Mr Gareth Hickery continues to be our secretary, and we thank him for his professional organisation and administration of the committee. Last but not least, I thank Ms Cynthia Gray, our administration assistant, for her untiring efforts behind the scenes to ensure the smooth running of the committee.

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

INDUSTRIAL AND EMPLOYEE RELATIONS (PROHIBITION AGAINST BARGAINING SERVICES FEE) AMENDMENT BILL

The Hon. A.J. REDFORD: I move:

That the Industrial and Employee Relations (Prohibition Against Bargaining Services Fee) Amendment Bill be restored to the *Notice Paper* as a lapsed bill, pursuant to section 57 of the Constitution Act 1934.

Motion carried.

AUDITOR-GENERAL'S REPORT

The Hon. R.I. LUCAS (Leader of the Opposition): I move:

That the council notes the Auditor-General's Report.

In moving this motion to note the Auditor-General's Report, I indicate that it obviously gives the capacity for all members to look at the Auditor-General's Report and highlight particular issues which might be of significance to them or which they believe are of significance to other members and the community generally. We have two opportunities, given the new structure of recent years with the timing of the Auditor-General's Report and the estimates committees. In days gone by, the Auditor-General's Report was available for members prior to the estimates committee process and prior to the committee stage of the Appropriation Bill. Of course, in recent years that has not been possible, with the budget being brought down in May. Therefore, in the last few years the parliament has done two things. We have extended question time in both houses to allow some limited additional questioning of ministers about the Auditor-General's Report. In the Legislative Council at least, as the leader of the government I moved a motion to note the Auditor-General's Report, and that allowed all members to speak in the broad about the matters raised by the report. Of course, that motion need not be moved only by the Leader of the Government: as Leader of the Opposition, I have the moved the motion.

I intend to address some issues today and speak at greater length when we return. For the remainder of this session, then, members will have a motion before them to allow them to comment on any issue that arises as a result of the Auditor-General's Report. I indicate at the outset that this Auditor-General's Report should be a matter of great concern to all members of the Legislative Council and another place. Given that we have had the Auditor-General's Report for only two days or so, I must confess that I have not yet had a chance to go through all five volumes of it page by page. Nevertheless, some of the more important sections and chapters I have had an opportunity to read closely. That is why I will conclude my remarks when the council sits again and I have had a greater chance to go through some of the other aspects of the Auditor-General's Report in the interim.

From the sections I have been able to read, it is clear that the Auditor-General has highlighted almost a systematic breakdown right across the board of financial controls and management by the Rann government and, in particular, its ministers, led, in a financial sense, by the Treasurer. For the last two years or so we have heard lofty claims that the government has instituted tough financial controls, much tougher than existed under the former government, and that problems and concerns with state finances that the government claimed occurred under previous administrations were not occurring under the current Rann government administration.

The Auditor-General's Report clearly demonstrates that those claims made by the Treasurer, the Premier and others are indeed untrue. It is clear that, right across the portfolios we have looked at, we have seen a series of financial scandals, examples of illegal or unlawful acts and a series of improper procedures and practices. We have seen examples of deliberate falsification of financial accounts, so that the information provided to members of parliament in budget papers during estimate committee processes have been deliberately falsified so that incorrect answers to questions have been provided to members of parliament as a result of this breakdown in financial controls in the public sector.

I indicate that the quantum of funds at this stage nowhere near rivals the quantum of funds involved in the State Bank, but what we see here is a systematic breakdown similar to the breakdown of controls that existed in relation to the problems with the State Bank. We also see in the denial of responsibility by ministers, in terms of ministerial accountability, State Bank-type denials again from this Labor administration. Those who were unfortunate enough to live through that period of the late 1980s and early 1990s, when the problems of the State Bank were visited upon this parliament and the state, are all too familiar with Labor ministers denying responsibility. We are all too familiar with Labor ministers pointing the finger in every other direction but themselves. Sadly, as a result of the Auditor-General's Report, we are seeing Labor ministers again pointing the finger in every other direction, endeavouring to scapegoat senior public servants and others but being unwilling to accept the responsibility that rests with them as ministers of the Crown in relation to public accountability for the expenditure of taxpayer funds.

The Hon. R.D. Lawson: Is that the same State Bank as the one Mike Rann described as the greatest success story in South Australia's history?

The Hon. R.I. LUCAS: My colleague the Hon. Robert Lawson has a very good memory of the State Bank for a variety of reasons. It is indeed the very same State Bank, and the Hon. Mr Lawson's recollection is indeed accurate. As I have said, it is sad that we have not seen a willingness by this

Rann government to say, 'Okay, we have got significant problems. We have had a systematic breakdown in terms of the financial controls that exist in the public sector under our administration, and we are now prepared to admit our mistakes and errors, and seek to correct them'. We have had a denial of responsibility.

As I go through some of the examples, we will see that, first, the Attorney-General denies all knowledge and responsibility for illegal actions which occurred within his own portfolio. We see ministers Weatherill and Hill deny all responsibility for illegal acts, improper practices, deliberate falsification of accounts and a variety of other financial sins within their portfolio. Within the human services portfolio we also see the minister for human services, the minister for family and youth services, and also the Minister for Administrative Services—a different one on this occasion, minister Wright—all indicating that they are not prepared to accept responsibility for what occurred and indicating that they have no knowledge of some of the actions that they claim are being undertaken by officers within their departments.

I now refer to a small number of these examples to highlight the significance of these issues. Members are well aware of the first one, which relates to the use of the Crown Solicitor's trust account within the justice portfolio, the Attorney-General's Department. In summary, we evidently see at the end of the financial years 2002-03 and 2003-04 almost $6 million in a number of transactions. I think that the point that has been missed by some commentators is that this is not just two transactions—one at the end of the financial year 2002-03, and another one at the end of the financial year 2003-04—but we understand that this is a series of transactions towards the end of both of those financial years when a total of almost $6 million was systematically squirreled away in the Crown Solicitor's trust account.

I will not read at length all the graphic details of the Auditor-General's concerns in relation to that, as members would have heard them over the past 48 hours. In summary, he highlights the illegal acts that are contrary to law; he highlights the fact that there was the deliberate falsification of accounts; and he highlights concerns about budgetary and estimates committee processes and parliamentary processes being systematically misled.

The Hon. A.J. Redford interjecting:

The Hon. R.I. LUCAS: I do not think that he uses that word but, as my colleague, the Hon. Mr Redford indicates, that is in essence what the Auditor-General highlighted. As I indicated today, in just three years we have seen an increase of about $10 million in the Crown Solicitor's trust account. In 2001, the last full year of the Liberal government, the level of funds in that trust account was a relatively modest $2 million or so, in terms of overall budget size. Now, three years later, there is an increase of over $10 million to over $12 million sitting in the Crown Solicitor's trust account. We have seen over a $10 million increase in a very short space of time in the Crown Solicitor's trust account.

Mr President, the question I ask of you—and, if there were ministers in the council representing the government, I would ask this of them—is whether, if you are a responsible minister and, all of a sudden, you see exponential increases in the level of funds from $2 million to $12 million over a period of time in a Crown Solicitor's trust account, surely to goodness, as an Attorney-General you would ask questions of your senior officers and your own ministerial staff. You would say to your own ministerial staff, 'Get some answers for me. Why are these numbers going from $2 million steadily, through $6 million, $8 million, $10 million and, ultimately, to $12 million?'

In relation to the Attorney-General, one of the problems is that, first, he spends virtually all of his time on talkback radio, finessing the files without actually looking at the books within his department and managing his portfolio. In my view, he has been negligent in terms of the financial management of his department. As I said, he spends too much time on issues which are of great interest to himself, but not enough time looking at how the budget is being managed within his portfolio. The Attorney-General must accept responsibility. One of the problems is with his ministerial staff—we see questions being asked in another place. His staff spend time involved in a whole range of matters, of which you would be familiar, involving union discussions and a range of other discussions that you would be very aware of, Mr President. But, obviously, they do not spend any time at all looking at the financial controls within the department. Party and factional operators have their role, but they certainly do not assist you as a minister if you are deficient in managing the financial budget of your big portfolio. In the Attorney-General's discussions—which, I assume, are on a regular basis—with his chief executives and his financial officers, why does he not ask how long it has been occurring?

The Leader of the Government (although he changed his story a bit) indicates that he gets weekly briefings on the finances of his departments. I must say that, if that is occurring, that must be a very recent occurrence. It would not be the sorts of budgets about which I was talking in terms of the overall performance of his department viz-a-viz the budget. I know what information is provided in relation to the trade and economic development portfolio, and that sort of detail does not come out on a weekly basis. One might get it on a monthly basis but, certainly, it does not come out on a weekly basis.

Nevertheless, what controls did the Attorney-General institute within his department? Was he getting monthly or quarterly briefings? Was he asking questions about how much money was going into the trust fund account and why it was going into the trust account; and, if not, why not? That is a very simple question that all members ought to be addressing. If he did not ask the questions, he was negligent or incompetent. Why did he not ask the questions in relation to the exponential increase in funds within this account?

Secondly, the issue then is: what responsibilities does the Treasurer have? The Treasurer has significant resources within his department that monitor expenditure within the departments and agencies. There are officers who take on an account manager role, and there is an account manager attached to the justice portfolio. The issue is: what controls did the Treasurer have in the monthly reporting through the account manager in terms of what went on within the Crown Solicitor's trust account? If the Treasurer has instituted proper financial controls, then squirreling away millions of dollars secretly into trust accounts in a deliberate attempt to falsify accounts could not and should not occur.

Account managers from within Treasury have the responsibility to monitor significant multimillion dollar movements in accounts within portfolios. One reason they are employed is to manage the accounts and to monitor the budgets within departments and agencies. There is a responsibility, and the major responsibility rests with the Attorney-General and his department, and I accept that. However, there should be a fail-safe mechanism through the Treasurer's

controls. What we have seen, again, is the Treasurer taking his eye off the ball and concentrating on issues that are not important in terms of managing the finances, the taxpayers' funds, and their accountability.

Clearly, if this series of illegal practices has been occurring for the bulk of the past two years, there has been a serial breakdown in the management of finances within the public sector. A series of questions needs to be put to the Treasurer and to Treasury officers. Indeed, some of those questions have been asked today, and others will be asked over the coming weeks as we seek to get to the bottom of this issue. This issue cannot and will not go away because it is too serious in terms of its importance to the people of South Australia. As I indicated yesterday, the people of South Australia and, indeed, Australia expressed concern on Saturday at the federal election in relation to the capacity of Labor governments to responsibly manage finances, whether it be the economy and economic circumstances or budgets and finances.

We have seen the concerns in South Australia with respect to the State Bank. We know that the Hon. Mike Rann and the Hon. Kevin Foley were senior people either within the Labor government or advising Labor governments at the time of the State Bank situation. We know that the Leader of the Government—and we welcome him back to the chamber—has appointed the Bannon government's most senior State Bank adviser to be the person in charge of his department.

The Hon. P. HOLLOWAY: I rise on a point of order, Mr President. Are deceitful comments such as that allowed to be part of the record?

The PRESIDENT: Is the minister claiming that they were objectionable and offensive?

The Hon. P. HOLLOWAY: Just incorrect; totally inaccurate comments.

The PRESIDENT: Inaccuracy is not new to the chamber. If the comment is offensive or casts aspersions on a particular member of the council or on the Governor it would be inappropriate. 'Objectionable and offensive' is okay; 'incorrect', unfortunately, is a regular habit.

The Hon. R.I. LUCAS: Well, it was none of those. The comments are entirely accurate and, on a later occasion, the Leader of the Government will have the opportunity to indicate whether or not it was inaccurate to say that Premier Rann was a minister in the Bannon government at the time of the State Bank fiasco, whether Treasurer Foley was a senior adviser to the Rann and Arnold governments at the time of the State Bank scandal and, indeed, whether his new Chief Executive Officer (who this government has appointed to the Trade and Economic Development Department) was not the most senior economic and State Bank adviser available to former premier Bannon at the time of the State Bank fiasco.

I invite the Leader of the Government (who is super sensitive to factual criticism of himself and his government), when he responds at some stage to this or any other debate, to point out where that statement was inaccurate in any respect at all. I challenge him to indicate where that was. I think that his point of order indicates his gross sensitivity to the factual criticisms that are being outlined by the Auditor-General—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: Mr President, the Leader of the Government indicated that there were crooks in the former government. I ask the Leader of the Government to withdraw.

The PRESIDENT: Unless the word 'crook' is directed at a particular person, it is reasonably generic. It is not normally the language that we would expect in the chamber.

The Hon. P. Holloway interjecting:

The PRESIDENT: I think that the minister is making his situation worse by giving a definition. I think that that is probably a little intemperate.

The Hon. P. HOLLOWAY: Given the leader's sensitivity on this matter, I will withdraw.

The Hon. R.I. LUCAS: I thank the Leader of the Government for his withdrawal. He knows that was inaccurate and untrue, and he has now withdrawn that statement. I welcome his acknowledgment that his intemperate comments have been withdrawn. The concerns that the Auditor-General has outlined in relation to the Crown Solicitor's trust account also extend across the board in terms of criticisms and concerns in a range of other departments and agencies as well. The second example from the Auditor-General, which, in my view, is probably the most stunning of all, was the small example of a $5 million payment from minister Weatherill's department of DAIS to minister Hill's department of water resources. As we have been able to reconstruct the events, we understand that some time in June 2003, junior or middle level officers within the two departments got together and decided between them that they would transfer the small matter of $5 million from minister Weatherill's department to minister Hill's department.

What Premier Rann and Treasurer Foley are asking us to believe as members of parliament is that a public servant in minister Weatherill's department decided to transfer $5 million to a public servant in minister Hill's department without minister Weatherill, minister Hill or the chief executive officers knowing about it. All I can say as a former Treasurer is that I find it almost impossible to believe those particular claims. Indeed, if that is true, then both ministers ought to resign or be sacked by Premier Rann for negligence or incompetent management of their departments and agencies, because that has to be the most stunning admission of a failure of a minister that this state has seen.

What the Leader of the Government wants us to believe is that the administration of the finances in this state has broken down to such an extent that a public servant in one department can decide to hand $5 million to another department and there are no controls in this government and the department. No minister says that he knows anything about it, no chief executive says that he knows anything about and no ministerial officer or advisers know anything about it. It is a Sergeant Schultz defence by this government that they know nothing—'We know nothing about these particular issues and we are not interested in knowing anything about these particular issues.'

Worse than that, as has been established in the last 24 hours, one minister in this government, minister Hill, now admits that he knew about it in September of last year and for over 12 months has told no-one about it. He did not come to the parliament—

The Hon. P. HOLLOWAY: Why should he?

The Hon. R.I. LUCAS: The Leader of the Government says, 'Why should he?' Let that go on the *Hansard* record. Minister Hill knew in September of last year that an illegal act had been committed by officers in his department. He claims he knew nothing about it and for 12 months he did not tell anyone about it, and the Leader of the Government says, 'Why should he tell anyone?' The Leader of the Government in that interjection is supporting the fact that a minister who

was aware of an illegal act within his department should not tell the parliament, the Treasurer, the Premier, the Auditor-General or even supposedly his cabinet colleagues. The Leader of the Government says, 'Why should he?' The Leader of the Government stands condemned by his own interjection. His standards in relation to financial competence are indeed appalling. He, too, should resign for the appalling standards that he is prepared to support in indicating by his interjection asking why a minister should report a particular issue.

For 12 months this was covered up and concealed, and no-one was told about it. Minister Hill tried to ensure that no-one would eventually know about it. He did not want the opposition to know about it. Over coming days we will see that a number of questions were asked by the opposition at the time and soon afterwards, that the opposition was given false information by the Rann government and its ministers in relation to these issues, and that ministers have misled the parliament—

The Hon. P. HOLLOWAY: Mr President, I rise on a point of order. The Leader of the Opposition is making allegations that ministers have misled parliament. I suggest that he can do that only by substantive motion.

The Hon. R.I. LUCAS: Minister Hill stood up in the house today and indicated that his actions, at least in one part, were wrong and has apologised to the house, I understand. I would invite the Leader of the Government to look at the statements made by minister Hill before he stands up again seeking to defend the actions of minister Hill in relation to these issues.

The PRESIDENT: Does the honourable member want to pursue the point of order?

The Hon. P. HOLLOWAY: I think I have made the point, Mr President.

The PRESIDENT: In light of today's revelation, I think it is best to leave that alone.

The Hon. R.I. LUCAS: In relation to this transaction, I must admit that one of the things which confused me was why the transfer of $5 million occurred on 1 July. It has only just been revealed as to why it occurred on 1 July. Let me explain as a former treasurer. The reason why you would try to transfer the $5 million sum before 30 June is that the accounts for the financial year are drawn up and finalised at 30 June, in terms of what your balance sheet position is and what your operating statement shows, and that is what the accounts are signed off at for a particular financial year.

What I could not understand is why the $5 million was transferred on 1 July. Evidently, in the end, it was a mistake, because what we are being asked to believe is that the discussions occurred in June. On 27 June, one of these officers supposedly, we are told, if you believe the ministers' stories, acting as rogue agent and alone within the public sector, asked for $5 million from DAIS. DAIS agreed that it would provide it—or the rogue officer acting alone, if you believe the Rann government, agreed to provide the $5 million before 30 June. But there was some delay in the transfer, and the money did not arrive until 1 July. So, in relation to that transaction, in essence, the intent was to present a different set of accounts for 30 June than should have been presented but, because of mistake and delay, it did not occur until 1 July.

What we are also being asked to believe, if you accept some of the statements that have been made by the ministers, is that, evidently, they did not realise that the money had been paid into the account on 1 July and they did not find out until September. And that is in a written statement. Anyone who has run a business, a department or an agency is being asked to believe that $5 million was paid over on 1 July but no-one noticed it until September. Mr President, I am not sure whether you would be inclined to believe that story; that for two months, sitting in an account, is a lazy $5 million that has been transferred from the Department of Administrative and Information Services into the Department for Water Resources, and people did not realise for two months that it had been transferred. We are being asked to believe, as minister Hill has indicated, 'Well, when we found out in September that the money was there, we reversed it and sent it back to the Department of Administrative and Information Services.'

If, indeed, that is correct—and that is what the ministers say—we are being asked to believe that $5 million can sit in a department's account without anyone noticing, under this Rann government's financial control system, and it is only two months later we are told that it is reversed. If they are the financial controls of this government, the Treasurer and this government ought to resign en mass—not only the Leader of the Government for his statements earlier—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: The Leader of the Government said that he receives financial updates every week: if you believe the Leader of the Government, every week he gets his budget updates from the—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: I know that, in relation to the Department of Trade and Economic Development, that is not correct.

Members interjecting:

The PRESIDENT: Order! All honourable members will bear in mind their responsibilities under standing order 181. Members will not interject or make loud noises when someone is debating a matter in an orderly manner. Members may not agree with the speaker, but that does not give them the right to interject out of order.

The Hon. R.I. LUCAS: As the shadow treasurer, all I can say is that one would hope that the Treasurer and this government would be able to institute a set of financial controls that could prevent these sorts of circumstances from occurring. One can only hope that, if a lazy $5 million drops into the department's accounts, and it is not meant to be there, someone might notice it. When you have a situation where the department indicates that it is not aware of it, when we have ministers who indicate that they know nothing about it, this government stands condemned and, sadly, because of the interjection and the statement that the Leader of the Government has made on this issue, he also stands condemned for his attitude with respect to public accountability regarding the expenditure of taxpayers' funds.

There are many community groups, and those of us who have followed the debate in recent times with respect to parents who have children with a disability—the Moving On program—have been very moved. They have been arguing with this government for something like, I think, $1 million to $2 million a year for a program, and I do not think anyone would object to additional funds being provided. At a time when they are being told 'No', we have this government presiding over a situation where $3 million a year is being squirreled away in trust accounts so that other ministers who might have programs in corrections, disabilities, human services or Aboriginal affairs—

The Hon. P. Holloway: But that is what happened under you. We are stopping that happening. That was commonplace under you.

The Hon. R.I. LUCAS: If you think you are stopping it, read the Auditor-General's Report, because you stand condemned for illegal acts, unlawful practices, improper procedures and disgraceful falsification of accounts. You stand condemned in relation to it. I remind the Leader of the Government that the Public Finance and Audit Act has not changed in relation to these issues since the government came to power. The description of what is an illegal act has not changed. It is this government—it is the Leader of the Government and his ministers—who stand condemned by the Auditor-General for unlawful acts and illegal practices and for the deliberate falsification of accounts in a way that has meant that members of parliament have been misled in terms of the answers that they have been provided with on these issues.

The third issue relates to the Crown Solicitor's trust account. This is an extraordinary example, as well, because at least in relation to the first matter it was an issue where we understand the former chief executive says she took advice from the Crown Solicitor as to whether or not that practice was appropriate. That is her claim, but I am not in a position to know whether or not it is accurate; I have not spoken to the Crown Solicitor. That was all done within a portfolio that reported to the Attorney-General. So it was a situation where the Attorney-General was responsible for all those departments, agencies and trust accounts and there was a shuffling within those departments and agencies.

But the third example is more stunning in that, allegedly, what has occurred is that within the department for human services some money was actually put into the Crown Solicitor's trust account, which reports to the Attorney-General. So it is money from human services reporting to minister Stevens and I think minister Key, or whoever was the minister for family and youth services at the time; I think it was minister Key but I stand to be corrected on that. So there is money from that department somehow finding its way into the Crown Solicitor's trust account, reporting to the Attorney-General.

How on earth that can occur under this government's supposedly strict financial controls I have no idea. I have no earthly idea how that could have occurred. I understand how it might occur within a particular minister's portfolio with accounts, departments and agencies. That is the first example with the Attorney-General. But how a government could countenance a set of circumstances—and the Leader of the Government stands in this council and defends them—where money from one department is squirreled away in the Crown Solicitor's trust account, reporting to the Attorney-General, completely unrelated departments and ministers, for the life of me I cannot understand. I cannot understand how any minister of the government could pretend to defend it, as the Leader of the Government, sadly, has done in relation to these issues.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: Well, we have a situation where the Auditor-General has condemned this government and its ministers for their administration in relation to these issues. That is what we are noting here today.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: So, accusing this administration of illegal practices is not condemning the government? Again, the Leader of the Government says—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: Read the report! If this is not a damning condemnation of the administration of finances by this government, then I have never read a damning indictment and condemnation of a government in relation to these particular issues. There are a number of other issues which I will mention when the council next meets in just over a week. A couple of claims which have been made by the Treasurer and the Leader of the Government in relation to the issue of carryovers and underspending are incorrect. On the next occasion, I will quote leaked government documentation. Thankfully, people are still able to provide leaked information to the opposition. The opposition will be able to comprehensively demonstrate that what the Leader of the Government and the Treasurer have said in relation to these issues is untrue.

The claim that the former government had an automatic acceptance of carryover expenditure, that if there was underspending it automatically carried over, is incorrect and untrue. Ministers of the former government will know that officers were required to go through a process when seeking carryover of expenditure. In many cases that was approved, because, in the broad, it does not make sense to have a situation where ministers and departments spend every last dollar in the last week or two weeks for fear of losing it, if there is genuine and valid reason why a program has been delayed. The former government conducted itself sensibly in relation to these particular issues. If there was a genuine and valid reason why a program had been delayed, then that particular expenditure could be approved for carryover in the following year. If this government is not implementing that process, it is implementing a system which is destined for failure in relation to these issues.

As members will know, I have asked a series of questions about the level of expenditure of the capital program in June of the financial year. What we have found is that in some departments and agencies under this government up to 30 or 40 per cent of the total capital works' budget has been spent in the last 30 days of the financial year, in June. There is the big spend-up in June of the financial year to get the money off the books. I have asked questions about the last financial year but I have not yet got the answers. I am sure it will take at least 12 to 18 months to get answers in relation to this issue.

The whole issue of how we manage underspending and carryovers is important. When we return I will be in a position to comprehensively demonstrate that the statements made by the Leader of the Government and the Treasurer in the another place are inaccurate and untrue. I will be in a position to be able to demonstrate that conclusively. There is a range of issues which need to be explored, and I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

AUTHORISED BETTING OPERATIONS

Order of the Day, Private Business, No. 2: Hon. J.M. Gazzola to move:

That the rules under the Authorised Betting Operations Act 2000 concerning Bookmakers Licensing—Responsible Gaming, made on 31 May 2004 and laid on the table of this council on 3 June 2004, be disallowed.

The Hon. J. GAZZOLA: I move:

That this order of the day be discharged.

Motion carried.

TOBACCO PRODUCTS REGULATION (FURTHER RESTRICTIONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 12 October. Page 239.)

The Hon. A.L. EVANS: I support the second reading of this bill. It is a great day for South Australia when we begin to take responsibility for the reversal of practices within our community that harm the people of South Australia. I believe that this, with many other bills, is the beginning of reversing some of the harm and causes of the single biggest cause of premature death in South Australia, where every day 10 young people aged 12 to 17 take up smoking. Tobacco companies know that their young customers will be loyal to them, because research shows that more than 90 per cent of smokers never switch tobacco brands. Research from the Health Alliance for a Smoke-Free South Australia states that the advertising and promotion of tobacco increases smoking rates and that it may be a stronger influence on young people than peer pressure.

With new people taking up smoking every day (and promotional material in their face telling them to do so) and because smoking is the single biggest cause of premature death, disease and disability in Australia, I believe that we have a duty to restrict smoking and its advertising and promotion in public areas. This bill strengthens provisions for smoke-free workplaces and smoke-free enclosed public places. Whilst a number of businesses will be affected, this measure will particularly affect hospitality settings in South Australia. I am conscious of the claim that this industry will lose profits if changes are implemented too hastily. However, I believe that the amendments are soft in regard to the introduction of the legislation and that we should take a tougher approach in taking responsibility to see the reversal of these health problems within South Australia.

With respect to the temporary restrictions to the smoking ban in proposed section 47, if smoking can cause premature death, disease and disability to South Australians, why are we waiting until October 2007 for these changes to have full effect? Are we still content for men and women to work in bars and suffer from the effects of passive smoking until October 2007? Are we still content for pubs and bars to make large sums of money, while men and women in South Australia are entertained where smoke in the air has been proven to be so hazardous? We should take a stronger stance than this amendment proposes.

In regard to proposed new section 38A, relating to the sale or supply of tobacco products to children, I am pleased to find that it contains tougher measures in relation to the purchase of tobacco by minors. Research has shown that shop owners are still selling tobacco to minors, and, if this bill is passed, they will become vicariously liable for that action. I support this amendment, as shop owners will face strengthened requirements to take greater responsibility for the actions of their staff in dealing with under-age purchasers of tobacco products. Tackling the underage take-up smoking is a very important measure to prevent long-term tobacco use.

I am disappointed with clause 15 of the bill, which is designed to prevent the advertising of tobacco products in the course of business—not because it restricts the promotion of tobacco products (I support that idea), but because it takes a half-measure approach to an industry that will do whatever it can to take advantage of the provisions. The government should have gone further. In the past, we have attempted to prevent people from taking up smoking and have promoted quitting the habit, whilst at the same time allowing heavy promotion of tobacco products in public places. Why the delay in dealing with the display of promotional material of any tobacco products in these amendments? I especially regret that the government has failed to act to restrict smoking in gaming rooms further—25 per cent is a meagre amount of a gaming room initially designated as non-smoking.

Given all that we know about problem gambling, as well as the health effects of smoking, I believe that the government should have sought to phase out more rapidly smoking in gaming areas. Because of the addictive substances within tobacco, it will always be an uphill battle to try to reverse the damaging effects of smoking in our community. It is our duty, though, to enact legislation that benefits not only those in our community today but also for South Australians in the future. I believe that this bill promotes long-term benefits for South Australians but only uses half measures in its approach. We must be tougher in our stance against this dangerous and murderous drug.

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

CORRECTIONAL SERVICES (PAROLE) AMENDMENT BILL

In committee.

(Continued from 12 October. Page 241.)

Clause 10.

The Hon. A.J. REDFORD: When we finished yesterday, we were dealing with clause 10 and, in particular, an amendment moved by the Hon. Ian Gilfillan. This is an extremely important amendment and, in my view, warrants very careful consideration. The history of this matter, which led to the introduction of this bill into this parliament, stems from an attempt on the part of the Premier to secure a headline. He arranged for a review to be conducted by Mr Warren McCann of the Department of the Premier and Cabinet. I understand that, in a former life, Warren McCann was the chief executive officer of justice in Victoria and, as such, had some experience and dealings in relation to corrections. That was one of the principal reasons why he was appointed to conduct the review.

In introducing the bill, the minister said that it was not a complete review and that it was confined only to matters of major concern. In relation to parole, the government, in the introduction to this bill, sought to reduce automatic parole by removing sex offenders and 'other classes of offenders' by way of regulation. The government has not sought to bring us into its confidence as to what classes of offenders might be included in this category. Currently, the law requires that persons who are sentenced to imprisonment for more than five years must appear before the Parole Board. In these cases, the board has a discretion as to whether or not the prisoner may be released on parole.

For those prisoners in prison for less than five years, section 66, as it is currently configured, provides that the board must order release from prison upon the expiration of the non-parole period. This is colloquially known as automatic parole. As I understand it, the effect of this amendment, if it is successful, is that each and every single person sentenced to a period of imprisonment greater than 12 months would

have to appear before the Parole Board and would not be entitled to automatic parole.

I have spoken with a wide-ranging group of people about the effect of the Democrat amendment, and I can assure the Hon. Ian Gilfillan and the Hon. Terry Roberts that the opposition has given this measure a great deal of thought. Indeed, I spoke with the chair of the Parole Board, Frances Nelson QC, on two occasions—and, I might add, that is probably two more occasions than the Hon. Kevin Foley or, indeed, the Hon. Mike Rann has spoken to her—and she made the following comments. First, she had been advised that the proposed amendment would cost $2 million per annum, and that is consistent with what the minister has told this place on a couple of occasions. She also said that it is arguable that, if the $2 million is available, it might be better spent elsewhere. She also said that the there might well be a middle option of dropping the five year threshold and retaining a two or three year threshold at a more reasonable cost.

Ms Nelson also pointed out that the administrative support for the Parole Board is under enormous pressure. The staff level is currently six, three of whom are on stress leave, and there is insufficient space, causing serious occupational health and safety issues. Finally, she conveyed to me that her administrative budget at the time I was talking to her (which was back in June) had been cut by $100 000. It is not clear to me that the figures mentioned by the minister in terms of increased resources happened subsequent to that date, but I suspect that it did, and I am sure the minister will correct me if I am wrong. That was the position that was put to me in a fair and frank way by the Chair of the Parole Board. In terms of the basic principle, she said that she does not have a problem with the removal of automatic parole. She believes that, in a system that is well funded, the removal of automatic parole requiring the attendance of parolees or prisoners before the Parole Board before release would be a good thing.

If one looks at the issue dispassionately, there are two countervailing arguments: one side has been well put by the Hon. Ian Gilfillan, and the other, which is mainly a monetary basis, has also been well put by the Hon. Ian Gilfillan. Members might recall that on 1 July this year I asked a question of the minister concerning the Productivity Commission and the issue of parole and the supervision of parolees after they leave prison. Indeed, on 1 July 2004 in this place, in an explanation to a question I put to the minister, I said that the Productivity Commission indicated that the offender to staff ratio for community corrections was 29.7 offenders per staff member in South Australia—the worst in the country. In terms of the Productivity Commission, I also reported to parliament that, with respect to operational staff, that is, the people who actually physically meet with prisoners who are on parole or who are out there in community corrections, South Australia had the highest ratio with 42.5 offenders per staff member, compared with 22 in Victoria.

I rhetorically asked how a corrections or parole officer can supervise and assist a parolee when he has, on average, 42.5 of these people to monitor and supervise. I rhetorically answered my own question by saying that that is impossible; we do not expect school teachers to monitor any more than 25 children in a confined environment, in a classroom, and these are people who are probably relatively well-behaved compared to the class of people that we are talking about here. I asked whether the minister was aware that we have the worst ratio of community corrections staff to people in the country and, secondly, I asked whether he was aware that people are largely unsupervised and that it creates a public risk. In a sense, the minister's answer was candid when he said that he had read parts of the Productivity Commission report. He did not address his answer to whether or not he believed that that was an appropriate level of supervision. From that answer, I can only assume that, deep down, the minister believes that that is an inadequate level of supervision.

In the current environment in South Australia, we have a large number of parolees who are out there and not adequately supervised, and a large number of them are let out on parole automatically. Also, when a prisoner is automatically let out on parole, they are not directly interviewed by the Parole Board. Not only are they inadequately and improperly supervised when they are out there in the community but also the decisions and the options in terms of what the Parole Board can do with these people are extremely limited.

The second issue that has arisen over the past six months or so in relation to parole is that in some candid statements the Chair of the Parole Board has said that she has little confidence in any supervision of people released on parole that takes place out there in the community. Indeed, in the case of one particular mental health patient—and I know that the Hon. Paul Holloway apologised to Frances Nelson privately for this but has not had the guts to do so publicly—the minister said that the Parole Board had, in fact, supported the release of a mental health prisoner to Berri when the transcript of the court hearing indicated that her submission was that she could not support the release of that mental health prisoner, because she had no confidence in the supervision of the prisoner when let out on parole.

What then are we then left with in relation to dealing with this issue? First, we have the minister not challenging the findings of the Productivity Commission. Secondly, in his answer given on 1 July the minister said that, in terms of supervision, the position could be a lot better. Thirdly, on the part of the opposition we have a complete lack of confidence or optimism in the government's having any plan which might lead to better supervision of people let out on parole. If they are not going to be supervised when they are let out on parole, it inevitably leads the opposition to the conclusion that what you need is closer supervision, closer checking and greater monitoring at the point where you make a decision as to whether or not somebody should be let out of gaol on parole.

When you come to those conclusions, we believe that the only way to go is that, if there is little or no supervision of prisoners on parole or, at least, the worst supervision in this country, then we have to be more selective about release, and the Parole Board must have some say as to who will be released.

Our position is that we do not support a system which lets out people automatically without any adequate supervision. There are other options for the government and, certainly, the opposition would be prepared to hear other options from this government. We would be prepared to listen to what the government might say about its plans for the future. But, as currently advised, and with the information that we have at our fingertips, we believe that it is in the best interests of the community to remove automatic parole altogether. We support the position put by the Hon. Ian Gilfillan. We say so because we have no confidence about supervision in the community, and we say so because, at least, this will provide some check and balance and, ultimately, some protection for

the community before people are released. Our position is that we support this amendment.

The Hon. T.G. ROBERTS: I think that the honourable member has outlined the case for the opposition pretty well, and the Hon. Ian Gilfillan has indicated his position. I know how the numbers will move. We will divide on this amendment, but I understand how it all works. I have some further information which we have been able to gather overnight and which may persuade members to move their position. In relation to the questions about the numbers of parolees compared to the number of supervised children in classrooms, I think that the honourable member is comparing strawberries and lemons, and I will let members work out who are the strawberries and who are the lemons.

The situation is that the case management of each individual prisoner is important when parole is considered. Whether people have intensive supervision or electronic supervision and follow-up is one of the matters that rests with the Parole Board and with correctional services parole supervisors in the community. South Australia's situation is that, in many cases, we do not have the type of prisoner who is detained in either New South Wales or Victoria. Again, it is a matter of consideration on a case-by-case basis.

When overall comparisons are made between the style and nature of crime, particularly brutal crime, certainly the prisoners within the drug scene in New South Wales and Victoria are far different from the South Australian stream of prisoners and people who need to be supervised. I thank all the people who work in corrections, and not just for the 2½ years that we have been in government. In the last decade prisoner numbers have been increasing. I pay tribute not only to the work done by the Parole Board but also to community corrections, as well as those people working in the system.

They do work at the full stretch of goodwill that governments need to get the required results. I pay tribute to them. Further to my comments about the removal of automatic parole for offenders, I wish to clarify that the provision in the bill would allow the prescription of a class of prisoner to be excluded from the application of subsection (1), but the regulations would not be able to exclude a prisoner liable to serve a period of imprisonment of three years or less. I think that some discussion is still occurring about that class of prisoner. I understand that the Presiding Member of the Parole Board has previously advised that, if additional money was to be available—and the honourable member has—

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: Yes, I think so. If additional money was to be made available to the correctional services system there would be better ways of spending the money than removing automatic parole in all cases, as the Democrat amendment proposes. The government has taken the view that it is important that the Parole Board be able to exercise all of its statutory powers and directions in relation to prisoners imprisoned for sexual offences who would otherwise be automatically released on parole, hence the provision in the bill to allow the extension by regulation of classes of prisoners and the qualification about the three years imprisonment. This will be a test clause, and we will see how it is treated.

The Hon. P. HOLLOWAY: Whilst we are on this clause, I just use this opportunity to refer to the fact that the Hon. Angus Redford had claimed that I had apologised to Frances Nelson in private but that I would not do it in public in relation to the transfer of a prisoner to Berri. The Hon. Angus Redford asked a question about that and I will be providing an answer to that matter. I did speak to Frances Nelson, but I did not apologise to her that night. I did apologise to her in relation to another matter, that is, that some leaked information provided the name of a person who was under protection.

That information was reported in *The Advertiser* and, subsequently, the Hon. Angus Redford indicated that he had provided some information. In relation to that matter, I did privately apologise to Frances Nelson and I am happy to apologise publicly. However, in relation to the issue of the transfer of that person, that information has to come from the Attorney-General's Department and I hope that, in due course, I can provide it. As I said, in relation to the other matter, I am quite happy to put on the public record that Frances Nelson did assure me that she did not leak the information. I thought that someone else had put up their hand for it. I was quite happy to apologise to Ms Nelson and accept her assurance that she did not leak information. I hope that clarifies the matter. It was in relation to that issue and not in relation to the transfer of a person to the Riverland.

The Hon. A.J. REDFORD: I accept the honourable member's explanation. I am pleased to hear that he has apologised. I just hope that it becomes habit forming, because he has a lot of apologising to do.

The committee divided on the amendment:

AYES (8)

Evans, A. L.	Gago, G. E.
Gazzola, J.	Holloway, P.
Roberts, T. G. (teller)	Sneath, R. K.
Xenophon, N.	Zollo, C.

NOES (12)

Dawkins, J. S. L.	Gilfillan, I. (teller)
Kanck, S. M.	Lawson, R. D.
Lensink, J. M. A.	Lucas, R. I.
Redford, A. J.	Reynolds, K.
Ridgway, D. W.	Schaefer, C. V.
Stefani, J. F.	Stephens, T. J.

Majority of 4 for the noes.

Amendment thus carried.

Clause 11.

The Hon. IAN GILFILLAN: I move:

Page 6, lines 30 to 39, page 7, lines 1 to 4—
Subclauses (1) and (2)—delete subclauses (1) and (2) and substitute:
(1) Section 67(1)—delete 'five years' and substitute:
1 year

I argued the case for this series of amendments previously and I do not intend to go over it again.

The Hon. T.G. ROBERTS: I understand that it is consequential.

Amendment carried.

The Hon. A.J. REDFORD: I move:

Page 7, lines 14 and 15—
Subclause (5)—delete the subclause

It is our view that, in making its decision, the board should come to a conclusion as to how a prisoner is likely to behave should the prisoner be released on parole. We had significant debate about this during the second reading stage, so I do not propose to traverse the same ground again unless members want me to.

The Hon. T.G. ROBERTS: The Hon. Mr Redford proposes to delete subclause (5), but I note that he has also filed an alternative amendment.

The Hon. A.J. Redford: Yes.

The Hon. T.G. ROBERTS: Currently section 67(4)(c) of the act allows the Parole Board to take into account the gravity of the circumstance of the offence, but only in so far as it may assist the board to determine how the prisoner is likely to behave should the prisoner be released on parole. The Hon. Mr Redford is concerned that the removal of the qualifying words by subclause (5) will allow the Parole Board, in effect, to resentence the accused. This is not the intention. The government did not intend that the board second guess the sentencing court. Rather, it is intended that, when making a decision on parole, the board should be able to take into account all relevant information. The adoption of the Hon. Mr Redford's alternative amendment will make this clear. The government opposes this amendment, but would be prepared to support the Hon. Mr Redford's alternative amendment No. 3.

The Hon. IAN GILFILLAN: I have looked at my copy of the Hon. Angus Redford's amendments, and I do not see the deletion of subclause (5) listed on these amendments.

The Hon. A.J. Redford: It is amendment No. 2.

The Hon. IAN GILFILLAN: Sorry, I apologise: I do see it there.

The Hon. A.J. REDFORD: We have amendment No. 2 or amendment No. 3. It is in the alternative.

The Hon. Ian Gilfillan: Your alternative wording is in amendment No. 3, is it?

The Hon. A.J. REDFORD: No. If I win amendment No. 2 I do not proceed with No. 3. If I lose No. 2, I proceed with No. 3. The government has indicated that it will support me on No. 3, which ultimately I will be happy with. Given the information from the government, subject to the approval of members, I will withdraw my amendment No. 2 on the basis that the government has indicated it will support our amendment No. 3.

The CHAIRMAN: You need leave to withdraw, because it is now in the hands of the committee.

The Hon. A.J. REDFORD: I seek leave to withdraw my amendment No. 2.

Leave granted; amendment withdrawn.

The Hon. A.J. REDFORD: I move:

Page 7, line 15—
Subclause (5)—after 'be released on parole' insert:
and substitute:
(but the board may not substitute its view of these matters for the view expressed by the court in passing sentence)

The Hon. IAN GILFILLAN: We are moving fairly rapidly with a bit of shorthand work. The government has indicated support for the amendment ahead of its being moved. I take it, from the willingness of the opposition to cooperate, that in fact it does not feel it has lost much by withdrawing amendment No. 2 and moving No. 3.

The Hon. A.J. Redford: No.

The Hon. IAN GILFILLAN: I confess to not having assessed the imbalance between those two, but I am content to rest with the decision of the Hon. Angus Redford.

Amendment carried.

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

Page 7, lines 22 to 25—
Subclause (7)—delete lines 22 to 25 and substitute:
(f) any reports tendered to the board—
(i) on the social background, or the medical, psychological or psychiatric condition, of the prisoner;
(ii) from community corrections officers or other officers or employees of the department; and

I move this amendment to clarify the type of reports that can be tendered to the board. The amendment reinserts a reference to reports on social background. Clause 11 of the bill rewrites section 67(4)(f) of the act. The decision was taken to remove the specific reference to social background reports. However, in discussions on the bill it was suggested that the social background of the prisoner may be a relevant consideration for the board and that the board should be able to consider such reports. On reflection, the government has decided to reinstate the reference. Parliamentary counsel has also taken the opportunity to restructure the provision.

The Hon. A.J. REDFORD: The opposition supports the amendment.

The Hon. IAN GILFILLAN: I have some concern about the wording of paragraph (ii): 'from community corrections officers'—no question about that—'or other officers or employees of the department'. Who would they contemplate embracing, and for what reason?

The Hon. T.G. ROBERTS: As the honourable member has indicated, prison officers, prison managers, may be able to give background information that is relevant to a prisoner's behavioural background.

The Hon. IAN GILFILLAN: The term 'community corrections officers', from what the minister explained to me, is prescriptive to correction officers who are out in the community, not working in the prison system. I am a little unclear about it. I do not have any problem with correctional officers who are in the prison system being involved but, to me, the wording is too open-ended in its embrace of other officers or employees of the department. That really embraces anyone who feels that they have some justification, or some opinion to lodge, and that then has to be considered by the board. If it were just a matter of corrections officers per se, would it not be better to make that wording 'from corrections officers'?

The Hon. A.J. REDFORD: While the minister is discussing it, I will convey our view. I think that the broader the information available to the Parole Board, the better. We have been very fortunate in this state (and one would hope that we continue to be fortunate) that we have had good quality people on our parole boards. If we find that we are getting officers who are busybodies or people who really do not have much to offer, I am sure that the Parole Board, particularly under the current chair, would give them short shrift. I think the broader the categories, the better. Sometimes you might have former officers who want to give information to the board.

In terms of employees of the department, they may well be former officers who have transferred into an administrative section. I have met officers within the minister's department who perhaps are not community corrections officers but who are very well informed about what is going on in the system and, indeed, have developed relationships with prisoners and others in that capacity. I think there might be an occasion when they have something relevant to offer to the Parole Board in its decision-making process.

The Hon. IAN GILFILLAN: I do not intend to extend this. I do not agree with the Hon. Angus Redford's rather benign judgment of where reports could come from. I feel this could open the door to reports of which, however diligent the board may be, they are not a position to assess accurately the motives or origins. I leave it on the record. I am not happy with the wording of it, but it is not of such magnitude I will oppose the amendment.

Amendment carried.

The Hon. IAN GILFILLAN: I move:

Page 7, after line 25—
After subclause (7) insert:
(8) Section 67(5)—delete '(not being a prisoner who is serving a sentence of life imprisonment)'.
(9) Section 67(6) to (8)—delete subsections (6) to (8) and substitute:
(6) The Board—
(a) must not specify a release date that is earlier than the day on which the prisoner's non-parole period expires; and.
(b) in the case of a prisoner who is serving a sentence of life imprisonment—must specify a period of not less than three years or more than 10 years for which the prisoner is to continue on parole.

This is moving into new territory. I did indicate in my second reading contribution that one of my intentions was to remove the capacity of the executive to override the Parole Board. Although this may not appear to be particularly significant in the wording of the amendment, I will move amendment No. 3 standing in my name. It applies to section 67 of the act which provides:

Release on parole—prisoners imprisoned for five years or more
67(1) Where a prisoner is serving a sentence of life imprisonment or is liable to a serve a total period of imprisonment of five years or more and a non-parole period has been fixed in respect of the sentence or sentences—
(a) the prisoner; or
(b) the Chief Executive Officer. . .
may apply in the prescribed manner to the board for the prisoner's release on parole.

Then it goes on to state various aspects where it will not apply. However, subsection (5) provides:

The board may, on an application under this section, order that a prisoner (not being a prisoner who is serving a sentence of life imprisonment) be released from prison on parole on a day specified in the order.

Because the intention of my bracket of amendments is to leave the sole determination of parole in the hands of the Parole Board, that particular sentence in brackets is not appropriate, so it should come out. Further, subsections (6) and (8) would be deleted. Subsection (6) provides:

The board may, on an application under this section in respect of a prisoner who is serving a sentence of life imprisonment, recommend to the Governor that the prisoner be released. . .

It is the Democrats' intention to remove the obligation of the board to recommend to the Governor, which is political speak for leaving the executive to make the final decision. I am moving for the deletion of both subsections (6) and (8) for the same reason. I am seeking to have substituted:

(6) The Board—
(a) must not specify a release date that is earlier than the day on which the prisoner's non-parole period expires; and
(b) in the case of a prisoner who is serving a sentence of life imprisonment—must specify a period of not less than three years or more than 10 years for which the prisoner is to continue on parole.

The effect of the amendment would be to still keep the detail of the conditions of the parole, but that decision would be made exclusively by the board and would not be able to be overridden by the executive.

The committee divided on the amendment:

AYES (3)

Gilfillan, I. (teller)	Kanck, S. M.
Reynolds, K.	

NOES (15)

Dawkins, J. S. L.	Evans, A.L.
Gago, G. E.	Gazzola, J.
Holloway, P.	Lawson, R. D.
Lensink, J. M. A.	Lucas, R. I.

NOES (cont.)

Redford, A. J.	Ridgway, D. W.
Roberts, T. G. (teller)	Stefani, J. F.
Stephens, T. J.	Xenophon, N.
Zollo, C.	

Majority of 12 for the noes.

Amendment thus negatived; clause as amended passed.

Clause 12.

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

Page 8, lines 2 to 5—
Subclause (4)—Delete lines 2 to 5 and substitute:
(f) any reports tendered to the Board—
(i) on the social background, or the medical, psychological or psychiatric condition, of the prisoner;
(ii) from community corrections officers or other officers or employees of the Department; and

Amendment carried; clause as amended passed.

Clause 13 passed.

New clause 13A.

The Hon. A.J. REDFORD: I move:

Page 8, after line 23—After clause 13 insert:
13A—Insertion of section 78
After section 77 insert:
78— Minister must table reports of recommendations of Board and refusals (if any) to approve recommendations
(1) The Minister must, within 12 sitting days after receiving written notice of the Board's recommendation and reasons for the recommendation that—
(a) a prisoner serving a life sentence be released on parole; or
(b) the conditions under which a person has been released on parole from a sentence of life imprisonment be varied or revoked,
cause a copy of the recommendation and reasons to be tabled in each House of Parliament.
(2) If it is decided that approval of any such recommendation should be refused, the Minister must, within 12 sitting days after the decision is made, cause a copy of the reasons to be tabled in each House of Parliament.

This amendment is what the opposition would call a compromise between the position adopted by the government and that taken by the Hon. Ian Gilfillan on the previous vote. We are of the view that there is an odd occasion when it is appropriate for the Governor to intervene or to reject a recommendation made by the Parole Board, and that was what we voted on only a few minutes ago. However, it is the opposition's point of view that, if there is some intervention by the Executive Council or the Governor, the minister must table a report in the parliament. That is the position we take, and it is consistent with our longstanding tradition of openness, accountability and transparency in government. Given the current government's record, I suspect that it will have some difficulty with this amendment, but we will see what happens.

The Hon. T.G. ROBERTS: This amendment inserts new clause 13A, which requires the minister to table reports of recommendations of the board, conditions of release and government reasons for refusing to approve board recommendations. The government opposes this amendment, as it thinks it has the potential to prejudice the parole process. In making a recommendation, the Parole Board can consider a wide range of factors, including medical, psychological and psychiatric reports. Victims are also to be more fully involved in the process. Much of the information provided to the board is of a highly personal and sensitive nature. An amendment such as is proposed would have the effect of releasing such

information that forms part of the board's reasons for making a recommendation into the public domain. This could be of concern to both victims and parolees.

If the conditions of parole are tabled, information about where a prisoner is to reside could also become publicly available. This could lead to harassment of the parolee and may, on occasions, impact on the parolee's ability to resettle into the community. The act contains confidentiality provisions which are intended to effect the privacy of prisoners, victims, etc., and the integrity of the correctional services process at the same time. The amendment is at odds with this principle. It does not allow information to be withheld and would cause undue hardship to a victim, or could put a parolee at risk. The amendment could have the effect of inhibiting information put to the board or cause the board to be less specific in its reasons in order to protect the privacy of the parties.

New section 78(2), as proposed by the Hon. Mr Redford, will require the minister to table the reasons why a recommendation to the Parole Board was not approved. In making a decision on the recommendation of the Parole Board, the Governor acts on the advice of Executive Council. In this state, the practice is that the Executive Council only acts and advises in accordance with previous decisions of the cabinet. If reasons are to be given, it will be necessary for cabinet to, in effect, formulate and provide a reason for its decision. This is not a usual requirement of the cabinet process, where it has always been held that cabinet deliberations are secret and ministers are bound by the decision of cabinet.

In the High Court decision, South Australia v O'Shea, Justice Dean noted that cabinet is under no obligation to formulate to provide any reasons for its decision, while Chief Justice Mason referred to having regard to the problems associated with giving reasons for a cabinet decision. The amendment also imposes a time limit on when the Parole Board's recommendations must be tabled. Although probably unlikely, with the timetable set out, depending on the parliamentary sitting times, it is possible that a Parole Board recommendation will need to be presented to parliament before a decision is made by the Governor and Executive Council. While this is not likely to be common, such an occurrence would be highly undesirable.

The Hon. IAN GILFILLAN: In the usual gracious way of the Democrats, we are prepared to acknowledge that these amendments are worthy of support. They do not go as far as we believe the removal of executive overriding the Parole Board should; we were unsuccessful with that amendment. However, we acknowledge that this is better than nothing and indicate support for both the intention of the mover that there be reports on the board's recommendations and also that, if the executive overrides the board's recommendations, they should be made public.

New clause inserted.

Remaining clauses (14 and 15), schedule and title passed.

Bill reported with amendments; committee's report adopted.

Bill read a third time and passed.

ADJOURNMENT

At 6.27 p.m. the council adjourned until Thursday 14 October at 2.15 p.m.