

LEGISLATIVE COUNCIL

Monday 12 September 2005

The PRESIDENT (Hon. R.R. Roberts) took the chair at 2.19 p.m. and read prayers.

STATUTES AMENDMENT AND REPEAL (AGGRAVATED OFFENCES) BILL

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

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

Motion carried.

CHAPMAN, HON. W.E., DEATH

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

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

During the winter break of parliament I was saddened to hear of the death of Ted Chapman, a former long standing Liberal Party MP and Tonkin government minister. He died recently from a brain haemorrhage after suffering a fall two months previously. I was a member of the House of Assembly for four years when Ted Chapman was a member and I know that he was one of the most eloquent and entertaining speakers in the parliament. He was the sort of person who, once you knew he was speaking about something, you could guarantee would be entertaining, whatever the subject of the speech might be. Like other members at the time, I would always be in the house listening to Ted Chapman whenever he spoke. I also had the privilege of serving on a bushfire select committee that Ted Chapman had moved to set up during 1991 and 1992. That was a very interesting experience, and I will refer to that a bit more later.

Prior to entering parliament, Ted Chapman was a farmer on Kangaroo Island. He also worked as a shearer and a carrying contractor. In addition, he served as Chairman of the Kangaroo Island Lands Committee. In 1973 he was elected to the seat of Alexandra which included Kangaroo Island. He was re-elected as the member for this seat six times before he resigned in 1992. Ted was a real character in the political arena, a man who was always to the point and never afraid to make a stand for the issues he thought important. As he once stated to the media, 'If there's an issue present, I don't believe in beating around the bush, and a frank, straightforward approach is necessary.'

Ted Chapman was dedicated to the needs of his electorate. This was evidenced by the way that he returned to his parliamentary role a couple of months after a serious car accident in 1987. He suffered severe chest, abdominal and hip injuries in that accident yet strove to return to work so that he could represent his party and the electorate of Alexandra. Furthermore, whilst recovering from a heart attack in 1991, he was determined to get back to representing his Kangaroo Island constituents as quickly as possible. At the time, the Parliamentary Electorate District Boundaries Commission was intent on changing electoral boundaries by moving

Kangaroo Island away from Fleurieu Peninsula and linking it to the West Coast seat of Flinders. Ted responded to this in his usual direct and blunt manner by saying, 'There's no bloody question about that. You won't find one person on the island who agrees with this. They're united as they usually are when there's an invasion from the mainland. When our people are under siege they hang together.'

Ted Chapman was also a minister during the Tonkin government years of 1979 to 1982. He served as a minister for agriculture and forests during this period and enjoyed those portfolios with a passion. In his true style, he was not afraid to confront people when necessary. During his ministerial career he reflected: 'I love my job and enjoy a bit of a scrap every week or two as it shows someone is interested in what I'm doing.' Some years ago, I remember speaking with my brother who was managing the Minnipa Research Centre. He said that in the weeks after Ted Chapman became minister he visited the research centre and saw the fairly primitive conditions under which they were operating. There was no air-conditioning and few other facilities at the centre. As a result of Ted's intervention, that situation was addressed very quickly. I know that people at that institution greatly appreciated his role in that.

As a minister, Ted was keen to see agriculture remain as the principal industry and export earner for South Australia. Whilst he would make a note of his achievements, like any minister, he would also acknowledge that there was always room for improvement. In 1981, reflecting upon improving the marketing of South Australia's horticultural products outside the state, he said, 'We made a surplus of \$9 million last year, but this does not alter the fact that it could be better.' Ted finally left politics in 1992, when he needed further treatment for the injuries he sustained in a car accident in 1987. It was also at a time when he recognised that the Liberal Party's fortunes could be better served by allowing Dean Brown the opportunity to return to parliament.

As a member of the bushfire select committee, I well recall a visit we paid to the north-east of the state, Port Lincoln and Kangaroo Island, where we all stayed at Ted Chapman's place at Western River and enjoyed his hospitality. Both Ted Chapman and Roger Goldsworthy were on the committee but, by the end, we had lost those two members, because Ted Chapman had resigned to make way for Dean Brown and Roger Goldsworthy had resigned to make way for John Olsen. It was indeed a most interesting trip for the committee, and I should write a book about it one day.

The Hon. A.J. Redford: You certainly would have time to do it.

The Hon. P. HOLLOWAY: Yes. Away from politics, I am aware that Ted was a keen fisherman and enjoyed horseracing. Always a community oriented man, he had also previously served as a member of the Kingscote district council, the Kangaroo Island Hospital Board and the National Wool Industry Training Committee. I extend my sincere condolences to Ted Chapman's children and grandchildren and, in particular, my condolences go to Vickie Chapman (member for Bragg). Despite the sadness of the occasion, Ted's family and friends can take some solace from the very productive life he led, the many achievements he attained as a minister and as a member of parliament, and the example he set as a leader in public life. As I said, I pass on my condolences, and I certainly reflect very fondly on the memories I have of Ted Chapman—someone, I think it is fair to say, who was widely admired by his political opponents as well as his colleagues.

The Hon. R.I. LUCAS (Leader of the Opposition): I rise on behalf of Liberal members to support the motion and to acknowledge publicly the contribution Ted Chapman made to the parliament and to public and community life in South Australia. The life of Ted Chapman involves thousands of stories, not all of which can be told on this occasion and in this place. Those of us who shared time in the Legislative Council, as a number of us did, with one of his great friends and fellow larrikin in the Liberal Party, Martin Cameron, will have heard many stories that involved Martin and Ted. Knowing Martin, I am sure that at least most of them about their exploits are true. A sitting of one of the parliamentary committees prevented my attending the funeral service. I understand that Vickie Chapman and Dean Brown shared a couple of stories about Ted's love of fishing, and the Leader of the Government referred to that, and perhaps his occasional lapses in relation to the various fishing regulations that might or might not have applied at various times in and around Kangaroo Island.

As the Leader of the Government has indicated, Ted Chapman was a larger than life character. The various press clippings the table staff have provided to the leader and me have headings such as 'The politician who enjoys a bit of a scrap,' and 'Kangaroo Island residents to dispute the boundaries.'

The Leader of the Government referred to one of the occasions in relation to boundary redistribution. Having been involved in the various redistribution submissions that the Liberal Party has made to the South Australian Electoral Commission or its variants over the years, inevitably, Ted Chapman was an active participant in all the discussions that related to the proposed boundaries for the then seat of Alexandra. Over the years there have been various proposals as to what to do with Kangaroo Island, including whether to leave it linked as it currently is. A novel idea, as referred to in one of the articles, was to link it to Eyre Peninsula; other novel suggestions included linking it to the seat in and around Port Adelaide. People always have had very good reasons for those particular linkages, but most of them generally related to partisan political advantage for one party or another in relation to the redistribution of boundaries.

As the quote that the Leader of the Government took from one of the articles made clear, whilst Ted was never averse to a debate, vigorous or otherwise, about partisan political advantage, when it came to the drawing of boundaries in relation to Alexandra, he knew what his constituents on Kangaroo Island wanted, and he never wavered in relation to that. I know that, in our processes in the Liberal Party, we would take evidence from various lower house members in relation to what they wanted to occur in their particular area and, if, at any stage, party headquarters had a particular proposal which may have been different to Ted Chapman's, the party organisation knew that it was in for a fair old scrap internally in relation to that particular issue.

Members like Graham Gunn and Ted Chapman have occasionally taken a different view to the party position in relation to the redistribution debates and submissions over the years. As a new member in the period of the early 1980s, I recall that Ted Chapman, Graham Gunn and a number of others were the old bulls in the Liberal Party paddock as the new stock came in to the joint parliamentary party room; of course, as is the way in political parties, the old bulls were free with their advice, and I can assure members that not just those two but Roger Goldsworthy, Bruce Eastick, Heini Becker and others passed on much advice to new members

in both the House of Assembly and the Legislative Council during the years post the 1979-1982 Tonkin government period here in South Australia.

In looking back at Ted Chapman's career, I read his maiden speech made on 1 August 1973 to see the sorts of issues that Ted Chapman was raising when he was first elected to the parliament. It was not surprising to see the sorts of issues that he raised then, because he continued to raise many of them throughout his entire period in the parliament. He noted, first, that he was the first Kangaroo Islander ever elected to the South Australian parliament; subsequently, he was followed by the grandperson of the Legislative Council, the Hon. Ian Gilfillan. I am not sure whether there have been other Islanders—of course, with the exception of Vickie Chapman—elected to the South Australian parliament since Ted Chapman in 1973.

The issues that he raised then related to planning. He had very strong views in relation to planning as it applied to Kangaroo Island and the outer metropolitan area. He believed that the planning act, if loosely handled, provided too much scope for irresponsible ministers and their authorities. That was a common theme that he expanded on for many years. I know that, in our party room and in the parliament, he attacked irresponsible planning policies that related to the future development of Kangaroo Island. He talked about mismanagement of currently held reserves on Kangaroo Island. To show that things do not change too much, Ted Chapman said:

I refer to areas on the western end of Kangaroo Island which, in particular, are swarming with native wallabies, kangaroos, goats, wild pigs and any other fauna the minister cares to name. . . it is physically impossible for the local ranger and his minimal staff, efficient as they are, to cope with the management required.

He attacked what he termed extremist levels of conservation instead of a flexible and acceptable balance in relation to conservation policies, and he called for the establishment of regional abattoirs and the ultimate abolition of the Gepps Cross works. Of course, during the period of the recent Liberal government significant initiatives were taken by that government in relation to regional abattoirs, and the success of that strategy in terms of regional development is testimony to the sorts of views that Ted Chapman was pushing way back in 1973.

In his maiden speech he highlighted the fact that South Australia had been a great contributor to the nation's export meat trade and that it was in our collective interest to see this trade expand. He then went on to talk about one of his great interests (as the Leader of the Government pointed out) in relation to fishing activities, and he congratulated the fishing industry for its self-development. However, he also highlighted the fact that there was great potential for further development and, to achieve this, he said that potential fisheries should be under one department and responsible to one minister, which was a policy initiative he was pushing at that time. He went on to say that to expand our fishing industry we must provide research assistance at least to a level comparable with that in other states, and he went on to highlight how South Australia at that time lagged behind the other states in terms of research assistance in this area.

One of his great political passions over the years was his last major contribution in his maiden speech, and that was the issue of industrial relations. He had very firm views in respect of that area, and he certainly expanded on them. Of course, the relatively recent history of Kangaroo Island did highlight a number of significant industrial relations issues, and Ted

Chapman was a very active participant in those issues at the time.

On behalf of Liberal members in this chamber, I acknowledge the contribution that Ted made. Those highlights of his maiden speech were, together with many others, issues that he returned to time and again during his period of service in this parliament. He had three years—the Tonkin years of 1979 to 1982—as a minister and was generally warmly regarded in terms of his performance in that portfolio and, as I said, he went on to make a continuing contribution to the Liberal Party during its period in opposition as well. On behalf of Liberal members, I pass on my condolences to Ted's family and again publicly acknowledge the contribution he made.

The Hon. IAN GILFILLAN: I would like to indicate Democrat support for the motion and offer our condolences to the family of the late Ted Chapman. I knew Ted Chapman at a relatively early stage of both our lives when he was an outstanding gun shearer and (it may be very hard to imagine) a very slender, athletic young man who devoted a lot of energy to developing a farm and properties, and who ran a very successful shearing contracting business. His early married life was impacted by tragedy in the loss of a son in the most tragic and unfortunate circumstances but—as was typical, I believe, of Ted's life and character—he weathered the trials and tragedies and continued to contribute in a very substantial way to the island and to public life in South Australia.

Ted came from a family which is virtually a dynasty on Kangaroo Island, and which has produced interesting characters of various types for more than 100 years. The family has been on the island for well over 100 years—in fact, quite close to my home in Antechamber Bay is Chapman's River, which bears evidence to the impact of the Chapman family on the island. Although Ted lived at the other end of the island, there have been Chapmans of his clan and family spread over the island for decades in the time since Europeans lived on Kangaroo Island.

Ted took the challenge of offering to run for parliament in what was a bold move. Although there is this rugged individuality among the Islanders, intrinsically—certainly up until Ted's time—there would have been a diffidence in any Islander thinking he or she could have been elected to parliament. But he broke through that barrier and held with dignity and confidence—and even a touch of arrogance—the position of an Islander as a member of parliament.

It may be no surprise to this chamber to know that Ted and I had various differences of view in political policy and positioning, and possibly the one where we clashed most violently or energetically was over the retention of the Goss Scrub, as it was known. Previous speakers have indicated that Ted had a very clear attitude and policy, from which he never wavered and which meant that those who disagreed with him knew exactly where they stood. Although we had disagreements, the fact is that Ted and I held a mutual respect and affection throughout our lives, although any contact was spasmodic.

One opinion of Ted's—which he was not reluctant to share with me, so I assume it has been spread far and wide—is that he did not believe there was a place for women in parliament. I often wonder at the scope and energy which his daughter Vickie and he had in resolving this issue. I assume it was never put to a vote, or, if it was, they agreed to disagree, because Vickie, as all members would know, has

not followed that advice and has achieved success in her own right.

Ted Chapman will not be forgotten. He will be revered on the island for what he has done as a notable and famous Islander. I think that that should give a lot of joy and satisfaction to his family and that it should act as an inspiration to other Islanders in that what Ted can do any of us could do. With those remarks I indicate our support for the motion and condolences to the family.

The Hon. R.D. LAWSON: I rise to add my support to this motion. I first knew of Ted Chapman through the pages of the South Australian Law Reports. He had been a defendant in a defamation action brought by a former Labor minister for agriculture, Brian Chatterton. Ted Chapman had successfully appealed against a verdict in favour of Mr Chatterton, and illustrated in the pages of that report the qualities of a fighter. I was also aware through the law reports of his part in the celebrated action concerning Woolley v Dunford on Kangaroo Island—an action against what Ted Chapman saw as the oppressive activities of a number of union officials; and how he had brought that action to a successful conclusion. Of course, I knew of him as the father of a prominent member of the Liberal Party, now the member for Bragg, Vickie Chapman.

I first met Ted at the hearings of the Electoral Districts Boundaries Commission in 1994 when I appeared for the Liberal Party in my first attendance before that commission. As the Leader of the Government has said, Mr Chapman was disgusted, to say the least, by the decision of the boundaries commission, presided over by Justice White, to move Kangaroo Island into the seat of Flinders, which is based on Eyre Peninsula. In 1994, when the commission next met under the chairmanship of Justice Cox, Mr Chapman attended, gave evidence and made submissions. He attended, I remember in particular, a hearing of the commission on Kangaroo Island in which he was well supported by a number of Islanders. He was putting a position that Kangaroo Island be removed from Flinders and returned to Fleurieu Peninsula, which happened to be a position that was contrary to the Liberal Party and the case that I was advancing. He came to Port Lincoln and I think subsequently to another hearing in Port Augusta. So he was most persistent.

During that time I had a number of conversations with him and I think I got to know him quite well. Although not a learned man in the conventional sense, he was a highly intelligent individual with a very robust commonsense. A tough and uncompromising politician, it was easy to see; canny, crafty and effective. He was a very proud South Australian and Kangaroo Islander, as the Hon. Ian Gilfillan has mentioned, and quite prepared to tell a new politician like myself what I ought be doing.

His achievements in the field of agriculture and forestry whilst he was a minister for three years were significant, and it is a matter of great regret that he did not have an opportunity to serve longer as a minister. This state would have been better had he done so. I remember him telling me a story, whilst I was on Kangaroo Island, in relation to his love of fishing. He said that on a moonless night at a lonely beach beneath a cliff on the northern side of Kangaroo Island he was removing fish from a net when suddenly from the top of the cliff there came the beam of a spotlight and a loud voice saying in stentorian tones, 'Do not move.' Chapman replied, 'Who are you?' The voice replied, 'I am the fishing inspector,' to which Ted responded, 'Thank God. I thought it might

be the guy who owns this net!' A typical story of Ted Chapman. He was a tough man's man and a highly articulate individual. I add my condolences to the members of his family, and in particular to the member for Bragg, Vickie Chapman.

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I would like to say a few words about my relationship with Ted on the Public Works Committee in 1987 at the time when he had his accident. I would also like to offer my condolences to the member for Bragg and to all of the Chapman family, which is, as others have mentioned, quite large, and too numerous to name. I was on the Public Works Committee when Ted Chapman, after being a minister, was in opposition and an active member on that committee. He was very wily. He had a great understanding of governance and government and he certainly did not suffer bureaucrats too kindly when they came before the committee.

He may not have been a learned man in the legal sense, but he did gain a reputation for an inquiring mind and for being very inquisitorial when bureaucrats came before the committee, so much so that we ended up giving him the nickname of Rumpole, which he quite liked and would play up to the role. We only had to watch the episode of *Rumpole* on the television the night before the committee would meet and we would know the strategies that Ted was developing, and some of the traps he would set were worthy of any poacher. He would take weeks, sometimes months, to set traps for certain bureaucrats who he felt were either not telling the whole truth or were painting a picture that Ted disagreed with in terms of what his information base was and he would snare the trap at a particular time and try to catch his prey. So it was interesting to watch Ted's tactics when he was at work in the processes of the committee, but he did have the understanding that not a lot of members of parliament on either side of the house have, which is a complete understanding of rural South Australia and of how the metropolitan political landscape lies.

He knew how the numbers worked on both sides of the house. He knew exactly who to approach to tweak those numbers and he went about his business in a methodical, workmanlike manner, probably due to his experience as a shearer. He drafted every number in a methodical way so that, even if he did not get the outcomes he wanted, the work was done and he did the best job he could to secure the numbers on his side of the house, according to his drafting. If he wanted to spoil something happening on our side of the house, he knew how to put the cat amongst the pigeons from time to time and by sowing seeds of dissent, starting little rumours around the place and running them through the house, through committees and other places. Anybody else doing the numbers for whatever purpose would have to take into account the mischief factor, that Ted would mysteriously impose his will or the will of the people who were being supported by him at that time.

Being new to parliament at that time, I found that Ted was a good operator to watch very closely to make sure that I was not going to be a victim of some of those movements in the numbers. I found that I could always make predictions of what was going to be in the news in the next week, fortnight or month, as other honourable members have spoken about, when Ted took an interest in those issues. There were many issues that he allowed to go through to the keeper and did not participate in, but, when he decided that there was something in the interests of the people he represented on the island, in

his electorate or in his party faction, he certainly turned over every stone to make sure he got the results he thought were deserved on that particular issue, or support for a particular individual.

So the only story I can tell that is indicative of Ted's personality that is suitable for public knowledge is that, with every Public Works Committee investigation that involved rural travel, Ted would always look for someone within that small community to get a card game going. Ted liked a gamble from time to time and he always had a nose for an SP bookmaker, or someone who was able to get a card game up and running within the short time we were there. Ted very rarely came away from any of those games as a loser. He was quite adept at cards. If he did not get a game going within a certain space of time during the committee's visit, a pack of cards would mysteriously appear from his bag or out of his pocket and the committee would find itself entrapped, ensnared and embroiled in a card game. Nine times out of 10 Ted worked out who of the six committee members playing cards he was going to fleece. He generally had his way with the cards and made sure that that individual walked away a lot lighter in the pocket.

He was an entertaining old-style Australian operator. Some people likened him to Sir Les Patterson, but Ted had far more grace and far more panache than Sir Les and I think he achieved far better results across the board than Sir Les could ever wish for. We lost a true character when we lost Ted Chapman. He was, as the Leader of the Opposition said, much larger than life.

The accident that occurred in 1987 took its toll on Ted over the years. He did not have what we would regard as a comfortable retirement because of the pain and suffering that came with the injuries he received. The accident itself occurred after a visit to the South East. We had two days in the South East. We had long meetings and it was a fairly tiring trip. We arrived back in Adelaide during a storm. We had driven through the hills where trees and limbs were falling down as it was a windy, stormy evening. Ted had a meeting at I think Mount Pleasant that he had to attend. We were all glad to jump in our cars and go home to our respective home fires, but Ted had to go to the meeting and did not ring to cancel. We dropped him at his car and he drove off, and subsequently that evening he had the accident.

I am not saying that the trip, the journey or his work contributed, but I would say that it would have been a factor in the accident. That showed Ted's dedication. I am not quite sure or at liberty to tell members why he had to go to Mount Pleasant that evening, but it was his determination. His service to his electorate was such that he was not going to cancel. Those of us who felt as tired as Ted did that evening advised him to cancel and not attend the meeting, but the dedication of the man—some would say pig-headedness—was such that he decided to go, and subsequently he was involved in an accident that slowed him down and ensured that his retirement was not as comfortable as it could have been. I offer my condolences and support the motion.

Motion carried by members standing in their places in silence.

[Sitting suspended from 3 to 3.20 p.m.]

QUESTIONS ON NOTICE

The PRESIDENT: I direct that written answers to the following questions, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 143, 144, 184, 186 to 189, 194, 207, 209, 211, 214, 227, 230, 253, 259, 262 and 263.

MINISTERIAL STAFF

143. **The Hon. R.I. LUCAS:**

1. Can the Minister for Families and Communities advise the names of all officers working in the Minister's office as at 1 December 2004?

2. What positions were vacant as at 1 December 2004?

3. For each position, was the person employed under Ministerial contract, or appointed under the Public Sector Management Act?

4. What is the salary for each position and any other financial benefit included in the remuneration package?

5. (a) What is the total approved budget for the Minister's office in 2004-2005; and

(b) Can the Minister detail any of the salaries paid by a Department or Agency rather than the Minister's office budget?

6. Can the Minister detail any expenditure incurred since 5 March 2002 and up to 1 December 2004 on renovations to the Minister's office and the purchase of any new items of furniture with a value greater than \$500?

The Hon. T.G. ROBERTS: The Minister for Families and Communities has provided the following information:
Part I, III & IV

Details of Ministerial Contract staff were printed in the *Government Gazette* 16/12/04.

Details of public servant staff located in the Minister's office as at 1 December 2004 are as follows:

1. Position title	3. Ministerial Contract/PSM Act	4. Salary and other benefits
Correspondence Officer	PSM Act	\$37 116
Correspondence Officer	PSM Act	\$38 584
Correspondence Officer	PSM Act	\$38 584
Ministerial Liaison Officer	PSM Act	\$68 323
Ministerial Liaison Officer	PSM Act	\$74 163
Parliamentary Officer	PSM Act	\$47 677
Senior Admin Officer	PSM Act	\$53 171

1. Position title	3. Ministerial Contract/PSM Act	4. Salary and other benefits
Personal Assistant	PSM Act	\$41 516
Office Manager	PSM Act	\$68 323

Part II

Details of vacant positions as at 1 December 2004

1. Trainee
2. MLO Support Officer

Part V

(a) Total approved budget for Minister's office in 2004-05
\$1 357 000.00

(b) Nil

Part VI

Total expenditure on renovations to the Minister's Office
Following the Tobin murder funds were allocated by DPC for Security upgrades—this office was allocated funds to upgrade and secure the reception area—total expenditure \$65 540.86 incl. GST.

The only items of furniture purchased during the period with a value greater than \$500.00 was a couch for \$1 350.00 (GST exclusive).

144. **The Hon. R.I. LUCAS:**

1. Can the Minister for Agriculture, Food and Fisheries advise the names of all officers working in the Minister's office as at 1 December 2004?

2. What positions were vacant as at 1 December 2004?

3. For each position, was the person employed under Ministerial contract, or appointed under the Public Sector Management Act?

4. What is the salary for each position and any other financial benefit included in the remuneration package?

5. (a) What is the total approved budget for the Minister's office in 2004-2005; and

(b) Can the Minister detail any of the salaries paid by a Department or Agency rather than the Minister's office budget?

6. Can the Minister detail any expenditure incurred since 5 March 2002 and up to 1 December 2004 on renovations to the Minister's office and the purchase of any new items of furniture with a value greater than \$500?

The Hon. CARMEL ZOLLO: The Minister for Agriculture, Food and Fisheries has provided the following information:
Part I, III & IV

Details of Ministerial Contract staff were printed in the *Government Gazette* dated 16 December 2004.

Details of Public Servant staff located in the Minister's office as at 1 December 2004 is as follow:

1. Position Title	3. Ministerial Contract/PSM Act	4. Salary and other benefits
Administrative Officer	PSM Act	\$37 116 + \$4 400 additional duties allowance
Administrative Officer	PSM Act	\$35 647
Administration Assistant	PSM Act	\$14 846
Parliamentary Officer	PSM Act	\$41 516 + \$6 161 additional duties allowance
Office Manager	PSM Act	\$63 485
Ministerial Liaison Officer	PSM Act	\$65 374
Ministerial Liaison Officer	PSM Act	\$39 224.40
Ministerial Liaison Officer	PSM Act	\$65 374

PART II

The vacant positions in the Ministerial Office were:
Policy Officer—Ministerial Appointment
Administration Assistant—ASO2 0.6 FTE—PSM Act
Receptionist- ASO1—PSM Act

PART V

(a) Total Approved Budget for 2004-05 is \$1 183 000.

(b) Receptionist—50 per cent paid by Primary Industries and Resources SA

Parliamentary Officer—Paid by Primary Industries and Resources SA

Ministerial Liaison Officer—Paid by Primary Industries and Resources SA

Ministerial Liaison Officer—Paid by Primary Industries and Resources SA

Ministerial Liaison Officer—Paid for by Office for Local Government

PART VI

Material relating to this was released to the Hon Angus Redford MLC as a response to a Freedom of Information request.

AMBULANCE STATION, McLAREN VALE

184. **The Hon. T.G. CAMERON:**

1. What was the total cost of the February 2005 Report by the Auditor-General into the proposal concerning the Establishment of an Ambulance Station at McLaren Vale?

2. How are these costs broken down?

3. How many person hours were dedicated to the preparation of this report?

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

I have been advised that in its thirty ninth report the Economic and Finance Committee considered the matter referred to it by the Governor following a resolution of the Legislative Council

requesting the Auditor-General to provide information.

In his evidence to the committee the Auditor-General expressed the view that questions from a member of Parliament concerning the accountability of the Auditor-General should be dealt with under the Parliamentary Committees Act, 1991.

The view expressed to the Economic and Finance Committee by the Auditor-General for the purpose of its 39th report was supported by both the then Attorney-General, the honourable Robert Lawson, QC, MLC, and the Crown Solicitor. In a letter dated 17 December 2001 addressed to the Auditor-General, in the context of an earlier resolution of the Legislative Council, dated 28 November 2001, the honourable Rob Lawson commented as follows:

The procedure indicated above of requiring accountability through the Economic and Finance Committee affirms the longstanding acceptance that in the performance of his duties, the Auditor-General is not only independent of the executive, but is not subject to the direction of one house of Parliament.

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

SPEED CAMERAS

186. The Hon. T.G. CAMERON:

1. What were the top 10 streets for the most number of motorists caught speeding between 50-60 km/h by speed cameras in metropolitan Adelaide between 1 January 2004 and 31 December 2004?

2. At each of these locations—

(a) How many motorists were issued fines; and

(b) How much revenue was raised as a result?

3. What were the top 10 streets for the most number of motorists caught speeding between 50-60 km/h by speed cameras in country South Australia between 1 January 2004 and 31 December 2004?

4. At each of these locations—

(a) How many motorists were issued fines; and

(b) How much revenue was raised as a result?

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

The Commissioner for Police advises the following:

1. and 2.

Detections for both 50 & 60 km/h limits from 1 January 2004 to 31 December 2004.
(Please note that * denotes a fixed site)

50 km/h Speed Limit—Top 10 Roads Metropolitan Adelaide			
Road	Suburb	Notices Issued	Expiated Notices
KING WILLIAM RD	ADELAIDE	5486	\$926,586
JEFFCOTT ST	NORTH ADELAIDE	5377	\$848,573
PEACOCK RD	ADELAIDE	3720	\$776,816
HUTT RD	ADELAIDE	1579	\$267,573
* NORTH TCE (& FROME RD)	ADELAIDE	1552	\$216,284
OSMOND TCE	NORWOOD	1325	\$225,859
ADELPHI TCE	GLENELG NORTH	1109	\$179,490
BARTON TCE	NORTH ADELAIDE	1087	\$194,612
GROTE ST	ADELAIDE	1070	\$182,917
MAY TCE	BROOKLYN PARK	952	\$171,345

60 km/h Speed Limit – Top 10 Roads Metropolitan Adelaide			
Road	Suburb	Notices Issued	Expiated Notices
* MARION RD (& STURT RD)	MITCHELL PARK	7715	\$1,103,858
* FITZROY TCE (& PROSPECT RD)	FITZROY	7703	\$1,064,967
* NORTH EAST RD (& RESERVOIR RD)	MODBURY	5908	\$814,306
* THE GOLDEN WAY (& THE GROVE WAY)	GOLDEN GROVE	5154	\$269,957
* SOUTH RD (& DAWS RD)	MELROSE PARK	3189	\$416,139
* WEST TCE (& SOUTH TCE)	ADELAIDE	2890	\$387,588
* SOUTH RD (& GRANGE RD)	WEST HINDMARSH	2670	\$341,116
* GLYNBURN RD (& THE PARADE)	KENSINGTON PARK	2433	\$155,609
* MARION RD (& CROSS RD)	PLYMPTON PARK	1913	\$251,896
* KINGS RD (& SALISBURY HWY)	SALISBURY DOWNS	1366	\$193,735

The revenue from the Expiated Notices includes the levy to the Victim of Crime Fund.

3. and 4.

Detections for both 50 & 60 km/h limits from 1 January 2004 to 31 December 2004 50 km/h Speed Limit – Top 10 Roads Country SA			
Road	Suburb	Notices Issued	Expiated Notices
ALEXANDRINA RD	MOUNT BARKER	457	\$68,976
PINE AVE	HAHNDORF	429	\$86,965
COMMERCIAL ST EAST	MOUNT GAMBIER	323	\$45,637
SEAVIEW RD	VICTOR HARBOR	276	\$44,837
FOWLES ST	BARMERA	207	\$27,850
CROZIER RD	VICTOR HARBOR	206	\$33,108
STURT ST	MOUNT GAMBIER	204	\$26,845
THE TERRACE	PORT PIRIE	202	\$26,541
YETTIE RD	WILLIAMSTOWN	202	\$32,232
MURRAY ST	NURIOOTPA	201	\$34,304

60 km/h Speed Limit – Top 10 Roads Country SA

Road	Suburb	Notices Issued	Expiated Notices
PENOLA RD	MOUNT GAMBIER	433	\$60,544
ADELAIDE RD	HAYBOROUGH	182	\$28,147
BAROSSA VALLEY HWY	ROWLAND FLAT	178	\$28,744
PORT ELLIOT RD	HAYBOROUGH	167	\$24,120
STUART HWY	PORT AUGUSTA	126	\$18,678
WIRELESS RD WEST	MOUNT GAMBIER	107	\$14,812
MAIN NORTH RD	CLARE	101	\$14,157
WARNERTOWN RD	PORT PIRIE	98	\$14,175
BATTUNGA RD	MEADOWS	93	\$15,702
BOOKPURNONG TCE	LOXTON	75	\$11,141

The revenue from Expiated Notices includes the levy to the Victim of Crime Fund.

SPEEDING OFFENCES

187. **The Hon. T.G. CAMERON:**

1. How many motorists were caught speeding between 50-60 km/h in South Australia between 1 April 2004 and 30 June 2004 by—

- (a) speed cameras; and
(b) other means?

2. How much revenue was raised from these speeding fines by—

- (a) speed cameras; and
(b) other means?

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

Number of motorist caught speeding (1/4/04 to 30/6/04)

	Detections			Expiated Notices (\$)		
	Speed Camera	Other means	Total	Speed Camera	Other means	Total
50 kph	18 928	2 645	21 573	2 715 742	412 062	3 127 804

The revenue from Expiated Notices includes the levy to the Victim of Crime Fund.

188. **The Hon. T.G. CAMERON:**

1. How many motorists were caught speeding between 50-60 km/h in South Australia between 1 July 2004 and 30 September 2004 by—

- (a) speed cameras; and
(b) other means?

2. How much revenue was raised from these speeding fines by—

- (a) speed cameras; and
(b) other means?

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

Number of motorist caught speeding (1/7/04 to 30/9/04)

	Detections			Expiated Notices (\$)		
	Speed Camera	Other means	Total	Speed Camera	Other means	Total
50 kph	16 089	3 020	19 109	2 371 156	496 643	2 867 799

The revenue from Expiated Notices includes the levy to the Victim of Crime Fund.

189. **The Hon. T.G. CAMERON:**

1. How many motorists were caught speeding between 50-60 km/h in South Australia between 1 October 2004 and 31 December 2004 by—

- (a) speed cameras; and
(b) other means.

2. How much revenue was raised from these speeding fines by—

- (a) speed cameras; and
(b) other means?

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

Number of motorist caught speeding (1/10/04 to 31/12/04)

	Detections			Expiated Notices (\$)		
	Speed Camera	Other means	Total	Speed Camera	Other means	Total
50 kph	19 104	2 586	21 690	2 723 698	424 573	3 148 271

The revenue from Expiated Notices includes the levy to the Victim of Crime Fund.

194. **The Hon. T.G. CAMERON:**

1. In its first full year of operation, how many motorists were caught speeding between 50-60 km/h in South Australia by—

- (a) speed cameras; and
(b) other means?

2. How much revenue was raised from these speeding fines by—

- (a) speed cameras; and
(b) other means?

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

Number of motorist caught speeding (1/6/03 to 31/5/04)

	Detections			Expiated Notices (\$)		
	Speed Camera	Other means	Total	Speed Camera	Other means	Total
50 kph	79 902	13 466	93 368	11 542 354	2 141 181	13 683 535

The revenue from Expiated Notices includes the levy to the Victim of Crime Fund.

ROBERTS, Hon. T.G.

207. **The Hon. R.I. LUCAS:** How many written representations has the Minister for Environment and Conservation received from the Hon. T.G. Roberts MLC, on behalf of South Australian constituents, since March 2002?

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

The Acting Minister for Aboriginal Affairs and Reconciliation has provided the following information:

The Minister for Environment and Conservation has advised:

A search of the records managements system within my office has revealed that there has been a total of three representations made on behalf of South Australian constituents from the office of the Hon. Terry Roberts M.L.C.

209. **The Hon. R.I. LUCAS:** How many written representations has the Minister for Families and Communities received from the Hon. T.G. Roberts MLC, on behalf of South Australian constituents, since March 2002?

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

The Minister for Families and Communities has advised:

According to my records, since my becoming the Minister for Families and Communities, the Minister for Housing, the Minister for Ageing and the Minister for Disability I have received a total of three written representations from the Hon. T.G. Roberts on behalf of South Australian constituents.

HOLLOWAY, Hon. P.

211. **The Hon. R.I. LUCAS:** How many written representations from the Hon. P. Holloway MLC, on behalf of South Australian constituents, have been received since March 2002?

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

A search of the records managements system within my office has revealed that I have not received any written representations from the Hon. P. Holloway MLC on behalf of South Australian constituent since March 2002.

214. **The Hon. R.I. LUCAS:** How many written representations has the Minister for Families and Communities received from the Hon. P. Holloway MLC, on behalf of South Australian constituents, since March 2002?

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

The Minister for Families and Communities has advised:

According to my records, since my becoming the Minister for Families and Communities, the Minister for Housing, the Minister for Ageing and the Minister for Disability I have received a total of one written representations from the Hon. P. Holloway on behalf of South Australian constituents.

ETSA SUPERANNUATION SCHEME**227. The Hon. A.J. REDFORD:**

1. (a) Was the superannuation scheme established pursuant to the *Electricity Corporations (Restructuring and Disposal) Act 1999*, commonly known as the ETSA superannuation scheme, fully funded before conversion to a taxed fund; and

(b) If not, to what ratio was it funded?

2. Has the employer's cost been altered as a consequence of the conversion to a taxed fund of the new State Scheme?

3. If the employer's cost has altered, did it increase or decrease and to what extent?

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

I am informed that the ETSA superannuation scheme referred to by the Honourable Member is known as the Electricity Industry Superannuation Scheme. This is the name of the scheme continued in existence under the Electricity Corporations (Restructuring and Disposal) Act 1999 SA during the privatisation process for the State's electricity assets. This scheme was not fully funded when converted to a taxed fund as part of the privatisation process.

I am informed that at conversion the scheme's liabilities were 41.5 per cent fully funded.

However, I am informed that under the Electricity Corporations (Restructuring and Disposal) Act 1999 SA, and related privatisation documentation, the private sector operators acquiring the various electricity businesses (including transferring employees) have been required to fund the past service unfunded liabilities of those member employees transferred to them to ensure that the scheme's liabilities in respect of the relevant private sector employer become fully funded within 5 years of the operator taking over the business. Accordingly, it is expected that the scheme will be fully funded by the end of 2005.

I have been informed that employers of members of the scheme have not been required to alter their superannuation contribution amounts to the scheme as a consequence of conversion to a taxed fund. The Electricity Corporations (Restructuring and Disposal) Act 1999 SA also made it a requirement that the employer costs were not to be increased as a result of the fund moving into the taxed environment.

EMERGENCY SERVICES LEVY**230. The Hon. J.M.A. LENSINK:**

1. Can the Treasurer advise all costs associated with Revenue SA's collection of the Emergency Services Levy for the financial years—

- 2002-2003;
- 2003-2004; and
- 2004-2005?

2. What was the total amount collected for the financial years—

- 2002-2003;
- 2003-2004; and
- 2004-2005?

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

RevenueSA's collection costs for the fixed property component of the Emergency Services Levy are as follows:

2002-03	\$6.796 million
2003-04	\$6.084 million
2004-05	\$5.676 million (estimated)

Levy collections from fixed property comprise amounts paid by private and government owners of fixed property, together with remissions and concessions paid by government. Detail on the breakdown of fixed property levy collections is as follows:

	2003-04	2003-04	2004-05
	Actual	Actual	Estimated
ESL on fixed property comprises	\$m	\$m	\$m
Levy paid by private property owners	51.3	55.2	61.0
Levy paid by government property owners	0.7	1.8	1.9
Remission and pensioner concession costs paid by government	65.8	70.3	67.6
Total collections on fixed property	117.8	127.3	130.5

SHOPPING SURVEYS**253. The Hon. J.F. STEFANI:**

1. Is the Deputy Premier aware of a shopping survey which was conducted along Port Road, Hindmarsh, at approximately 8.30 a.m. on 8 September 2004?

2. (a) For what purpose was the survey undertaken by the Government; and

(b) Will the result of the survey be made public?

3. Will the Deputy Premier—

(a) Confirm which areas have been surveyed by the Government;

(b) Provide the reason for carrying out the surveys in such areas; and

(c) Provide the results?

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

I am not aware of any such survey.

I regret that I do not have any information that might help the Honourable Member.

259. The Hon. J.F. STEFANI:

1. Is the Minister for the River Murray aware of a shopping survey which was conducted along Port Road, Hindmarsh, at approximately 8.30 a.m. on 8 September 2004?

2. (a) For what purpose was the survey undertaken by the Government; and

(b) Will the result of the survey be made public?

3. Will the Minister—

(a) Confirm which areas have been surveyed by the Government;

(b) Provide the reason for carrying out the surveys in such areas; and

(c) Provide the results?

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

The Department of Water, Land and Biodiversity Conservation has not conducted nor is aware of any shopping survey conducted along Port Road, Hindmarsh or any other location.

262. The Hon. J.F. STEFANI:

1. Is the Minister for Education and Children's Services aware of a shopping survey which was conducted along Port Road, Hindmarsh, at approximately 8.30 a.m. on 8 September 2004?

2. (a) For what purpose was the survey undertaken by the Government; and

(b) Will the result of the survey be made public?

3. Will the Minister—

(a) Confirm which areas have been surveyed by the Government;

(b) Provide the reason for carrying out the surveys in such areas; and

(c) Provide the results?

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

I was not aware of any such survey.

263. The Hon. J.F. STEFANI:

1. Is the Minister for Agriculture, Food and Fisheries aware of a shopping survey which was conducted along Port Road, Hindmarsh, at approximately 8.30 a.m. on 8 September 2004?

2. (a) For what purpose was the survey undertaken by the Government; and

(b) Will the result of the survey be made public?

3. Will the Minister—

(a) Confirm which areas have been surveyed by the Government;

(b) Provide the reason for carrying out the surveys in such areas; and

(c) Provide the results?

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

1. The Minister is not aware of a shopping survey, which was conducted along Port Road, Hindmarsh, at approximately 8:30 am on 8 September 2004.

2. N/A.

3. N/A.

AUDITOR-GENERAL'S REPORT

The PRESIDENT: I lay on the table the report of the Auditor-General's examination pursuant to section 39 of the

Passenger Transport Act 1994 of certain bus contracts and the probity of processes leading up to the awarding of the contracts.

MEMBERS, REGISTER OF INTERESTS

The PRESIDENT: Pursuant to section 5(4) of the Members of Parliament (Register of Interests) Act, I lay upon the table the register statements for June 2005 prepared from ordinary returns of members of the Legislative Council.

Ordered to be printed.

MEMBERS, TRAVEL EXPENDITURE

The PRESIDENT: I lay upon the table members of the Legislative Council travel expenditure for 2004-05 under the Members of Parliament Travel Entitlement Rules 1983.

PAPERS TABLED

The following papers were laid on the table:

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

Upper South East Dryland Salinity and Flood Management Act 2002—Quarterly Report, 1 April 2005—30 June 2005.

Miniature Pony Safety Code of Practice—Recreational Services (Limitation of Liability) Act 2002.

PARLIAMENTARY COMMITTEES

The PRESIDENT: I rise to make a presidential statement. I have become increasingly concerned about the practice of playing out committee inquiries in the media. A committee system should be seen to enhance the functions of the parliament, and it is imperative for opportunities to be created for members to consider matters in an environment free from the adversarial cauldron of the chamber.

Since the 1970s, there has been a tendency to suspend standing orders to enable committee inquiries to be conducted in a public forum. It is a commonly held belief that the public should be seen to be fully informed in our open democratic society. In the past, standing order 396 was not required to be suspended, as strangers 'may be admitted but shall be excluded on the vote of any one member'. This standing order is now suspended to provide for all meetings to be public 'unless the committee as a whole resolves'. Therefore, it is dependent on a resolution of the committee for certain evidence to be received in camera and not to publish immediately submissions and documents that may have been tabled.

I am disturbed at more recent developments, where some members are courting the media and crossing the fine line by disclosing evidence and making comments outside the committee which may pre-empt the committee's deliberations. Whilst members are strictly forbidden by the standing orders from disclosing and discussing the committee's evidence in the council before committees have reported, there is a wider interpretation of this standing order which was never envisaged in the early days before the institution of mass media as we know it today.

For some members to debate or release evidence and divulge deliberations or details of the inner workings of the committees through the media, prior to the council's having had the opportunity to receive and debate them, could be deemed to be contempt of the council, and for that matter it shows disrespect for the whole parliamentary institution to

conduct such discussions and debates on radio and television. An extension of such practices will see the committee system take on an identity of its own separate from and in competition with the council. I do not intend to allow this. Members should be reminded that the committees are but servants of the houses of the parliament.

The ability of committees to obtain quality evidence and information may be impeded if witnesses do not feel secure about submitting sensitive information they feel may otherwise be leaked or used for political expediency. I feel compelled to draw this to the attention of members. The committees are but a microcosm of the parliament, and the gradual erosion of the true concept of what committees of inquiry are about will have an effect not only on their workings but also on the whole institution of our parliament.

DOLPHIN DEATHS

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I lay on the table a ministerial statement relating to dolphin deaths in a pilchard fishery made today in another place by the Minister for Agriculture, Food and Fisheries.

QUESTION TIME

AUTOMOTIVE INDUSTRY

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make a brief explanation before asking the Leader of the Government a question about the automotive industry.

Leave granted.

The Hon. R.I. LUCAS: Members would have been very concerned to hear in recent days the decision announced by Holden in relation to 1 400 Holden workers and the impact on those workers and their families. This comes soon after the decision in relation to Mitsubishi, where 1 200 workers and their families were directly impacted by that decision. I noted in June 2003, when Premier Rann warmly welcomed the commencement of the third shift and the initial announcement that there would be 800 new jobs, he said:

The flow-on activity in related industry, there's probably been an equivalent number of jobs to that 750-plus created in the component industry, and other supporting industries in this state.

There is much debate about what the ongoing impact of 2 600 direct jobs in Mitsubishi and Holden will be on the automotive and component industries. My question is: have any representations been made to the minister from the automotive component industry sector expressing any concern to the government or government departments about impending job losses within the automotive component and supply industry sector in South Australia; and, if so, will the minister outline the detail of those concerns?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): Certainly, the local automotive components industry has faced growing challenges for quite some time. That reflects a number of factors, including the higher value of the Australian dollar and its impact on our exports; the problems in the US motor vehicle market with major manufacturers over there resulting from a range of problems; and the changes in the market preference within the Australian automotive market towards smaller vehicles, which unquestionably is influenced by the recent rapid increases in petrol prices—which, in itself, has a number of causes. As a result of those and other longstanding issues, I asked my depart-

ment to liaise with the Engineering Employees Association in order to organise a meeting of local component manufacturers to discuss issues which affect the industry. That meeting on 18 August involved South Australian committee members of the Federation of Automotive Products Manufacturers (FAPM). This meeting was prior to the announcement from Holden, which was on 26 August.

A number of factors have been shaping up in the motor vehicle industry for some time and, clearly, there are concerns Australia wide. There have been meetings with FAPM, not only with me but also with my counterpart in Victoria (minister Andre Haermeyer) and with the federal minister Ian Macfarlane. Indeed, the three ministers met in Melbourne earlier this year to discuss these matters in relation to the motor vehicle industry.

The meeting that I had with the South Australian members of EEASA and the Federation of Automotive products manufacturers provided me with the opportunity to have a frank and open discussion about some of the key challenges facing the industry and also potential opportunities to develop initiatives to enhance the industry's competitiveness. The issues of concern that were raised by members at that meeting centred around innovation skills, and the point was made at the meeting that the state government could support component manufacture to develop skills and innovation capability, particularly amongst the tier 2 and tier 3 suppliers. With the new Holden range which will come out some time next year, a number of new international suppliers have come to this state. But the greatest concern that I have, and my colleagues both state and federally, is with those suppliers which do not have those international connections and which will perhaps struggle in terms of innovation and development and the skills necessary to remain competitive in the longer term.

As a result of that, in the area of innovation, the state government has recently established a Centre for Innovation to provide advisory services to business, in the following areas, and these are particularly relative to the motor vehicle industry, because we have decided to make the automotive industry an initial focus of the work of the body. First of all there is innovation support, which is promoting advance tools and techniques, innovation and opportunity audits, access to specialist services, lean techniques, supply chain management and product development, all of course highly important for the motor vehicle industry. It is also commercialisation support, supporting businesses through the Techfast program of the Australian Institute of Commercialisation at the Innovation Exchange program, also working on collaboration linking industry needs with service providers, including universities, and providing access to state, national and international expertise. We are also working in the area of cultural change, helping with the process of education awareness raising and information brokering through a series of tailored programs for industry.

So, to build on these services I propose the establishment of a joint centre for innovation/FAPM supplier improvement program with FAPM members' input and endorsement. The program could explore specific opportunities to develop new business models and practices for suppliers, and I have asked the director of the Centre for Innovation to contact FAPM committee members to progress this initiative.

In relation to the other problem that has come out of this meeting in relation to skills development, the state government recently developed a new skills program for 2005-06 called the SA Manufacturing Upskilling Program. The program will assist manufacturers to upskill existing

workers and to provide literacy and language training for recently employed skilled migrants. Manufacturers with five to 300 employees can apply for assistance up to a maximum of \$5 000 per company to provide training in areas such as advanced technical skills, lean manufacturing and a Six Sigma, total productivity maintenance (TPM), project or maintenance management and virtual manufacturing and design.

The South Australian Manufacturing Upskilling Program commenced on 30 August and will be promoted widely to industry over the next few weeks and will be administered by the Engineers Employers Association of South Australia. As I said earlier, these developments with FAPM followed a meeting in Melbourne with federal minister Macfarlane and my Victorian counterpart minister Haermeyer with the chief executive of Australia's four car manufacturers (or OEMs as they are usually known), that is, Holden, Mitsubishi, Ford and Toyota and several automotive component manufacturers in relation to their concerns, and I will be following up on the issues raised at that meeting later this year.

Improving the competitiveness of the component industry both locally and nationally is vital to South Australia and its vehicle manufacturers, which is why I am proposing these measures to support this valuable industry. I am hopeful that the members of FAPM will participate in these initiatives with a view to improving the competitiveness of the industry in the face of growing global competition.

I also report to the council that just today my colleague in Victoria released a study. We have been working, in relation to the automotive industry, on a strategic action group. We will be working closely because our Victorian colleagues have similar issues and concerns to us. There is no doubt that the current factors I mentioned earlier—the rising Australian dollar, its impact on exports and the high petrol prices, given that we manufacture larger family cars rather than smaller vehicles—are all having an impact on the motor vehicle industry. Some of these factors may be short-term or intermediate in their impact and will clearly have an impact on the industry, but for the longer term health of our motor vehicle industry it is clear that, as well as the OEMs—the four major vehicle assemblers—it is also important that our very important component manufacturers became more global in their outlook.

Last Friday night I was at the export awards. One of the companies that won yet another export award was Schefenacker Vision Systems, which exports rear vision mirrors to the world, including to Ford in the United States for its pick-up trucks. That is the sort of model that will need to be followed by our companies. The component companies that survive in the longer term will be those which have a global outlook. This government, in conjunction with our Victorian colleagues and we suspect with our federal colleagues (as I know minister Macfarlane is very aware of this), will be working to achieve those objectives.

The Hon. R.I. LUCAS: By way of supplementary question, will the minister confirm that he has received advice that potential job losses in the automotive component industry number in the thousands?

The Hon. P. HOLLOWAY: We know how many jobs are going from Holden's. The point I make about the car industry is that the number of jobs in the motor vehicle industry in this country at the moment is significantly less than it was 10 years ago and I would expect that, if the number of workers in our motor vehicle industry in the next

10 years is not significantly less than it is now, our industry will be in trouble, because that is what has happened ever since the industrial revolution.

Productivity means producing more with less. It is inevitable that the number of workers in the motor vehicle industry will continue to decline. The important thing is that we have a healthy industry. If the Leader of the Opposition is suggesting that there will not be reductions in the car industry in future, he would be defying history. The long-term survival of the Australian motor vehicle industry will depend on improved productivity, which will mean job losses.

It is important to recognise that this state now has the lowest unemployment that it has ever had, certainly much lower than when the Leader of the Opposition was treasurer. The important thing is that our economy is restructuring before our eyes, as it must do. To meet the challenge from China in relation to our motor vehicle industry, it must change. That inevitably will mean a leaner and more efficient industry. We are having thousands of jobs being created in other areas. I think something like 50 000 jobs have been created in the 3½ years of this government, which is significantly more than the previous government created during its time in government.

One should not lament the fact that our industries are restructuring. There are external pressures out there. Does anyone seriously believe that Chinese manufacturing does not present a longer term challenge to this country? Of course it does. Anyone who is blind to that is kidding themselves. This government is preparing for it. Through the programs I have just mentioned, our industries are restructuring, but we still have the lowest levels of unemployment, almost since records began.

The Hon. R.I. LUCAS: I ask a supplementary question. Does the minister therefore concede that he was wrong to get rid of the centre for innovation and manufacturing in the first year of this government only now to try to revive it as a pre-election ploy?

The Hon. P. HOLLOWAY: The functions of the former CIBM (or whatever it was) were absorbed into the Department of Trade and Economic Development; the new Centre for Innovation which we have set up will have quite different functions. I should also mention the support that this government is giving to the manufacturing industry through its contribution to specialist institutes at the University of South Australia. This government is responding properly to the challenge. The runs are on the board; the results are there in relation to unemployment. We have been able to manage this challenge. It is all due to factors—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: To show how stupid this really is, what is the policy of the Liberal opposition on this issue? Is it going to change petrol prices or stop all the changes that are taking place in China? Is it going to do something about the refining capacity in the southern states of the US which is impacting on petroleum prices? This is now a global industry, and we will respond in a global fashion. It is due to the new industry policies of this government—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: I am pleased the Leader of the Opposition keeps interjecting because it keeps—

The Hon. R.I. Lucas: You can sit down now.

The Hon. P. HOLLOWAY: No, I will not sit down now. I want to remind this parliament about the amount of money that has been put into companies where some of these job losses have occurred. I refer to companies such as Ion Automotive to which \$4.5 million was contributed by the previous government under the Leader of the Opposition when he was the minister for trade. As we know, that company has made some very poor management decisions.

The Hon. R.I. Lucas: How much did you give to Mitsubishi?

The Hon. P. HOLLOWAY: You know how much we have given to Mitsubishi. I have just announced that the motor vehicle components industry will be provided with assistance to enable that industry to be restructured. We are focusing on skills and innovation. Unless the motor vehicle components industry increases its skills and research and development levels, it will not survive.

ANANGU PITJANTJATJARA LANDS

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

Leave granted.

The Hon. R.D. LAWSON: I know that I speak for all members when I welcome the minister back to his portfolio and to the chamber.

Honourable members: Hear, hear!

The Hon. R.D. LAWSON: It is likely that the people on the APY lands will also welcome his return given the appalling deterioration that has occurred on the lands whilst he has been absent. I remind the minister that in August last year Professor Lowitja O'Donoghue and the head of World Vision, the Reverend Tim Costello, were appointed by this government as special advisers. At that time, Premier Rann said:

I want Lowitja and Tim to give us advice on how we are going and to make sure that we keep on track.

In June this year, Professor O'Donoghue resigned in disgust saying that she had 'never ever' been treated as shabbily as she had in the past 12 months by the Rann government. She said that she felt she had been 'used' to help Labor spin the issue.

The minister has frequently extolled to this chamber the whole-of-government approach of the Rann government. Professor O'Donoghue said of that approach:

They say they have a whole-of-government approach and a list of programs being implemented on the ground. They look good on paper but they're just not happening. The government's responses are driven by the desire to neutralise potential criticism. So they put in quick fixes rather than going to the heart of the problems.

The minister has also extolled the work of the Commonwealth-State Task Force. Professor O'Donoghue said of the first task force meeting:

I was asked if I wanted to comment on the meeting. I said it was all bullshit—I was so angry.

She continued:

Now, I don't use that sort of language. It was the first time ever. Yet, within an hour, it was all around the public service that I said it was 'f...ing bullshit', because they wanted to denigrate me as a person rather than taking on board what I was trying to tell them.

Professor O'Donoghue said that when she went onto the lands as adviser:

... a whole load of boxes came off the plane with footballs and the like. For goodness sake, surely the days of trinkets and beads are

finished. These kids have got to go to school, yet most of the government's programs don't give the children the life skills or help them build their capacity.

She said:

Bread and circuses. That's what it's all about. It's all pretence.

Professor O'Donoghue said also:

The problems are horrendous. There is family and domestic violence, rape, child abuse and drug dealing as part of daily reality. There is also poor nutrition and too much alcohol and tobacco use. It's no wonder that the health of people on the communities is shocking.

She continued:

I just couldn't work with the Rann government on this any longer. It is too focused on its own agendas and, in a sense, I felt used. I made up my mind that I was not going to be used by Mike Rann, or anybody else. And if this means being a thorn in his side, then so be it. . . I have never, ever in my whole experience in Aboriginal affairs been treated in the way I have been treated by the Rann government.

My questions to the minister are:

1. Has he had any consultation or meeting with Professor O'Donoghue concerning her resignation as special adviser and the reasons for her frustration?

2. Has he made any inquiries to ascertain the identity of those in the Public Service and in government who wished to denigrate her as a person in the way she has described? If he has not made any such inquiries, is he not concerned by that allegation?

3. Has he apologised to Professor O'Donoghue for the treatment to which she has been subjected?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I see that nothing has changed in question time, and I welcome that in a way. The searching questions that come from the opposition have been helpful in allowing us to frame some of our policies in relation to the lands. We are getting support for the legislation about to be introduced, and that is further proof of bipartisanship in relation to progressing the issues related to the lands.

I must say that all of us on this side of the council and individual members on the other side who have dealt with this problem have found the issue to be one of extreme frustration in getting results to some of the questions about dealing with problems on the lands—mainly areas of staffing and getting suitable people to carry out the roles and responsibilities required to change the circumstances in which people on the lands live. The task force was set up in a cross-departmental and cross-governmental way to deal with some of those frustrations and to try to do things differently from the way they had been done previously in order to try to overcome some of the disadvantage within the APY lands.

The employment of Tim Costello and Lowitja O'Donoghue was, in part, the government's response to the loss of Bob Collins when he was tragically involved in an accident in the Northern Territory—that is, to be part of the coordinating forces to bring about some of that change. Certainly, there has been frustration with some of the coordination, with Tim Costello's time being taken up by the tsunami and his other full-time job with World Vision. I thank Lowitja for the role that she played in the formation of some of the task force's ideals and aims cross-agency in dealing with the coordination problem. Lowitja, in a forthright way, for which I thank her, brought to the attention of the task force and the government many of the frustrations that all of us share.

The Hon. R.D. Lawson: She let the cat out of the bag.

The Hon. T.G. ROBERTS: Many of us have to stay at our desks in relation to dealing with this problem. Many of us do not have the luxury of being able to say, 'Perhaps there are other ways that I can help in dealing with this problem', as Lowitja has done, rather than sitting around in meetings with cross-government agencies and dealing with some of the frustrations that brings. Perhaps we can deal with the areas of need in the lands by showing leadership in some other way. I do not blame her for that; that is a decision that Lowitja has taken. I know that she will still be assisting the APY in the efforts to coordinate activities through the APY executive and the community committees that exist on the lands. We have not lost Lowitja's strength and leadership altogether, but I do mourn the loss of Lowitja's participation at a governance level. However, as I said, others will be taking up the role and function in relation to the delivery of services within the lands to try to change the way in which people live, work and operate within the lands.

The honourable member is right in relation to violence within the communities. The issues associated with child abuse, alcohol and drug abuse still remain. As I have said in this council on many previous occasions, there is no silver bullet to fixing up the problems within the regional and remote areas as far as Aboriginal people are concerned. We are working on them in a constructive and methodical way. We are trying to put together policies with the commonwealth. Through the cross agencies we are trying to orchestrate the development of programs, and we are trying to change attitudes within the lands. That is not an easy task, and it is not one that will give us a quick fix.

The criticisms that the honourable member has raised in relation to some of Lowitja's public statements are her views and opinions. In relation to the questions asked by the honourable member, I have met with Lowitja on a number of occasions in relation to the recent role and function which she has adopted, which is to assist the APY directly through dealing with their executive. She has formed a loose coalition of supporters in the metropolitan area, which is linked to the lands, to act as a support, both at a financial and political level, and which will become a de facto lobbyist for and on behalf of the APY. It will be indirectly involved. Her role and function is her business.

As I said, I will miss Lowitja's input as an official part of the task force and in her coordinating role on the APY lands, but I welcome the role and function that she is playing at the moment. She is playing a critical role of governance in our government at the state level. She is being critical of the commonwealth, and she is frustrated at a personal level with the progress that is being made. When you familiarise yourself with the enormity of many of the issues, as many of the committee members have, not just in the APY lands but in the remote regions, you get an understanding that a lot of these problems will not be fixed quickly. However, they must be fixed to bring about change in those people's lives in those communities so that they can lead a better quality of life than they are leading now. I will not go into many of the issues that are being dealt with. I will not go into the policies that are being developed to deal with those issues; I will leave that for other questions on other days.

In relation to Lowitja's role and function, I have made some inquiries as to why she felt frustrated. She mentioned to me the same issues that she has been reported as saying in the press, namely, that she is frustrated with the progress being made. I have not sought an apology for and on behalf of Lowitja. I have expressed my disappointment with losing

her at that level, not knowing that she was going to pick up another role and function, and I welcome her in that role.

The Hon. KATE REYNOLDS: I have a supplementary question arising from the minister's response. Given that my previous questions on this matter have not been answered, is the Reverend Tim Costello still an adviser to the Premier and, if so, when did he last provide advice to the Premier and what was that advice? If not, when did his role as adviser cease and under what circumstances?

The PRESIDENT: I am not sure that is a supplementary question about Lowitja O'Donohue, but the minister may answer it.

The Hon. T.G. ROBERTS: Thank you, Mr President. Unfortunately I do not have the detail required for a proper answer to the honourable member. I will make inquiries and bring back a reply.

The Hon. R.D. LAWSON: I have a further supplementary question arising out of the minister's answer. Will the minister confirm that the position taken by Professor O'Donohue and her metropolitan supporters is diametrically opposed to that being pursued by the elected APY executive in connection with the proposed legislation?

The Hon. T.G. ROBERTS: The situation is that her position is not diametrically opposed. The position that Lowitja O'Donohue has taken has been to coordinate the intentions of a large section of the APY lands—it could be called a dissident group within the lands—and has articulated the required responses to bring about a coordinated response to the draft legislation. Lowitja's role has been constructive in dealing with some of the differences of views between APY and trying to improve the governance that exists on the lands.

Bearing in mind that there is an election coming up, the last thing the government wants within the APY executive and the communities is division. The government and I welcome attempts made by anyone in bringing about a coordinated response that the majority of APY can live with. When the next election is called by the APY executive, I hope that everybody will work constructively to support the legislation that we are about to introduce into this council. Hopefully that will improve the lives of people on the lands and we get a result that is not just 50 per cent plus one, winner take all, which has been the history of elections within the lands, but a consensus approach, which Lowitja and others in the metropolitan area have been trying to work towards.

SUPERANNUATION VARIATION REGULATIONS

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I table a ministerial statement made today by the Treasurer.

SUPERANNUATION FUNDS MANAGEMENT CORPORATION OF SOUTH AUSTRALIA (MISCELLANEOUS) AMENDMENT BILL

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I table another ministerial statement made today by the Treasurer.

ILUKA RESOURCES

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question on Iluka Resources.

Leave granted.

The Hon. CAROLINE SCHAEFER: Earlier this year the government announced that Iluka Resources had made a significant and potentially very lucrative find of mineral sands in the Eucla Basin on the far west coast of South Australia. As I understand it, Iluka is now preparing to proceed with the next stage towards a mine in that region—and, certainly, such development is being viewed very favourably within the region.

More recently *The Financial Review*, *The Australian* and *The Age* have all published articles on the fact that a consortium of Australian business men, including Mr Robert Champion de Crespigny, have purchased a large number of shares in Iluka Resources, and the articles have speculated that a takeover bid by that consortium may be imminent. Given that Mr Champion de Crespigny is a member of the executive committee of the Labor cabinet and chairman of the government Economic Development Board, what strategy has the government put in place to ensure that there is no conflict, or potential conflict, of interest between Mr Champion de Crespigny's position on the cabinet and his position as a major shareholder in Iluka? Does the same code of conduct apply to Mr Champion de Crespigny as applies to all other members of the cabinet?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I can assure the council that Mr Champion de Crespigny absented himself (although there is probably a better word than that) when any information may have been provided in relation to those discoveries; he has not received any information in relation to the discoveries in that area following the public announcements, and that goes right back to earlier this year. Mr Champion de Crespigny has behaved absolutely impeccably regarding his interests in relation to Iluka Resources.

The resources that Iluka has discovered over there are, as I have pointed out before, arguably the richest zircon deposits ever discovered anywhere in the world and the government is, obviously, keen to see that proceed and those prospects developed. However, Mr de Crespigny has made sure that he has put himself at arms-length and has not been present in any discussions or received any briefings in relation to the details of those since earlier this year, when he first indicated his intention to be involved—and that is as it should be.

KAURNA TAPPA IRI REGIONAL AGREEMENT

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

Leave granted.

The Hon. J. GAZZOLA: I should also say that we on this side of the council welcome the minister back to work. On Friday there was a news story on ABC Radio where Mr Tom Calma, Aboriginal and Torres Strait Islander Social Justice Commissioner, was commenting on the signing of the Kurna Tappa Iri regional agreement. Mr Calma was quoted as saying that the agreement will 'help to improve leadership, employment and management of culture and the

environment', and that it is 'an important model for boosting indigenous communities across Australia'. Given these views, my questions are: is the minister aware of the signing of this agreement and, if so, will the minister inform the council of the significance of the agreement?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for his important question. The signing of the agreement was probably the most significant event that has occurred in this state in relation to progressing the practical side of reconciliation. It cuts through the symbolism and is now in a stage of delivery to the Kurna and Ngarrindjeri people, Kumarangk and other language groups within Adelaide and the south who are working within the cities of Onkaparinga, Marion and Holdfast Bay and the District Council of Yankalilla.

The Kurna Heritage Board, which was working with the Kurna Tappa Iri reconciliation working group, also made a very important contribution to pulling together all the Kurna groups. When I first became minister, I was meeting with five Kurna groups within the Adelaide Plains and the south. I encouraged them to join together. Historically, they had been divided, in some cases by government policy and consultation, and, in other cases, it was historical divisions within their own groups. I encouraged them to combine into one negotiating body in order to be taken seriously and, through a range of meetings, they finally achieved that. They now have representation within not only their own groups but also the umbrella group, which was able to negotiate with the four councils to get to a point of negotiating an agreement; and then get to the position of signing and delivery. It is of both tangible and symbolic significance.

The Hon. A.J. Redford: What is the tangible bit?

The Hon. T.G. ROBERTS: The tangible bit is that the body now sits around a table with the four councils separately, and, in cases where there are multiple issues affecting all the councils, they are able to sit around one table to discuss a myriad of issues associated with, in the main, development. There is a rapidly growing housing market in the south. Parcels of land, which are being developed as we speak, have significant relationships with the Kurna people. Many of them have artefacts and linkages to the Tjilbruke Trail, which runs from the metropolitan area through the south, all the way down through Fleurieu Peninsula.

The tangible impact is that all the councils acknowledge the spiritual linkage to the land. They are now assisting to ensure that cultural heritage issues are placed before local communities in a broader way, so that a broader number of people within the community can learn to understand exactly what the relationship is between the land and the spirit with Aboriginal people within those four councils.

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: It has turned into tangible benefits with a business development officer being attached to the Kurna Business and Heritage Centre, which is also situated in the south. Councils have made a tangible donation to business development which, hopefully, will lead to jobs that will grow out of the cooperation that we get between the two groups. Culture and heritage can be advertised, if you like, through contact with schools, visitors through the business centre and Marion council's contribution. Hopefully, employment opportunities can be created so that real paid jobs—not volunteer jobs—can grow out of the cooperation between the four councils and the Kurna heritage.

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: The agreement's seven key objectives are a balance between symbolic and practical initiatives, and the program plans developed under each of these objectives are clear and measurable. I encourage other councils to look at this as a model, as it provides an excellent template for addressing a wide range of social and economic issues facing Aboriginal people in the communities. Agreement has brought together—and will continue to do so—Kurna people and the councils in the southern Kurna lands in a spirit of reconciliation.

I also pay tribute to the councils that are not signatories to this declaration or agreement. The Coorong and Alexandrina councils are working closely with the Ngarrindjeri people to bring about the same results. That is a promotion of culture and heritage protection and lifestyle and explaining to the broader communities the spiritual connection with the land and life for Aboriginal people within that particular area and the business development that can come out of that. The Murray Bridge council has just made a large contribution to an educative centre and a communal centre in Murray Bridge. So I congratulate all those councils who have caught the reconciliation spirit and have transferred their words into actions. I am confident that the business centre that has been built up will create business opportunities for the Kurna people and the broader community generally and I look forward to the progress that could be made.

The honourable member asked how the agreement will benefit Aboriginal people, and I guess the seven key objectives spell that out, and certainly Tom Calma, the representative from the commonwealth who has made a large contribution to reconciliation in this state, has stated it publicly as well. So it is not just non-aboriginal people who are applauding the development of this agreement. The seven key objectives are: developing leadership, governance and administrative capabilities (that requires education and training); recognising traditional ownership; promoting Kurna identity, culture and values; protecting significant places; improving the Kurna's influence and holding over culturally important land; creating sustainable economic opportunities; and developing the Tjilbruke Dreaming Track. I must say that the international experience that people now want in Australia is to connect to real-life Aboriginal opportunities for cultural and heritage expression, and this will give that life within the metropolitan area and certainly on to the plains through the Tjilbruke Trail linkages and local government councils, through the four councils and down to Fleurieu Peninsula.

The Hon. A.J. REDFORD: I have a supplementary question, capable of a brief answer: does this agreement give any rights to public or private land that did not exist prior to its signing and, secondly, what were the costs to ratepayers and taxpayers of negotiating the agreement?

The Hon. T.G. ROBERTS: The answer to the first question is no, it does not broaden out any of the rights for Aboriginal people other than those that are negotiated by agreement through the local government bodies; and in relation to the costs, that question would have to be asked of the local councils themselves. This government has not taken any responsibility for the costs that are being incurred by local government.

The Hon. A.J. REDFORD: As a further supplementary, what did the government do?

The Hon. T.G. ROBERTS: The government used its resources through the department, through DARE and through my office mainly to bring about the negotiations required to get the appropriate people around the table to get agreement on ways to proceed to bring about the benefits of the signed agreement, the business centre and the structures that now exist in the south that indicate that the Kurna are and will be displaying their cultural heritage throughout the Fleurieu Peninsula.

GREAT ARTESIAN BASIN

The Hon. SANDRA KANCK: I seek leave to provide an explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for the River Murray, a question about the Great Artesian Basin.

Leave granted.

The Hon. SANDRA KANCK: From time to time, different scientific theories hold sway and new ideas that challenge those theories are rejected or accepted. I can remember back in 1964 my high school geography teacher pouring scorn on the theory of continental drift, which of course is no longer even questioned as a theory, and my high school science teacher taught us the respective arguments in the debate as to whether the universe had been formed by a big bang or was a steady state theory. No self-respecting high school science teacher would now be advocating the steady state theory.

In the ground water profession there is an increasing discussion of a theory that suggests that Australia's Great Artesian Basin is a closed system and is not recharging. The primary advocate for this theory is Emeritus Professor of Engineering and former Pro-Vice Chancellor of Monash University, Lance Endersbee. Some 20 years ago when South Australians became more aware of the Great Artesian Basin, because of the potential for large amounts of water from that source to be used for the Olympic Dam uranium mine, we were told that the water was about one million years old and that it had slowly moved through rocks in Queensland and the Northern Territory to get to South Australia.

We were also told that the basin recharged, albeit extremely slowly, through seepage from the surface in higher rainfall areas. But Professor Endersbee says that this is not the case and that the continued promotion of the recharge theory creates 'false expectations about the potential and sustainability of the basin'. He castigates his own profession and says that ground water consultants could as a consequence find themselves being sued as that resource runs dry. My questions are:

1. Is the minister aware of Professor Endersbee's theories and is her department giving due consideration to the possibility that his views could be correct?
2. How many Great Artesian Basin bores in South Australia are now dry and how many flow with reduced pressure?
3. What measures is the government undertaking with BHP Billiton to reduce its usage of Great Artesian Basin water?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I am not sure whether the question is to the Minister for the River Murray or the Minister for Environment and Conservation, but I will refer the question to the appropriate minister and bring back a reply.

SURF LIFE SAVING

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Recreation, Sport and Racing, a question on surf life saving.

Leave granted.

The Hon. A.L. EVANS: The formation of the work force today is not what it was 20, 30 or 40 years ago. Where people years ago worked from nine to five Monday to Friday, they now work different hours, and deregulated shopping hours mean that many people work weekends. Therefore, the time they have to pursue their own hobbies and interests, including going to the beach, does not always fall on the weekends as it once did. In talking to Surf Life Saving SA, my office has been advised that surf lifesavers are available for the general public only on weekends and public holidays. That means that when people are surfing or swimming at the beach during the week there is no reliable professional there to help them if they encounter a risky or dangerous situation. My questions to the minister are as follows:

1. Where a swimmer or surfer is found in a risky or dangerous situation at the beach on a week day, what resources are available to him or her to ensure that they will be brought to safety?

2. Will the minister consider giving further funding to Surf Life Saving SA to assist and maintain a regular surf rescue operation at each of its 18 outlets across South Australia during weekdays? In the event that a shark is sighted in metropolitan waters, what is the procedure for alerting swimmers and surfers of that kind of life threatening situation?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): In relation to funding for Surf Life Saving SA, this government contributes some \$1.1 million in South Australia. That is made up of an administration contribution of \$494 000 for beach patrols and surf rescues and related administration. In this financial year coming, \$664 000 has been allocated for major capital works. In relation to such works, we have a formula, based on the Plexus Report, to which the government makes the greater contribution, with local government and the club itself both making a contribution.

The Hon. A.J. Redford: Very transparent.

The Hon. CARMEL ZOLLO: Yes, it is a very good means of assisting. Surf Life Saving SA has its own manner of assisting with beach safety. The honourable member would be aware that on 1 September it entered into a contract with Westpac to provide an aerial shark patrol. This government since 2003 has, with the Aldinga Aero Club, provided shark patrol by fixed wing. As a government, after the tragic shack attack off West Beach last summer, we increased the times and area that the aerial patrol undertook surveillance.

This government remains committed to the protection of South Australian beach goers and is developing shark patrol services for this summer season. The services will be announced and put into place well before the next summer swimming season, which starts in November. The government is always pro-active in relation to community and beach safety. I am always open to discussions that would enhance the current beach patrols and take advice. I will be making a decision in the next few weeks before the summer season.

PRISONER MOVEMENTS

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking the Minister for Correctional services a question about prisoner movements.

Leave granted.

The Hon. A.J. REDFORD: I welcome the minister back from his difficult illness. I wish him all the best in his continuing recovery. He brings new levels of excitement to the Legislative Council. While the minister was fighting his illness, our erstwhile Attorney-General took up the minister's duties as acting minister for corrections. As part of that he attended the Port Augusta gaol on a visit organised by my parliamentary colleague the Hon. Kate Reynolds. Following that visit, the Attorney-General took to the airwaves, in particular, 5AA. During the course of his interview with Mr Waterman he said:

A lot of prisoners manipulate the system and they want to go from one prison to another or one security rating to another for reasons they don't necessarily disclose.

I know that the level of prisoner movement in South Australia is extraordinarily high, making it almost impossible to get prisoners to do any meaningful work or relevant courses of study or training at great cost to the South Australian taxpayer. My questions are:

1. Does the minister agree that prisoners manipulate the system?

2. Have any steps been taken to reduce the level of manipulation?

3. How many interprison transfers does each prisoner have per annum (on average)?

4. How many interprison transfers occurred in the 12 months to 30 June 2005?

5. Have any steps been taken to reduce the number of interprison transfers in the South Australian system?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for his question and his kind words in welcoming me back to the chamber. I take this opportunity to thank you, Mr President, all the staff and members and colleagues on both sides of the council for the cards, flowers and kind words that were sent to me. I can assure everyone that when you find yourself in the sort of situation that I was in you do appreciate all the kind words, thoughts and deeds that go with all the cards and telephone calls. So, I thank everybody for that.

The Hon. T.G. Cameron interjecting:

The Hon. T.G. ROBERTS: Thank you. Regarding the point that the honourable member raises, I have no direct numbers in my file that I could make—

The Hon. A.J. Redford: The Attorney said a lot of things while you were crook. You've got a lot of work to make up.

The Hon. T.G. ROBERTS: I will have to go back through the Media Monitoring services, by the look of it.

The Hon. A.J. Redford: There were a lot of relieved faces when they saw you were back.

The Hon. T.G. ROBERTS: I thank the honourable member for that backhanded compliment. As minister, I sign separation documents. Those documents indicate to me the way the system deals with relationships within prisons. They also give me some idea of the management problems that are being experienced within the system in relation to the separation of prisoners according to certain categories. For instance, a prisoner might be moved from a cell in C division where prisoners have been doubled up to a cell in G division.

I have also gained some idea of the movement of prisoners within particular prisons, but in relation to the honourable member's question, I do not get any regular figures in relation to interprison transfers.

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: Well, as the honourable member has raised this matter from authoritative sources such as himself and others, I will endeavour to get the figures that he requests in relation to transfers between prisons within this state. The other correspondence I sign relates to the interstate transfer of various prisoners, and from those documents I get an idea of the number of interstate transfers. I will endeavour to get those figures and ascertain whether there is a reason to try to reduce the number of transfers within the system and whether there is manipulation of the system for the benefit of individuals.

The PRESIDENT: I remind all members of the council that a total of six substantive questions plus some supplementary questions have been asked and answered today. That has come about through very long explanations requiring very long answers. I ask all members to pay attention to these matters during question time tomorrow.

REPLIES TO QUESTIONS

METROPOLITAN FIRE SERVICE

In reply to **Hon J.S.L. DAWKINS** (14 April).

The Hon. CARMEL ZOLLO: The South Australian Metropolitan Fire Service followed Standard Administration Procedure (SAP) No. 6 'Appointment and Secondment Procedure' for the secondment of eleven Station Officers to the Training Department on 30 December 2004. The provisions of SAP No. 6 were adhered to, with the exception of Clause 8.3.

The exclusion of Clause 8.3 from the process was the outcome of an agreement between the Chief Officer and the United Firefighters Union (UFU).

SAP No. 6 provides a means to second the required talented personnel and place them for periods in positions to ensure the MFS meets its legislative responsibilities.

The agreement not to use Clause 8.3 resulted in Section 10 not being able to be applied in its entirety, specifically Clause 10.5. The application of Clause 10.5 would normally result in a 'targeted' Station Officer either agreeing and 'volunteering' to be 'Short Notice Seconded' and attending as directed, or being placed in a pool of eligible candidates from whence the required number of personnel would be drawn to fill remaining vacancies.

Not having access to the provision of Clause 8.3 meant that there could not be a pool of eligible candidates created. Accordingly, Clause 10.5 became redundant.

All positions were subsequently targeted and filled. A number of the personnel sought individual meetings with the Deputy Chief Officer to have their situation laid out and to seek some relief from being seconded, with negotiations of start dates occurring in some instances.

INDUSTRIAL RELATIONS

In reply to **Hon. A.J. REDFORD** (5 July).

The Hon. CARMEL ZOLLO: I provide the following information:

The South Australian Metropolitan Fire Service (MFS) has investigated the matter of two (2) appliances attending an industrial rally on Thursday 30 June 2005.

Whilst there was no formal permission granted or refused, two (2) appliances were present at the rally during their lunch break.

Operational firefighters, when on duty, are not able to go 'off call' for meal breaks and therefore can only attend such rallies with their appliances and equipment.

At all times the appliances were under the control of the designated officers in charge whom have a certain level of autonomy with regards to appliance movement within their area of responsibility and always remain operationally ready for emergency response.

A member of the crew remained with the appliance at all times, with the remainder of the crew in radio contact.

On reviewing the circumstances, the MFS considers that on this occasion there has been no breach of the Code of Conduct and accordingly does not intend to take any disciplinary action.

At no time was the safety of the public compromised.

UNITED FIREFIGHTERS UNION

In reply to **Hon. A.J. REDFORD** supplementary question (28 June).

The Hon. CARMEL ZOLLO: The Minister for Industrial Relations has provided the following information:

On 10 February 2005, the United Firefighters Union served a log of claims upon the South Australian Metropolitan Fire Service. That claim included a wage increase of 21 per cent over three (3) years, increases to current allowances and penalties, a review of the rank structure and work value assessments for all ranks of Station Officer and below. The Union claim also demanded a significant increase in staff numbers.

I can advise that the enterprise bargaining negotiations commenced on 28 April 2005 and are progressing.

Employees implemented administrative bans on procedures such as report writing between April and 20 June 2005. This did not cause any impediment to the Fire Service response to incidents or emergencies. There has been no loss in pay. Treasury are aware of possible outcomes.

I am advised that negotiations between the parties are proceeding in good faith. As previously noted, it is not appropriate to speculate on comments attributed to the Secretary of the United Firefighters Union.

CIGARETTES, REDUCED FIRE RISK

In reply to **Hon NICK XENOPHON** (4 May).

The Hon. CARMEL ZOLLO: In South Australia, about 25 per cent of total fires are caused by cigarettes.

The South Australian Country Fire Service (CFS) brigade response data indicates that approximately 3 per cent of all fires can be attributed to 'Heat from Smokers Materials'. The CFS database does not allow further definition of the fire cause.

Although the CFS statistics indicate that 3 per cent of fires may be attributed to cigarettes as the cause of fires in CFS areas, many of these fires are house fires not bushfires. The CFS considers the use of cigarettes to be a more likely cause of house fires than bushfires because it is relatively difficult to ignite grass or bushland fuels with a cigarette, unless some form of accelerant is used, compared with the synthetic fuels commonly found in houses.

The CFS and the MFS prepared a joint briefing paper in support of the introduction of national legislation for Reduced Ignition Propensity (RIP) cigarettes. This paper was presented at the March 2005 meeting of the Augmented Australasian Police Ministers' Council (AAPMC). The Council referred the matter to its Emergency Management Committee, which is to report to the next AAPMC meeting later this year.

Under the *Country Fires Act 1989* it is an offence to smoke within 2 metres of flammable bush or grass outside of a municipality or township, or to discard burning material. These offences have been subject to fines of \$1,000—\$2,000. In December 2003 the Government introduced an expiation process to allow the issue of 'on-the-spot' fines of \$150 to people who smoke within 2 metres of flammable vegetation in the country during the fire season.

The Minister for Health has provided the following information:

Reduced ignition propensity (RIP) cigarettes are cigarettes which have reduced propensity to start fires. The state of New York and Canada have passed legislation requiring RIP cigarettes to meet a performance standard on burning rates.

At a meeting of the Augmented Australasian Police Ministers Council (AAPM) on 4 March 2005, a paper was tabled by New South Wales on RIP cigarettes. The paper recommended that the Australian Emergency Management Committee (AEMC), which is coordinated by Emergency Management Australia, develop a validated draft national cigarette ignition propensity standard by 31 March 2006, after appropriate consultation with Australasian Fire Authorities Council, Standards Australia and the tobacco industry.

AEMC is due to report progress on this matter to the next Emergency Services Ministers Meeting in New Zealand later this year.

DEPARTMENTAL FUNDS

In reply to **Hon. R.I. LUCAS** (13 April).
In reply to supplementary question asked by **Hon. J.F. STEFANI** (13 April).

The Hon. CARMEL ZOLLO: I provide the following information.

SA Metropolitan Fire Service

The South Australian Metropolitan Fire Service (SAMFS) made progress payments and final payments of \$1.1 million in June 2004 relating to the following capital projects.

Appliances	
10 Regional Operational Support appliances	\$24,000
Rescue tender appliance	29,000
Refurbishment and re-chassis of two Skyjet appliances	215,000
General mid-life refurbishment of fire appliances	71,000
General Purpose pumper appliance	120,000
Communications van	1,000
Demountable operational pod system components	11,000
Total—Appliances	\$471,000
Land and Buildings	
Construction of the Elizabeth Fire Station	\$194,000
Construction of Golden Grove Fire Station	134,000
General building refurbishment	26,000
Minor works projects and feasibility studies	66,000
Total—Land and Buildings	\$420,000
Plant and Equipment	
Operational firefighting equipment	\$156,000
Total—Plant and Equipment	\$156,000

Information Technology

Information technology equipment	\$53,000
Total—IT	\$53,000

The SAMFS made every effort to ensure that the extended lead times in the major station and appliance projects were minimised and considers that there was not abnormally high expenditure in June 2004. The \$1.1 million capital expenditure figure for the SAMFS differs slightly from the figure provided by the Treasurer and tabled in the Council on 4 April 2005 (QONLC50/3/294) because June payments have been subjected to audit and end of year processing.

Country Fire Service

The Country Fire Service (CFS) made progress payments and final payments of \$5.0 million in June 2004 relating to the following capital projects.

Appliances	
Glencoe	\$83,000
Penola	83,000
Naracoorte	83,000
Barmera	35,000
Robe	35,000
Mt Pleasant	59,000
Meadows	2,000
Blackwood	40,000
Angaston	89,000
Arno Bay	83,000
Clarendon	69,000
Coonalpyn	111,000
Kingscote	133,000
Lobethal	111,000
Lucindale	111,000
Nairne	57,000
Orroroo	111,000
Pinnaroo	69,000
Pt Broughton	111,000
Riverton	111,000
Roseworthy	67,000
Williamstown	35,000
Woodside	111,000
Brunkunga	83,000
Cowell	83,000
Paskeville	83,000
Tumby Bay	103,000
Ironbank	83,000
McLaren Flat	103,000
Summertown	103,000
Appliance stowage	11,000
Total—Appliances	\$2,451,000
Land and Buildings	

Pt Wakefield land	\$1,000
Beachport	224,000
Kingston	184,000
Elliston	247,000
Alma	142,000
Southend	110,000
Woolshed/Wasleys	128,000
Waterloo	146,000
Wolseley	72,000
Snowtown	74,000
Wirrabara	190,000
Riverton	1,000
Blanchetown	3,000
Hawker CFS/SES extension	13,000
Mt Schank ablutions	4,000
Keilira meeting room	5,000
Salisbury communications fit out	1,000
Lyndoch minor works	95,000
Brunkunga minor works	55,000
Salisbury station lease	20,000
Feasibility studies	2,000
Minor works	23,000
Mount Barker relocation	-45,000
Total—Land and Buildings	\$1,695,000

Communications

Vehicle and station radios	\$289,000
Portable radios	507,000
Total—Communications	\$796,000

Information Technology

Information technology refresh	\$32,000
Total—Information Technology	\$32,000

CFS June 2004 capital payments totalled \$5m due to the completion of progress payments made on the large CFS appliance program.

The negative figure recorded against the Mount Barker relocation reflects a correction.

The \$5.0 million capital expenditure figure for CFS differs slightly from the figure provided by the Treasurer and tabled in the Council on 4 April 2005 (QONLC50/3/294) because June payments have been subjected to audit and end of year processing.

State Emergency Service

The State Emergency Service (SES) made progress payments and final payments of \$1.2 million in June 2004 relating to the following capital projects.

Appliances	
4 Standard Rescue Vehicles	\$307,636
Tumby Bay Rescue Boat	868
4 Light Rescue Vehicles	246,715
Total—Appliances	\$555,219
Land and Buildings	
Kingston station (co-located with CFS and SAAS)	\$183,689
Coober Pedy station	25,755
Port Broughton station	8,972
Metropolitan South Lynton	381
Blanchetown station	3,154
Warooka minor building works	5,454
Strathalbyn building purchase and alterations	314
Kimba Building alterations	6,314
Murray Bridge minor works	24,100
Kangaroo Island minor works	4,280
Sturt (joint project with CFS)	66,550
Hawker additional bay	42,608
Berri rescue tower	2,056
Maitland minor works	22,788
Eastern minor works	8,100
Noarlunga minor works	7,998
Port Pirie minor works	1,091
Tea Tree Gully station	7,868
Minor works	2,873
Total—Land and Buildings	\$424,345
Plant and Equipment	
Rescue equipment sets	\$148,300
Total—Plant and Equipment	\$148,300

Information Technology

SES/ESAU information technology refresh	\$65,844
Emergency Services Organisations system development	13,736
Total—Information Technology	\$79,580

Rescue equipment sets ordered by the SES in March did not arrive until May, with payment made in June 2004.

The \$1.2 million capital expenditure figure for the SES differs slightly from the figure provided by the Treasurer and tabled in the Council on 4 April 2005 (QONLC50/3/294) because June payments have been subjected to audit and end of year processing.

There are no instances of pre-payments for services within the Emergency Services sector.

PORT LINCOLN, SHARK RESPONSE PLAN

In reply to **Hon. T.J. STEPHENS** (12 April).

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

1. The current arrangements for shark sightings and interactions for metropolitan and regional areas involve established procedures and protocols to ensure appropriate responses to shark attack or danger from a large shark sighted inshore. Primary Industries and Resources SA (Fisheries), South Australia Police and the Department of Environment and Heritage have had a shark sighting and response plan in place since 2001. Any confirmed sightings of large sharks inshore, especially where the shark is in the vicinity of swimmers, should be reported to the 24-hour Fishwatch telephone number 1800 065 522 or the South Australia Police on 11 444. All calls received on these numbers trigger a response based on the level of danger posed by the sighting. Protocols are in place to provide a quick response to any shark sighting that may endanger human life. There are also procedures that enable the collection of data about shark sightings across South Australia. This enables an improved understanding about their seasonal movement patterns, especially where there is the potential for sharks to come inshore and have contact with humans.

2. A quick response to any reports of sightings or interaction with sharks includes notification of appropriate agencies, community groups and organisations, such as Surf life saving clubs, local councils and park rangers. If it is deemed necessary to warn swimmers, close a beach or signal for boat users to return to shore, this will be done by the appropriate authorised officers. How they warn the people on the beach and off-shore is up to the responsible officers and it may include the use of police sirens, launching a boat or using load speakers, flags or other signalling devices. Government would support the use of police-activated sirens, if the local councils support this type of warning method for their areas.

3. The Shark Sighting and Incident Response Plan is regularly reviewed, particularly following incidents that involve shark attacks or high risk to human life. The issue has been addressed and appropriate reporting procedures and response protocols are in place across relevant Government agencies and community groups.

STATE EMERGENCY SERVICE

In reply to **Hon. A.J. REDFORD** (6 July).

The Hon. CARMEL ZOLLO: I provide the following information:

1. The use of the term 'high Government levels' refers to the Department of Premier and Cabinet, and particularly the section therein which manages the use and application of State Government logos, emblems and devices

The term is used in the memorandum to indicate that decisions on the use of the State Emblem are made to reflect general directions that are consistent across Government.

2. The SES use of the emblem is incorrect in that it includes a King's Crown above the Piping Shrike rather than a Queen's Crown, and part of the lettering around the emblem is above the King's Crown in contradiction of protocol.

These variances from protocol standards require that the SES badge be changed. Additionally, SES recognises that there exists a potential for confusing SES personnel for Police Officers with the continuing use of the current badge, and that there is no relationship between the SES badge and the colours of SES field dress, or the marking of vehicles.

3. The SES has no intention of committing significant expenditure to a re-issue of items such as overalls etc.

4. Given these conditions, the thoughts and wishes of the SES membership were sought. It is notable that the response to the survey has so far indicated support for a possible change of badge.

COUNTRY FIRE SERVICE AND SES VEHICLES

In reply to **Hon. J.F. STEFANI** (30 May).

The Hon. CARMEL ZOLLO: All vehicles to be leased through State Fleet by the Country Fire Service (CFS) and the State

Emergency Service (SES) as part of the vehicle replacement program over the next four years will be diesel-driven.

In reply to **Hon. CAROLINE SCHAEFER** (30 May).

The Hon. CARMEL ZOLLO: Of the 152 replacement vehicles, in 2005-06 the State Emergency Service (SES) will lease 27 new four-wheel-drive vehicles through recurrent funding to replace older vehicles while the Country Fire Service (CFS) will lease 25 new four-wheel-drive Group Command and Group Logistics vehicles, also through recurrent funding.

FIRE SERVICE

In reply to **Hon. CAROLINE SCHAEFER** (1 June).

The Hon. CARMEL ZOLLO: I have been advised as follows:

1. Specialised servicing equipment has not been sold. The equipment is currently being transferred by the South Australian Metropolitan Fire Service (MFS) to a temporary workshop facility at the Glanville Docks. Prior to Deeds Road being established, equipment was relocated from the MFS old workshop on Port Road at Beverley. Replacement and upgrading of older equipment is a continuous process undertaken by MFS.

2. The property has been sold to Philmac's agent at market value. Philmac has executed a lease for 15 years with their agent. Philmac requested these arrangements as a condition of sale.

3. The sale process was managed by Land Management Corporation (LMC) on the government's behalf, in accordance with government procedures.

4. MFS has arranged for the transfer of this equipment utilising its own transport resources and a private contractor. This arrangement has kept relocation costs for this equipment at less than \$10,000.

The MFS has negotiated with LMC to lease an empty warehouse at Glanville Docks as a temporary workshop, for the period of construction of a new facility.

All equipment required by MFS was excluded from the sale process and is being transferred to the Glanville Docks facility.

5. Refer to my previous response.

6. All servicing and workshop functions will be conducted from the Glanville Docks facility.

7. No.

In reply to the supplementary question asked by **Hon. CAROLINE SCHAEFER**.

The price paid for the Deeds Road site was \$2,050,000 inclusive.

In reply to the supplementary question asked by **Hon. J.S.L. DAWKINS**.

No.

The new Angle Park engineering workshop facility will be located adjacent to the existing Angle Park Fire Station on Grand Junction Road and will not impact on any future plans for redevelopment of the training centre.

METROPOLITAN FIRE SERVICE

In reply to **Hon J.S.L. DAWKINS** (2 June).

The Hon. CARMEL ZOLLO: I provide the following information.

There was no requirement to form a Secondment Committee under SAP 6 'Appointment and Secondment Procedure' for Short Notice Secondments while an agreement with the United Firefighters Union prevented the use of Clause 8.3. No Secondment Committee met on 30 December 2004 to select the eleven Short Notice Secondments.

No Secondment Committee was established to select the eleven Short Notice Secondments so there are no meeting dates.

In general the Department Manager requiring personnel may set up a Secondment Committee in accordance with Section 7 of SAP 6. In this instance this was not required for the Short Notice Secondments due to clause 8.3 not being available for use. No Secondment Committee existed to second the eleven Station Officers, there was no meeting on December 30, therefore there was no chair.

No seconded Station Officer was informed by the MFS Management that CFS personnel would be used in the MFS Training department to fill any shortfall.

The MFS Chief Officer has the legislative requirement to maintain the efficiency and effectiveness of all MFS personnel which

requires a number of qualified job experts being available to the MFS within the Training Department.

The MFS Deputy Chief Officer followed Standard Administration Procedure 6 'Appointment and Secondment Procedure' for the secondment of eleven Station Officers to the Training Department on 30 December 2004. The provisions SAP 6 were adhered to, with the exception of Clause 8.3 which was suspended due to an agreement with the United Firefighters Union.

In reply to **Hon. J.M.A. LENSINK** (26 May).

The Hon. CARMEL ZOLLO:

1. All agencies in the emergency services sector have been advised by the Justice Portfolio Managing Diversity Reference Group of the Government's goal to improve and promote independence for people with disabilities. As a result, any plans for building development, refurbishment and/or maintenance are assessed for their compliance with access provisions for people with various disabilities.

As many SA Country Fire Service (SACFS) and SA State Emergency Service (SASES) properties are leased from local government authorities there is often limited scope to address disability access provisions. However, the vast majority of these buildings do not conduct public business. By their very nature they are there to store appliances and equipment and to enable the volunteers to be trained and to respond to fire and other emergencies.

Whilst the SA Metropolitan Fire Service (MFS) does own its station buildings, like the SACFS and the SASES they are infrequently visited by the public and/or have no access issues.

The nature of the work performed by the emergency services agencies precludes the appointment of people with some disabilities in operational roles. However, all emergency services agencies have very active programs for the placement and/or support of volunteers and staff who suffer partial or temporary disability as a result of illness or injury, irrespective of whether it is related to their work.

Significant progress in implementing disability access plans including the MFS, has been made, however it is yet to be fully realised. There have been no significant access issues reported within the emergency service sector.

2. There appears to have been a misunderstanding caused by the editing of the Fourth Progress Report. The 'submission' referred to in this question relates to the Department for Correctional Services' budget bid as part of the next round of funding requests. It is not related to any activities being undertaken by the SAFECOM procurement management office in factoring disability access into new capital works planning and facility constructions. No budget bid has been required for this to be achieved.

In reply to **Hon. J.S.L. DAWKINS** (6 April).

The Hon. CARMEL ZOLLO: The SAMFS Training Department has experienced a shortage of training officers, owing to a number of factors.

One of those factors was the withdrawal of a number of Senior Firefighters from day working positions as seconded training officers as a result of negotiations during 2002 between the SAMFS and the United Firefighters Union (UFU). The outcome of the negotiations required that these positions were to be filled by Station Officers, the minimum rank established for seconded training officers.

At around the same time, six recruit instructors requested and were granted transfers from the Training Department back to their operational shifts at the completion of the current recruit squad training. Four of the recruit instructors were Senior Firefighters whose positions would soon not be available to them due to the negotiated position with the UFU. The remaining two were Station Officers who chose to return to shift duties at the same time. I am not aware that those requests for transfer were specifically as a result of dissatisfaction with any aspect of the recruit squad training.

The SAMFS has created an additional eleven training officer positions between 2003 and 2005. These new positions reflect the government's recognition of the importance of providing ongoing firefighter training to ensure the continued safety of the community.

In order to fill training officer vacancies, the SAMFS instituted a secondment program. The secondment process used by the SAMFS reflected the culmination of protracted negotiations with the UFU. As a result of those negotiations, and in order to maintain staff levels, Station Officers prepared to transfer to the Training Department for one year will have that period acknowledged as a two year transfer, thus exempting them from further periods of secondment while at that rank. This initiative has proven successful and a group of station

officers who have offered to be seconded to the SAMFS Training Department commenced duty during May 2005.

In reply to **Hon J.S.L. DAWKINS** (31 May).

The Hon. CARMEL ZOLLO: The South Australian Metropolitan Fire Service (SAMFS) Training Department was budgeted for four vehicles in the 2004-05 financial year. The suggestion that there are six vehicles allocated to SAMFS Training Department is incorrect.

Of the four vehicles budgeted for the Training Department, three are fully utilised by the Training Department, with the fourth re-allocated to the SAMFS Fire Cause Determination Section to meet increased operational demands. To offset the re-assignment of this vehicle, staff have had access to the Training Department Coaster Mini-Bus and to three Training Department Fire Appliances that can be used for transportation, if necessary.

One of the vehicles, the twin-cab utility, was used during the year to transport Training and Operational Staff to Live Fire Training at the Brukung Training Site. Live Fire Training is a function of the Training Department. To offset this use, a short-term hire vehicle was obtained from State Fleet.

As the majority of the Training Department functions revolve around the Angle Park Training Site, flexibility of vehicle usage and allocation is considered an appropriate, efficient and economical arrangement.

FIRE SERVICE

In reply to **Hon. CAROLINE SCHAEFER** (25 May).

The Hon. CARMEL ZOLLO: I provide the following information:

1. The decision to sell the South Australian Metropolitan Fire Service (SAMFS) Engineering and Workshop facility at 51 Deeds Road, North Plympton to Philmac Pty Ltd's agent was made by Cabinet on 14 February 2005.

The Land Management Corporation (LMC) was subsequently engaged to negotiate on behalf of the SAMFS for the land sale to Philmac and agent.

2. Yes.

On 24 September 2004, LMC obtained a valuation through Southwick Goodyear Pty Ltd.

The valuation of the property was \$2,200,000, which included the value of proximity to the potential purchaser.

3. The property sale was undertaken by private treaty for \$2,050,000.

Note that this figure was the result of negotiation, and Philmac's best position.

The negotiated price is considered appropriate given the relative age and condition of the building.

4. As part of the Cabinet submission and approval, the SAMFS is to build a new facility on the SAMFS land next to the Angle Park fire station on Grand Junction Road, Angle Park.

The SAMFS has negotiated with LMC to lease an empty warehouse at Glanville Docks as a temporary workshop for the period of construction of a new facility.

5. The approximate cost to move into the temporary Glanville Dock warehouse is estimated at \$38,000. This figure includes minor upgrade works of the lease premises (electricity and security) and relocation costs. The rental of the property is \$22,750 per annum.

The approximate cost of building a new modern, upgraded and well equipped engineering workshop adjacent to the Angle Park Fire Station is \$3 million.

6. No.

Philmac has executed a lease for 15 years with their agent.

METROPOLITAN FIRE SERVICE

In reply to **Hon J.F. STEFANI** (31 May).

The Hon. CARMEL ZOLLO: The South Australian Metropolitan Fire Service (MFS) has no brass nozzles attached to hoses and has not used brass nozzles for over twenty years.

The South Australian Country Fire Service (CFS) uses a portion of the Deeds Road Workshop premises for commissioning and decommissioning of fire appliances. The CFS removes obsolete couplings and nozzles for salvage. In order to gain the best return within reason, nozzles determined to have a residual value are sent to auction. If the nozzles are determined to be in no fit state for use, and to satisfy SA Water requirements, they are sold for scrap metal.

Obsolete hose is donated to the Adelaide Zoo for use as toys by animals.

ASYLUM SEEKERS

In reply to **Hon. KATE REYNOLDS** (24 May).

The Hon. CARMEL ZOLLO: The Minister for Health has provided the following information:

1. The responsibility for developing the Memorandum of Understanding (MOU) has been allocated to a manager with some assistance from a senior policy officer.

2. The specific input includes direct negotiations with the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA), re-drafting of relevant sections and consultation with health services. It was recommended that specific protocols be developed to guide access to specialist mental health services by immigration detainees within Baxter Detention Centre and this work has been undertaken by the Mental Health Unit, Department of Health (DH) in consultation with all relevant stakeholders.

3. Work on the MOU between DIMIA and the DH for the provision of health services commenced in early 2004, but was put on hold whilst the 'Protocols to Guide Access to Specialist Mental Health Services by Immigration Detainees within Baxter Detention Centre' were drafted and circulated for wide consultation. DIMIA's response in early February 2005 advised that the drafted Protocols should apply pending the completion of the MOU. Final agreement on the Protocols was achieved in early April 2005.

4. DIMIA advised that the Protocols would be a Schedule to the MOU, rather than a stand-alone agreement between the South Australian and Australian Governments. The DH completed its contributions to the drafting of the MOU on 23 March 2005. Negotiations are continuing.

5. All staff within state mental health services and Glenside are trained to provide a high level of mental health care.

6. At all times, the duty of care for immigration detainees rests with DIMIA.

7. The South Australian Mental Health Service believes that once an immigration detainee enters the specialist mental health services they receive the same level of care as other mental health consumers. Security officers are no present in the ward.

8. In April 2005, the then Director of the Mental Health Unit (DH), the Deputy Director of the Mental Health Unit (DH) and staff from Glenside Hospital were among those interviewed by the Palmer inquiry team.

AGRICULTURAL DEGREES

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

The Hon. CARMEL ZOLLO: The Minister for Employment, Training and Further Education has provided the following information:

The co-location of TAFE campuses at Roseworthy and Urrbrae demonstrates the government's commitment to developing a collaborative environment to progress agricultural training. TAFE SA has reallocated existing resources into training in areas of sustainable water and land use as a direct result of the targets in South Australia's Strategic Plan.

A range of initiatives are in place to encourage students to undertake agricultural training, including:

- articulation between the TAFE Advanced Diploma in Rural Enterprise Management (REM) and the Bachelor of Rural Enterprise Management, at the University of Adelaide, Roseworthy campus
- an initiative with the Riverland Horticultural Council to fund a university lecturer to visit secondary schools and speak about how maths and science can provide pathways into agricultural degrees and careers
- a number of activities in water resource management and a national partnership with Water Education Australia to develop water education programs from doctorate level to TAFE qualification for delivery on and off shore
- the University, DFEST and DECS are developing a program for high school students to access Roseworthy as part of their studies in agriculture. This will make better use of the Roseworthy facilities and give students an opportunity to study in a university environment. It is hoped this will increase demand for agriculture studies at the tertiary level.

During the lifetime of a three-year degree it is not possible to ensure that all courses offered when a student commences a program

can be offered over the life of that degree. Courses may be discontinued or suspended due to staff changes or availability, and changes in student demand or changed due to reviews as part of a quality assurance regime.

The University cannot rely on increased Commonwealth funding and must run as an efficient organisation delivering high quality education with a set budget. Decisions to reformulate curriculum offerings must be made with the bigger picture in mind. However, when changes occur, the University endeavours to ensure that students are not adversely affected, and make flexible arrangements where necessary.

It is important to note that the courses relevant to this matter are all electives within the Bachelor of Natural Resource Management program, no core courses have been affected. All students are still able to complete their degrees and, while the original list of electives may have been slightly reduced, the program rules state that students may apply to take courses from other programs in the faculty. There is sufficient flexibility built in to allow any final year student the opportunity to complete their studies. The three electives are not vital to the completion of the degree. It should be noted that one was not cancelled and another was replaced by a similar course.

ADOPTION

In reply to **Hon. KATE REYNOLDS** (9 February).

The Hon. T.G. ROBERTS: The Minister for Families and Communities has provided the following information:

1. The two KPMG reports have already been publicly released. The third report that has been referred to is exempt under Freedom of Information legislation because the report is Crown Solicitor's Office advice on a Government investigation into serious allegations made against the Australians Aiding Children Adoption Agency (AACAA). It is not a report about adoption services.

2. There are no implications for any other non-Government agencies. This was a specific decision made about a specific program. The placement of children and support to families is core Government business in line with the Government's *Keeping Them Safe* program.

3. The decision making process followed due process.

4. The Cabinet decision was made on 13 December 2004. The AACAA Chairperson was informed in person by the Chief Executive of the Department of Families and Communities (DFC) on 2 February 2005, with the decision stated in writing and signed by the Chief Executive.

5. The decision to not renew the licence of the agency was a policy decision made after considering a wide range of information and material.

The criteria used as the basis for the assessment process are found in Regulation 9 of the *Adoption Regulations (2004)*. These criteria set the framework for assessment reports as previously completed by the non-Government agency. In the past the information provided to DFC was not always of a sufficient quality in addressing the criteria.

FOSTER CARERS

In reply to **Hon. KATE REYNOLDS** (9 December 2004).

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

1. Under 2004-07 alternative care service agreements, all non-government organisations (NGOs) funded to recruit, train, support and review foster carers are now also required to include provision of specialised training for carers of children with high or complex care needs or disability.

In addition, the State-wide Disability Support Service has been funded for the same period through the Intellectual Disability Services Council (IDSC) to provide specialised support and assistance for home-based carers of children with extreme care needs arising from their own intellectual, physical or sensory disability or brain injury from mid-April 2005.

I.D.S.C. will also provide advocacy and referral to existing disability services for carers of children with extreme need who have previously had difficulty in accessing such services.

Transitional arrangements are in place to ensure continued support for foster carers previously accessing the old State-wide Disability Support Service during the transition period to the new State-wide Disability Support Service. An officer of DFC's Exceptional Needs Unit met with a representative of Anglicare S.A. in June 2004 to identify those families requiring a specialised service.

2. Consultation with foster carers took place in a variety of ways. Primarily the tender was informed by a comprehensive review of alternative care conducted by an independent consultant agency, Des Semples and Associates, in 2002. The review incorporated the views of many stakeholders involved in the provision and administration of alternative care in South Australia.

Anecdotal information from Children, Youth and Family Services of the Department for Families and Communities (D.F.C.) and foster carers also highlighted the need for service improvement to support carers of children with a disability.

The alternative care tender evaluation panel included foster-carer representation.

3. The State-wide Disability Support Service provided by Anglicare S.A. ceased operations on 30 June 2004 when its service agreement lapsed.

From 1 July, 2004, NGOs funded under new service agreements to recruit, train, support and review foster carers are now also required to provide specialised training for carers of children with high or complex care needs, or a disability.

I.D.S.C. will provide further services from mid-April and transitional arrangements are in place to deal with those families identified by Anglicare as needing support in the interim.

4. The new service arrangements ensure that training and support is available to greater numbers of foster carers who have care responsibilities for children with a disability.

In addition, carers of children with extreme care needs arising from disability will receive more intensive and expert intervention, with the aim of ensuring improved carer support and reducing placement breakdown.

These factors have combined to increase the capacity of the alternative care system to better support our foster carers of children with a disability.

DESTINY ABALONE

In reply to **Hon. T.J. STEPHENS** (6 December, 2004).

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

1. This government's policy on the industrial relations environment in South Australia is one based on co-operation and consultation between unions, employees and employers. I have written to Destiny Abalone and encouraged them to seek an amicable resolution with the MUA. They have been advised of the role of the Industrial Commission and I have provided advice on how they can access the Commission in order to resolve industrial disputes.

2. Enterprise Bargaining Agreements and Awards are matters for the parties to the relevant Agreement or Award, and the Industrial Relations Commission.

3. Refer to question 1.

DISABILITY SERVICES

In reply to **Hon. KATE REYNOLDS** (24 November, 2004).

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

The Clare Options Coordination Office has been completed and is now open. The delay in opening was caused by building work to adjacent offices that was required to ensure a safe environment for employees and clients.

Funds allocated to Stacey Ireland are:

\$7,718 for family support from Home Link, which is attempting to recruit a family to provide the respite care for Stacey. The funds remain with the Intellectual Disability Services Council (IDSC); and

\$5,210 for family support from Community Support Incorporated (CSI). Attempts by CSI to locate a suitable worker to provide this support have been unsuccessful. The funds remain with CSI.

Out-of-school hours and vacation care are the responsibility of the Commonwealth Government. Whilst the needs of younger children with disabilities are largely met through such programs, the needs of adolescents remain problematic.

There are some specific disability funded respite services in both the metropolitan and country areas, for instance at Minda. Furthermore IDSC purchases vacation programs for adolescents in all metropolitan regions, and in some country regions.

One of the difficulties in country regions is that in some areas there are limited or no approved providers. In exceptional circumstances, respite programs for an individual, who may not be able to access a program because of their behaviour, the lack of a program

or the distance to travel to a program, will be purchased utilising brokerage funds.

The South Australian Government increased funding to Moving On by 18 per cent from 2003-04 to 2004-05. A centre-based respite service has been established in the northern suburbs which will also be accessible to some country clients. Wilde Retreat runs the service for students with low and high support needs, which has included students from Clare. Family Day Care also provides some overnight respite but vacancies in country areas are limited. Carers' Link Barossa and Leisure Options also hold camps in January.

Ageing people who care for family members with a disability will receive more respite under a joint \$12 million boost announced by the State and Federal Government.

Over the next three years, the Rann Government will meet the Federal Government's \$6.02 million commitment to providing respite for parents who care for their adult children with disabilities by providing \$1.6 million this year followed by \$2.2 million in 2006-07 and another \$2.2 million in 2007-08.

The State Government is committed to ensuring major staff development and training realignment occurs in South Australia through the development of an across-sector system to give greater access to staff training for all agencies in all regions, particularly the smaller ones. The Disability Services Office (DSO) of the Department for Families and Communities is addressing this issue through the following initiatives:

The DSO has formed the People Development and Workforce Planning Committee (PDWPC), comprising service providers such as Minda, Julia Farr Services and peak disability bodies such as the National Industry Association for Disability Services (ACROD Ltd) and the Association of Non-Government Organisations SA (ANGOSA). The PDWPC will examine a broad range of issues, including recruitment and retention of workers in rural areas.

Through the PDWPC and Regional Planning initiatives, the DSO is conducting Regional Planning throughout South Australia in line with the Disability Services Framework 2004-07. Regional Plans for the Riverland, the South-East and Port Augusta are almost complete.

The DSO will also be conducting Regional Planning in the Lower North (Clare) region, which was scheduled to begin on Wednesday 16 March 2005 and in Port Lincoln on Friday 8 April 2005.

Through the PDWPC and Regional Planning initiatives, the DSO is continuing to address workforce issues in the disability sector from both South Australian and regional perspectives.

The DSO is required to publicly report data to a number of avenues including the Productivity Commission, the Australian Institute of Health and Welfare and the National Minimum Data Set client service data all of which is available to the public.

In reply to **Hon. A.L. EVANS** (23 September 2004).

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

The State Government has commenced a review of disability services in the State's Lower North region. This involves the Disability Services Office within the Department of Families and Communities working with the local community to develop better coordinated services.

The lower north review will contribute to the series of regional plans for disability services already being developed. The Lower North Special Needs Group is part of the review process for their area, which centres around Clare. The review also involves local service providers, the local council, transport providers, schools, all of the existing services and advocacy organisations—whether state or federally funded—as well as people with disabilities and their carers.

There are 37 individual clients registered with IDSC living in Clare and a further 112 living in Kadina. Funding for the Clare Valley/Kadina Region in 2004-05 is \$227,930, of which \$147,000 is allocated to 8 clients on the Moving On Program who reside in Clare.

1. The following initiatives can benefit clients from the Clare region:

- The Intellectual Disability Services Council (IDSC) has negotiated with Anglicare to establish a respite centre in the northern metropolitan area with funding formerly allocated to the IDSC Cedar Avenue respite centre. This centre is not currently used by any clients living in Clare.
- Clare clients participated in two camps in August 2004 and January 2005 for young people with both low and high support needs. Funded through regional IDSC brokerage funding and managed by Mafra Respite Services Inc., both camps were

successful and the intention is to run a similar camp in July 2005. Options Coordination is in the process of seeking expressions of interest for service providers to run camps in July 2005.

- A sub-group of interested people in the region has formed a respite working party, which includes parents and carers, and representatives from Options Coordination, the UnitingCare Wesley respite program, Leisure Options and Carers Link. The result of this sub-group was the camps held in January 2005.
- Leisure Options Lower North, a Home and Community Care (HACC) funded program run through Lower North Community Health, provides half and whole-day activities once a fortnight, not specifically targeting school holidays. They are open to a broad range of HACC clients, who can either self-refer or be referred through IDSC.
- IDSC is currently exploring a potential host family carer for Home Link to provide overnight respite.
- Community Support Incorporated (CSI) also provides individualised support such as respite, leisure and personal care.

2. The criteria for access to the Moving On Program are very specific. Moving On is for young adult school leavers with moderate-to-severe intellectual disability who require ongoing intensive support. All young adult school leavers who fit these criteria receive funding each year for developmental and recreational activities delivered by day options providers. The school leavers and their parents or carers choose their preferred service provider.

In the Clare area, there are only two service providers. One is Leisure Options, a small agency based in Clare, a HACC-funded program run through Lower North Community Health. The other is CSI, a HACC-funded program based in Adelaide which recruits self-employed individual workers from the local community. There are currently ten CSI registered workers in the Clare area.

Historically, there has been difficulty in attracting and retaining day option providers because the number of clients has been considered insufficient for viability.

The disability sector is endeavouring to increase the capacity of existing providers in the area to deliver Moving On and leisure options and to attract new providers to the area.

WORKCOVER

In reply to **Hon A.J. REDFORD** (4 May).

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

1. Historically, very low numbers of employers have changed claims agents each year. Given that Vero is leaving the market, it is possible that more employers would seek to move to another agent. It is possible that when new claims agent contracts are determined there may be a significant transfer of files from one claims agent to another. The transfer of files can cause some disruption, so it has been determined by WorkCover that the best interests of employers and employees will be best served by ensuring that there are not two major sets of file transfers over a relatively short period of time.

2. WorkCover is working with Vero to ensure that there are not disruptions. Vero has a contract to provide WorkCover with claims management services until the end of June 2006, and it has given WorkCover the assurance that it is 'business as usual'.

3. The major impact is that Vero is not re-tendering.

4. I certainly have not heard any suggestion that that is the case and the advice that I have received is also to that effect. One can never predict what is in the minds of multinational companies but, to the best of my knowledge, that is not the case. In fact, new parties who have not previously operated in South Australia have indicated interest in responding to the Request For Proposal.

BREAK EVEN NETWORK

In reply to **Hon. NICK XENOPHON** (14 April).

The Hon. T.G. ROBERTS: The Minister for Families and Communities has provided the following information:

During 2003 an extensive consultation with Break Even services was undertaken which identified the problems and aspects for new data system software and an agency-reporting tool. \$24,000 from the Gamblers Rehabilitation Fund was provided for the design and building of the improved customised software system.

The training resources provided by the Department for Families and Communities (D.F.C.) to support the agencies in operating the new data system included an initial training program for collecting and entering the data. Ongoing training is provided through a data management project officer who does additional training and support

when required. A Break Even data manual has also been developed to assist agencies with the operation of the new system.

The initial delay of three months was caused by difficulties in building the data system. No delays were experienced with the customisation and installation of the software in January, 2004.

DFC sought regular feedback from the agencies regarding the quality and completeness of their data, and addressed the difficulties experienced by the agencies in reporting their data by building a new data system.

INDEPENDENT LIVING AND EQUIPMENT PROGRAM

In reply to **Hon. KATE REYNOLDS** (13 April).

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

The recurrent funding to the Independent Living Centre has not been reduced. The figures stated included carry-over funding from the previous financial years.

At 12 April 2005 there were 438 requests for equipment items and \$4,880,957 had been spent on equipment for the 2004-05 financial year.

The Minister for Disability announced in December 2004 an allocation of \$5.9 million to clear waiting lists. These funds were allocated as follows:

- \$4.2 million to provide 600 adults on waiting lists with 804 pieces of equipment including wheelchairs, mobility aids and home modifications;
- \$504,000 to employ an additional seven occupational therapists to ensure that equipment provided by ILEP is correctly customised to suit individual needs;
- \$850,000 to Novita Children's Services, to help clear waiting lists for 151 children needing 151 pieces of equipment;
- \$200,000 for the Royal Society for the Blind to enable people who are blind or vision impaired to access communication equipment; and
- \$150,000 for the CanDo4 Kids program to provide equipment for children with sensory impairments.

The process of assessment, trialling, purchasing and allocation of equipment requires skilled therapy staff. Not all the allocated \$5.9 million will be spent by 30 June 2005.

Some funds will be spent after this date due to the time required for the assessment of individual clients and the subsequent order/delivery periods for equipment.

The one-off funds will cover the people currently on the ILEP waiting list and those who are added to the list up to 30 June 2005. Extra occupational therapists have been employed to ensure a professional assessment is conducted prior to equipment being provided. The on-going maintenance and repairs are covered by the ILEP budget.

The State Government has also allocated one-off funds in the 2005-06 Budget for equipment items, including:

- \$105,000 for smoke alarms for deaf people (Guide Dogs);
- \$150,000 for continence aids for children aged under 16 years (Novita Children's Services);
- \$25,000 for talking glucometers for the blind (Royal Society for the Blind);
- \$100,000 for an equipment storage shed and washing facilities for ILEP equipment (Royal Society for the Blind);
- \$48,500 for lifters for Community Accommodation and Respite Agency for community housing facilities; and
- \$600,000 for equipment for children to clear the waiting lists (Novita Children's Services).

ADOPTION

In reply to **Hon. KATE REYNOLDS** (12 April).

The Hon. T.G. ROBERTS: The Minister for Families and Communities has provided the following information:

The Honourable Member has been provided with the opportunity she was seeking and viewed the report in an amended form on Tuesday 17 May 2005.

GAMBLERS' REHABILITATION SERVICES

In reply to **Hon. NICK XENOPHON** (12 April).

The Hon. T.G. ROBERTS: The Minister for Families and Communities has provided the following information:

The Joint Statement of Responsibility for gambling matters which has been developed between the Ministers for Gambling and

Families and Communities is provided to the Council for information.

The chair of the Gamblers Rehabilitation Fund (GRF) Committee, the Hon Dr Hopgood, had been informed of the intention to change the governance arrangements but was unaware of the timing for announcing the cessation of the committee. The last scheduled meeting was cancelled following the announcement.

The change in governance arrangements for the GRF places greater emphasis on the importance of the role of the Independent Gambling Authority in canvassing community and stakeholder views in relation to gambling matters.

The Minister for Families and Communities will be carefully considering the policy advice provided by the IGA in relation to the current inquiry into 'the effectiveness of state funded gambling rehabilitation services'.

The report, *A Strategic Review of the Gamblers Rehabilitation Fund*, commissioned by the GRF committee, was provided to key stakeholders in draft form in March 2005 and released publicly in July 2005.

CHILDREN, VULNERABLE

In reply to **Hon. KATE REYNOLDS** (23 May).

The Hon. T.G. ROBERTS: The Minister for Families and Communities has provided the following information:

39 children and young people have been placed by CYFS District Centres in motels, apartments and caravan parks, with a care worker on a 1:1 basis, between April 2004 and June 2005.

All children and young people who have been placed in motels have been provided with care, 24 hours per day, 7 days per week, with one exception. There has been one young person 16 years of age who was placed in a motel, and care workers attended the hotel on a daily basis. This young person now resides in a semi-independent placement.

At 2 June 2005 the average duration of stay in a motel had been 2 weeks. The shortest stay in a hotel had been 3 nights, while the longest had been 231 nights. The longest period was exceptional and applicable to one young person who is now placed in a Residential Care Unit.

The average age of children and young people in motels was 12.5 years. The youngest child was 8 years, and the oldest was 17 years old. Of note, the child aged 8 years was placed in a caravan park as part of a sibling group.

Government allocated capital purchase and fit-out funding of \$3.85 million, and a further \$5.15million operational recurrent funding for the new Transitional Linked Care Program of 2004-05 Budget. Transitional Linked Care features ten emergency houses that are located in the community for difficult to place children and young people.

The Government has also recently announced a \$560,000 agreement with Southern Junction Youth Services to provide housing for up to 6 children and young people with complex needs in 2 2-storey units in the Southern Suburbs.

Government has allocated recurrent funding for the Individual Packages of Care Program that provide a tailored, wrap around packages of accommodation and services for difficult to place children who require a unique service.

There have been anecdotal reports that children and young people in care have been transported in taxis unsupervised. The Department for Families and Communities is taking steps to address to this.

BUILDERS' LICENCES

In reply to **Hon. J.F. STEFANI** (25 May).

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

1. It is a requirement under the *Building Work Contractors Act 1995* that every building work contractor has sufficient financial resources to properly carry on the business authorised by their licence.

When assessing an applicant's financial resources, the Commissioner for Consumer Affairs treats each application on its merits based upon guidelines that are reviewed periodically.

The guidelines were last reviewed in March 2004, at which time it was determined that the minimum net asset requirements should rise to reflect changes in building costs and levels were increased and some adjusted to ensure consistency. The minimum level of share capital for companies was also considered but it was decided to leave

this unchanged as the changes to net asset levels were considered to be sufficient.

2. The occupational licensing system has undergone many changes in recent years to ensure that it is efficient and involves the least amount of 'red tape' for licensees or the Government. It is considered that the financial assessment system for licence applicants is straightforward and efficient and further reviews are not currently planned.

GAMBLERS REHABILITATION FUND

In reply to **Hon. NICK XENOPHON** (25 May).

The Hon. T.G. ROBERTS: The Minister for Families and Communities has provided the following information:

1. Does the Premier concede that his promise of 1 February 2005 has not been complied with, and cannot be complied with, by 30 June?

The increased funding for the Gamblers Rehabilitation Fund (GRF) as announced by the Government on 1 February 2005 will mean an additional appropriation of \$833,000 for 2004-05.

Services were notified in writing on 28 February 2005, confirming an extension of their existing service agreements for a further year. They were invited to express their views on service delivery priorities. Services have been invited to submit formal proposals for special projects they wish to carry out. An additional 10 per cent service payment is being made to services to address immediate cost pressures and additional funds are being allocated to financial counsellors.

2. Will the Premier seek an explanation from the Minister for Families and Communities about the inconsistent statements that the Minister made on 22 February 2005 and the Minister's statement to the Independent Gambling Authority on 12 April 2005?

There are no inconsistencies. The announcement on 22 February 2005 by the Minister for Families and Communities stated that the increased allocation of funds had been received from Treasury and the funding would be allocated.

The announcement regarding the change of governance to the GRF made at the IGA hearing on 12 April 2005 will not impact the distribution of the \$833,000 allocated for services.

3. Does the Premier concede that it will simply not be possible to spend the \$833,000 in this current financial year and, with respect to that, will he seek an explanation from the Minister for Families and Communities?

GRF funded services have been invited to submit proposals for special project grants. Allocations to services will be made following consideration of these proposals. Services have been allocated a 10 per cent payment to alleviate cost pressures, and additional funds are being allocated to the needs of financial counsellors.

4. Will the Premier make inquiries of the Minister for Families and Communities as to what the current waiting times are for people seeking assistance and the percentage of problem gamblers who have actually sought assistance and obtained assistance through the current fund?

There is no evidence of waiting times for services from the Break Even services, the GRF Strategic Review or from information from the industry.

Waiting lists are monitored via regular agency liaison with the Department for Families and Communities, through agency visits, communication via the Break Even Network and periodic surveys when community education media campaigns are active.

PRISONS, DRUGS

In reply to the **Hon. A.J. REDFORD** (26 May).

In reply to a supplementary question by **Hon. NICK XENOPHON**

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

Neither this Government, nor the Department for Correctional Services, tolerates the use of illegal drugs in prison and significant resources are devoted to detecting and preventing people from introducing drugs into the prison system.

The Department for Correctional Services has a drug strategy that is aimed at:

- detecting and preventing the introduction of drugs into the prison system;
- reducing the demand of offenders who enter the prison with an existing drug use problem when they enter prison; and
- offering treatment and rehabilitation for prisoners addicted to alcohol and other drugs.

Drug detection and prevention is driven by the Department's Investigation and Intelligence Unit. This Unit uses information and intelligence, gathered from a range of sources, to identify drug users and traffickers and those who would seek to introduce drugs into the prison system. Over the last few years, the Unit has had considerable success in detecting the movement of drugs into prisons, resulting in a number of visitors being charged by police and a number banned from visiting prisons.

The Department also requires prisoners who are suspected of drug use to submit to urinalysis testing.

Each year, about 2000 urinalysis tests are completed. Prisoners who return a positive result may be placed on a stricter regime or be charged for breaching the Correctional Services Act and Regulations or both. In many cases, prisoners will be referred to intervention programs to address their drug taking behaviour. Criminal charges may also be pursued.

The use of opioid substitution to treat opioid dependencies is widely considered by drug authorities to be the best treatment available and it is readily available in the community for this purpose. Many offenders entering the prison system have been accessing methadone and buprenorphine in the community as a means of reducing their dependency on other more potentially serious drugs.

The Department's Opioid Substitution Treatment Program is consistent with the National Drug Strategy and is widely accepted as the best treatment for opioid dependence. It is a strictly controlled program in which prisoners are medically assessed for participation, with dosage adjusted and administered by medical professionals.

Studies of the Methadone maintenance program run in New South Wales prisons show proven benefits such as reduced drug use and re-offending, lower subsequent prison time, lower mortality rates upon release from prison and lower incidence of HIV and HCV.

I can assure Members of this House that the Department for Correctional Services will continue its no tolerance approach to the use of drugs in prison. That approach will be supported by appropriate medical interventions for those who have a drug dependency.

LAW AND ORDER

In reply to **Hon. T.G. CAMERON** (26 May).

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

1. Rehabilitation programs are essential for preparing prisoners for their return to the community, thereby reducing their chance of re-offending. The Department for Correctional Services currently provides an extensive range of programs that both directly and indirectly address offending behaviour and reduce the likelihood of re-offending. The Department also provides education and employment opportunities that allow prisoners and offenders to gain new skills and qualifications that will assist with their reintegration into the community.

While an increase in expenditure on rehabilitation programs may provide a greater range of programs, this will not in itself lead to a reduction in re-offending. The quality of the programs offered and the manner in which they are delivered are often just as important to their success as the number and variety on offer.

The Government has increased rehabilitation expenditure and will continue to evaluate the situation.

2. Rehabilitation is often difficult to define, as it is not only about specific programs, but to a range of activities and interventions that aim to rehabilitate offenders. For the purpose of calculating figures in response to this question, rehabilitation has been taken to mean those programs that focus on offender-specific and offence related factors to reduce re-offending and the subsequent costs to the public.

The funding allocated to rehabilitation by the Department for Correctional Services since 2002, is calculated per financial year and is:

2002-003 – \$16.51 million
2003-004 – \$16.74 million
2004-005 – \$18.10 million

3. No studies have been completed in the South Australian prison system on the number of prisoners who have drug problems.

The Department's Alcohol and Other Drug Strategy works to intercept illicit drugs entering the prison system and by reducing the demand for drugs through targeting prisoners with drug problems. The Department's Intelligence and Investigations Unit and the Operations Security Unit work to intercept the supply of drugs into the prison system. Tools such as urinalysis and the Alcohol Smoking

Substance Involvement Screening Tool help to identify prisoners with drug problems with a view to providing intervention services.

Therapeutic programs are available to help prisoners who have drug problems, including the Prisoner Opioid Substitution Treatment Program for prisoners with heroin dependency—which the Liberal Party has promised to abolish—and the core program Alcohol and Other Drugs.

LAND ACQUISITIONS

In reply to **Hon. NICK XENOPHON** (14 February).

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

1. It is not an appropriate use of resources to conduct a search of all SA Water's property transactions records. However, readily available records located in SA Water House were searched. I am advised that SA Water has been unable to identify cases of lands acquired compulsorily under the *Land Acquisition Act 1969* and subsequently offered back to original land owners.

Three cases, however, have been found of land purchased through negotiations with property owners and subsequently offered back to the current owners of the properties from whence they had been sourced.

2. The three properties purchased through negotiations with property owners and subsequently offered back to the current owners of the properties from whence they had been sourced are located in country regions:

- Case 1—Tank site (approx. 910m²) – Moorak.
- Case 2—Springs (approx. 50m²) – Port MacDonnell.
- Case 3—Bore site (approx. 843m²) – Hundred of Carr.

3a. For the three cases where the land was purchased through negotiations with property owners and subsequently offered back to the current owners of the properties from whence they had been sourced:

Purchase dates were:

- Case 1 – 1952
- Case 2 – 1950
- Case 3 – 1953

3b. Dates offered back were:

- Case 1 – 2002
- Case 2 – 2000
- Case 3 – 1998

3c. All offers were accepted and the subject land transferred.

4. The land acquired and purchased from the Hendersons has not been declared surplus and until such time as the new wastewater treatment plant is commissioned, and the future of the existing plant is determined, the land will be retained by SA Water.

Should this land be declared surplus, SA Water, in accordance with Premier and Cabinet Circular PCC114, is obliged to offer the land to other government departments and the local council for the area. If no interest is expressed from these agencies, SA Water will then dispose of the land on the open market at current market value.

This situation differs from the three previous identified negotiated cases of small land-locked sites where the logical option was to transfer the land back to the current owners of the properties from whence they had been sourced.

ADOPTION

In reply to **Hon. KATE REYNOLDS** (15 February).

The Hon. T.G. ROBERTS: The Minister for Families and Communities has provided the following information:

1. Section 31 of the *Adoption Act 1988* (the Act) provides for the 'Publication of names, etc., of persons involved in adoption proceedings'. It states:

31. (1) A person who publishes or causes to be published in the news media—

- (a) the name of a child, or material tending to identify a child, in relation to whom proceedings have been taken under this Act or any other Australian law that substantially corresponds to this Act;
- (b) the name of a parent or guardian, or material tending to identify a parent or guardian, of a child in relation to whom proceedings have been taken under this Act or any other Australian law that substantially corresponds to this Act;
- (c) the name of a party, or material tending to identify a party, to proceedings under this Act or any other Australian law that substantially corresponds to this Act,

is guilty of an offence.
Maximum penalty:\$20 000.

(2) This section does not prevent a publication made in pursuance of an authorisation granted by the Court or the Chief Executive.

From January 2005 the officers responsible for the delegation are the Manager AFIS, the Children, Youth and Family Services (CYFS) Regional Director responsible for adoption services, the CYFS Executive Director and the Deputy Chief Executive of DFC.

In exercising the power, the delegated officer takes into account Section 7 of the *Adoption Act 1988* to ascertain whether or not the child's interests are protected by being subject of such a publication.

In addition, other provisions in the Act which protect the privacy of other parties to an adoption are taken into account.

2. I have been advised that there is no prospect of a contra-vention of the Act by members of the public attending or speaking at a public rally.

3. There is some danger in waiving another party's right to privacy. The media should use their discretion and seek legal advice on this matter.

4. The Executive Officer of Australians Aiding Children Adoption Agency (AACAA), was interviewed on the ABC's Asia Pacific program. No permission or authorisation was given for her to be interviewed. There have been numerous occasions when the Executive Officer has contacted the media without reference to DFC. The Department has had numerous discussions with the Executive Officer and the Chair of the Board of AACAA regarding DFC's expectations that, as a licensed agency of the Government, AACAA would be expected to inform and involve DFC prior to any media contact.

The Manager, AFIS, holds a delegation to approve the publication of details of persons involved in adoption proceedings.

The Manager, AFIS gave permission for the story. With their agreement, the couple were referred to the journalist by the Manager, AFIS. The *Bunyip* provided a draft copy of the article to the couple, as well as to the Manager, AFIS prior to its publication.

5. AFIS staff always provide consumers with information about how they can make a complaint, either within the Department, to the Ombudsman or to their local member. These processes are also described in the AFIS complaint brochure and also available on the AFIS website.

In late 2002 the Executive Officer of AACAA was a guest at the National Central Authorities (comprising representatives of all State and Territory government departments) meeting in Canberra and was privy to a range of highly confidential discussions. The following day she met with a Commonwealth Minister's office, along with parent advocacy groups.

The Executive Officer did not advise DFC that she was to attend the meeting with the Commonwealth Minister's office, nor did she declare a conflict of interest at any point in the previous day's discussions with the Central Authorities. She did not advise DFC following her meeting that she had been part of a delegation to a Commonwealth Minister's office. DFC was informed by an officer of an interstate Department.

Discussions were held with the Executive Officer and the previous Chair of the Board of AACAA regarding a potential conflict of interest. The Chair of the Board at the time was clear the Executive Officer was required to inform the Board of intended contact with Ministers prior to this occurring, which apparently had not occurred.

GAMBLERS REHABILITATION FUND

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

The Hon. T.G. ROBERTS: The Minister for Families and Communities has provided the following information:

1. The enactment on 1 February 2005 of the amendment to the *Gaming Machines Act 1992*, increased the amount of Government funding to the Gamblers Rehabilitation Fund (GRF), by an immediate additional appropriation of \$833,000 for 2004-05.

The Government issued a media release about the increase to the GRF on 1 February 2005. A representative from the Department for Families and Communities (DFC) informed the Break Even services of the increase to the GRF at the services network meeting on 7 February 2005.

The GRF Committee, at the meeting on 22 February 2005, endorsed the process of writing to inform all funded agencies about the increased allocation of \$833,000 and inviting feedback on

immediate expenditure priorities. The letter was dispatched to agencies a few days later.

DFC is currently consulting with services, industry and other major key interest groups to determine key service priorities prior to the release of funding.

A formal call for funding submissions to allocate funding is being managed by DFC in compliance with the usual government accountability processes for the disbursement of funding.

2. The problem gambling services have been informed that the current service agreements will be renewed into 2005-06, and funding indexed at 3 per cent. Strategies are well advanced to support the allocation of the increased funding for the GRF pro rata amount for 2004-05 and for 2005-06. The recently released report, *The Prevention and Treatment of Problem Gambling in South Australia Through the Gamblers Rehabilitation Fund*, outlines key findings for the improvement and future directions of the GRF. This report will be used as a basis for further consultation with services sectors, industry and community groups, to discuss priority considerations for allocating the GRF funding next year and for the future.

As a result of this process, the Minister for Families and Communities will be considering a 3 year plan outlining the future configuration of problem gambling services and funding allocations proposed to meet the needs of the South Australian community.

3. The GRF Committee meeting on Tuesday 22 February 2005 discussed the matter of increased funding to the GRF, and this was central to several items on the agenda.

4. The service agreements with the Break Even services and the Gambling Helpline have been extended to 30 June 2006. The extended agreements include indexation of 3 per cent. The 2004-05 increased funding of \$833,000 to the GRF will be allocated toward service priorities identified with the gambling services. Where waiting lists are an issue, services may identify this as a priority. Other initiatives designed to extend and enhance services' responses to the community will also be considered.

The allocation of this year's funding will be made via submissions for one-off service enhancement grants during 2004-05, a 10 per cent payment to alleviate cost pressures and an allocation to financial counsellors. Break Even services have been invited to forward proposals for the service enhancement grants.

5. Discussions regarding any recommended changes to the current service system, including the location of services offered by the Flinders Medical Centre's Anxiety Disorders Unit, will be considered along with other identified priorities as part of the 3 year planning process currently underway.

6. The service agreements with the Break Even services and the Gambling Helpline have been extended to 30 June 2006 to maintain a continuity of services to the community whilst consultations and discussions for the longer term planning processes are underway.

7. No.

ADOPTION

In reply to **Hon. KATE REYNOLDS** (17 February).

The Hon. T.G. ROBERTS: The Minister for Families and Communities has provided the following information:

1. Two reviews were commissioned by the Government. The first included recommendations in relation to improving governance, accountability and risk management of the inter-country program.

The second was commissioned to take into account the results of a government investigation and made further recommendations on those points. In particular, the second report recommended that the AACAA operating licence have conditions placed on it and that it only be renewed for a further 12 months to enable the above matters to be addressed.

2. AFIS provided overseas adoption and post adoption services and was the South Australian Central Authority pursuant to the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption at the time of the reviews.

As the adoption authority in South Australia, AFIS administers the provisions of the *Adoption Act, 1988* and *Adoption Regulations, 2004*. The client base of AACAA is the same as the client base for inter-country adoption at AFIS.

Neither report recommended that AFIS cease to provide these services.

3. No such recommendation was made. The decision for AFIS to become the service provider was taken by Cabinet.

4. The decision for AFIS to become the service provider was taken by Cabinet.

5. The Minister for Families and Communities formed his view after consideration of information available from the reviews into inter-country adoption, as well as other information including comparative statistical information, State and Territory comparisons of service delivery models, letters written to the Minister from members of the community, outcomes for children, costs of providing the program and consistency of the inter-country adoption program with other Government policies such as 'Keeping Them Safe'.

6. It is not envisaged that that their will be an increase in cost.

7. AACAA was provided with an annual government grant of approximately \$43,000. However, AACAA also operated a fee for service program with costs recovered of approximately \$7,000 per adoption application. The Department's administration fees are approximately \$1,200 per adoption application. These fees will continue to be charged, thus funding the inter-country adoption program.

AFIS has always provided after hours support and information to their clients where required in all programs delivered by AFIS, and will continue to do so.

8. The Minister provided a confidential briefing to Ms Reynolds on 3 March 2005.

GAMBLERS REHABILITATION FUND

In reply to **Hon. NICK XENOPHON** (28 February).

The Hon. T.G. ROBERTS: The Minister for Families and Communities has provided the following information:

1. The enactment on 1 February 2005 of the amendment to the *Gaming Machines Act 1992* increased the amount of Government funding to the Gamblers Rehabilitation Fund (GRF) by an immediate additional appropriation of \$833,000 for 2004-05.

The recently completed and released Review of the GRF conducted by the Department for Families and Communities (DFC) will provide guidance for the priority allocation of the new funds.

DFC is currently consulting with services, industry and other major key interest groups to determine key service priorities prior to the release of funding.

2. Both the Premier and the Minister are correct in their statements, the funding 'kicked in' on 1 February 2005 and DFC will be allocating the funds within the 2004-05 period and will be also guided by priorities identified in the review of the GRF and the stakeholder consultation process

3. The Australian Hotels Association SA (AHA) indicated that they would be providing additional funds of \$750,000 for establishing venue-based early intervention initiatives that will assist problem gamblers to seek help. The launch of this initiative by the AHA was held on 15 March 2005.

4. Services for problem gamblers and their families have been maintained at the current levels. There has been no disruption to services.

Supplementary question:

The GRF funds a range of harm minimisation strategies, including community education initiatives, rehabilitation and supportive treatment interventions to address the negative impact of gambling on consumers and their families. The recent review of the GRF has highlighted the requirement for a funding base that will support the range of initiatives designed to ensure assistance and services are available to those seeking help. The Government increase in funding will enable the implementation of these initiatives.

SEXUAL ASSAULT

In reply to **Hon. R.D. LAWSON** (22 July 2004).

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

1. The Attorney-General is aware of concerns expressed that the new police practice for investigating sex offences was introduced without appropriate consultation.

2. The Attorney-General has instructed officers in his Department to work with the police and the Director of Public Prosecutions on the electronic recording of victim-witness interviews in sexual cases focusing on the implications this has for the victim, charge adjudication, pre-trial disclosure to the defence and prosecution, as well as the trial. For this purpose, there have been meetings between officers of the South Australia Police, the Office of the Director of Public Prosecutions and the Policy and Legislation Section of the Attorney-General's Department, as well as the Victims of Crime Co-

ordinator. The Attorney-General will determine his position when the outcome of these discussions is known.

3. The Attorney-General has been advised that the police have stopped video-recording interviews of victims of sex offences pending the resolution of the issues identified above including the protection of the privacy of victims of sex offences. The question of whether a direction should be issued does not arise.

GARRAND, Mr R.

In reply to **Hon. R.I. LUCAS** (1 July 2004).

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

I have been advised by the Office for the Commissioner for Public Employment:

As part of the executive search process Mr Garrand was interviewed by both Hudson's General-Manager and the Senior Account Manager for Government on 22 April 2004 to determine both his interest and suitability for the position.

He confirmed his interest in the position and provided his Curriculum Vitae to the recruiting firm Hudson's on 27 April 2004.

The Commissioner for Public Employment advised my Chief of Staff that Mr Garrand was likely to be considered as a potential candidate for the Chief Executive position on 21 April 2004. This information was provided in the context of a verbal briefing about the progress of the recruitment process in particular the new candidates that had been identified by Hudson's through their executive search activities.

VOCATIONAL EDUCATION

In reply to **Hon. KATE REYNOLDS** (24 February).

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

1. No school is forced to pay for vocational education and training (VET). Instead, schools are encouraged to make local decisions about an appropriate curriculum in consultation with their students, parents, staff and community. If the school community requests more VET based curriculum and it is assisting students maintain a link with education and training, then schools must be responsive and examine their current educational programs.

2. It should be noted that the majority of costs related to VET in Schools programs are met by the State Government by its recurrent funding of schools through DECS. Under local management, schools examine their resource entitlements and then make decisions about the curriculum offered to students, in consultation with their school community. Schools are continuously engaged in reviewing their curriculum to ensure its relevance to students' needs. In that context, we are seeing school communities include VET courses as part of their 'mainstream' operations. Far from reducing the curriculum available to students, schools are building relationships with TAFEs, other schools and private registered training organisations, to increase the range of curriculum available to students.

The Government also funds the Futures Connect strategy, a \$13.5 million strategy over 3 years to provide a range of career and transition services to young people. Within that strategy, DECS in collaboration with DEST, funds 17 Vocational Education Coordinators to support schools in the provision of Vocational Education and Training and the associated structured workplace learning coordination. Local partnerships established under this strategy have also made decisions to spend more than \$0.5 million of their special program funding to support teacher training and the further development of Vocational Education Training. This is in addition to the contributions made by DFEEST to VET in Schools and the contributions of other government departments.

This Government has demonstrated a strong commitment to Vocational Education and Training in schools. This commitment will continue.

RAIL NETWORK

In reply to **Hon. T.G. CAMERON** (9 February).

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

1. The standards for maintenance of the metropolitan rail system are contained within TransAdelaide's internal Track & Civil Infrastructure Code of Practice. This Code of Practice has been developed in accordance with nationally accepted standards that also apply in other States.

A crucial element of the TransAdelaide Code is the strict adherence to a regular inspection regime. All mainline track is walked every 28 days by Track Inspection staff; defects are identified, prioritised and work orders issued. In addition TransAdelaide's Track Recording Car, using sophisticated computer technology, is run every 3 months measuring vital track parameters specified in the TA Code for tolerance. Ultrasonic testing of rails to detect rail defects is undertaken annually, while reports by drivers and other TransAdelaide staff on any track concerns also are encouraged and regularly occur.

2. The railcars are maintained to strict maintenance regimes. All maintenance work is monitored to ensure that railcars are up to date with their maintenance requirements. Funding is sufficient to maintain railcars at the appropriate standard.

The auditing of the rail network is extensive and on-going as outlined in answer to Question 1. TransAdelaide spends more than \$11 million a year on routine maintenance of the track and signalling network and a similar amount this year on capital improvements.

3. In the three years highlighted TransAdelaide has not experienced an accident resulting in a main line railcar derailment, or experienced an accident between railcars.

Collisions with road vehicles in the period are as follows; three in 2002, one in 2003 and one in 2004.

In the same period a number of minor collision incidents involving objects such as shopping trolleys or bicycle frames placed on the mainline rail tracks have been reported.

4. As mentioned in Question 1, TransAdelaide encourages advice from drivers, other TransAdelaide staff and the Union on any safety matters and this regularly occurs. Such advice is not recorded as complaints; they are instead treated as part of TransAdelaide's safety management system as a means promoting continuous improvement.

5. Simple comparisons with other States are meaningless. This is because ownership of the rail systems across Australia is now very diverse including both State owned systems like TransAdelaide, networks owned or controlled by Commonwealth corporations like ARTC or private companies like the Australian Railroad group. These railways have very different uses, are of varying age and condition, and differing time constraints as to when maintenance can be undertaken.

In South Australia the State Government only controls 5 per cent of the total railway track length in the State.

TransAdelaide's current expenditure is an average of around \$45,000 for every km of track in its system.

6. The inspection and maintenance regime of the metropolitan rail system and railcars undertaken by TransAdelaide provides safe rail services. This is demonstrated by TransAdelaide's safety record.

ROADS, MAINTENANCE

In reply to **Hon. T.G. CAMERON** (5 May).

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

1. A road network safety audit was conducted by Transport SA of the entire arterial sealed road network. This audit was completed in 2000.

This Government has dedicated more than \$20 million in funds annually towards road safety improvement projects that include overtaking lanes, shoulder sealing and black spot projects.

2. According to the road crash database there were 134 fatal crashes between 1 July 2003 and 30 June 2004. Police reports for the crashes do not attribute the road surface or poor line marking as the cause of any of the crashes. Unsealed shoulders and roadside hazards are not an initial cause of crashes. If a driver runs onto the unsealed shoulder and the verge beyond it, the driver has already deviated from the correct path within the road lane due to primary causes such as inattention, excessive speed, alcohol, fatigue or a vehicle fault. Once the driver begins to run off the road, the presence of an unsealed shoulder and roadside hazards may contribute to the final crash outcome and severity. For the 134 fatal crashes, the crash database records that a roadside hazard was involved in 50 crashes.

3. This Government has increased the State's expenditure on road maintenance activities, and when possible directed additional funding to this key area.

A significant increase from the 2004-05 budget is proposed for the 2005-06 State road maintenance allocation – with a clear intention to direct additional funding to it if it becomes available.

An additional \$22 million, known as the 'Long Life Roads' project, will include spending on South Australia's road network during the next three years.

This boost further demonstrates this Government's commitment to improving road conditions.

TRANSPORT, PUBLIC

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

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

As the Hon T Cameron has noted, Wandering Star services are provided Friday and Saturday nights.

Service improvements are considered on a priority basis, with priorities generally directed to where the most benefit can be obtained for the greatest number of people. As few people travel at night the government is not currently considering increasing services during the night. It is difficult to justify an improved frequency of service when there are many other improvements required at times at which people are more likely to travel.

The Government is committed to increasing public transport patronage; South Australia's Strategic Plan seeks to double the use of Public Transport to 10 per cent of weekday travel by 2018. There are many higher priorities for improving services to achieve this aim than improving public transport services after midnight. At this point of time the Government will not undertake a study regarding the feasibility of public transport services after midnight.

HIGHWAYS, NAMING

In reply to **Hon. J.S.L. DAWKINS** (21 September 2004).

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

1. On 20 June 2005 the Tourism Minister announced the naming of nine major routes in South Australia.

- The route from the Sturt Highway near Monash to Highway One north of Crystal brook via Morgan, Burra and Gulnare will be known as the *Goyder Highway* in recognition of 19th Century Surveyor-General George Goyder.
 - The road between Hallett and Jamestown in the State's Mid North has been named the *Wilkins Highway* after war photographer, aviator and polar explorer Sir Hubert Wilkins.
 - The route between Morgan and Gawler via Eudunda and Kapunda has been named the *Thiele Highway* after author Colin Thiele.
 - The Coober Pedy to Oodnadatta road will now be known as the *Kempe Road* after pastoralist Bob Kempe.
 - The route between Pine Point and Warooka via Edithburgh and Yorketown on Yorke Peninsula will be known as the *St Vincent Highway*.
 - The road from Coober Pedy to William Creek will be known as the *William Creek Road*.
 - The road from Naracoorte to the Victorian border and linking to the Wimmera Highway in Victoria will be known as the *Wimmera Highway*.
 - The road from Eudunda passing through Robertstown to connect with the Goyder Highway will be known as the *World's End Highway* in recognition of the small settlement that was located near Burra Creek in the 1850s.
 - The road from Cadney Park to the Coober Pedy-Oodnadatta road will be known in future as the *Ankata Painted Desert Road*. 'Ankata' is the local Aboriginal name for bearded dragon, an ancestral being associated with the Painted Desert Area.
2. The route names will be added to selected road signs and the route names will gradually appear on road maps and in tourist information.
3. The working group and Transport SA have liaised with the local regional councils, which have given their support for the names chosen.

PLAN FOR ACCELERATING EXPLORATION

In reply to **Hon. J.S.L. DAWKINS** (7 April).

The Hon. P. HOLLOWAY: This answer relates to the Plan for Acceleration Exploration (PACE).

One component of the PACE plan provides grant monies to exploration companies to assist in conducting drilling programs in frontier regions of South Australia. PepinNini Minerals has been successful in securing funding in the first round of PACE funding. The grant money will cover a pre-agreed component of the direct

drilling costs associated with PepinNini's exploration programs. These exploration programs are active in the Musgrave Province for nickel targets and in the Curnamona Province for Copper/gold targets.

SOUTHERN AND HILLS TRANSPORT PLAN

In reply to **Hon. J.S.L. DAWKINS** (25 May).

The Hon. P. HOLLOWAY: In regards to your first question, I have been advised by the Minister for Transport that the Department for Transport, Energy and Infrastructure has been extensively involved in the study undertaken by the Southern & Hills LGA into potential freight routes within the region, including the north-south routes between McLaren Vale, Langhorne Creek, and the Barossa Valley. The Southern & Hills LGA should be commended for taking into account the needs of all concerned, and recognising the sensitive nature of the Adelaide Hills area when considering freight movement.

I have also been advised that this study has only been recently culminated in the Addendum Report to the original Southern & Hills LGA 2010 Transport Plan, proposing several routes for potential use by B-Doubles, including the one described by the Honourable Member. The Department for Transport, Energy and Infrastructure is currently considering those recommendations.

Regarding your second question, I will consider adopting any transport related recommendations within the report based upon advice from the Minister for Transport. This advice can only be provided upon the completion of the assessment of the routes. At the conclusion of the public consultation phase of the draft Outer Metropolitan Planning Strategy I will ensure advice is sought on the matter.

I am also aware that some recommendations relate to land use and transport integration, and as such they will be considered prior to the finalisation of the draft Planning Strategy.

Finally, as I have stated, the Minister for Transport and his Department are aware of the study and the Addendum Report.

DRUG DRIVING

In reply to **Hon. A.L. EVANS** (13 October 2004)

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

1. The State Government released draft drug driving legislation for public feedback and comment to allow South Australians to have their say on the new measure. Consultation closed on 30 April 2005 and information on the draft Bill can be found at www.transport.sa.gov.au/legislation/draft/.

2. To complement the proposed draft legislation, the Government will be developing a comprehensive education campaign to inform motorists about the dangers of drugs and driving. The Government recently announced its 'Road Safety Education for all Students' to get the road safety message across to all South Australian children.

3. Victoria has been the first in the world to trial random roadside saliva drug testing and is currently undertaking a 12-month trial and has released interim results regarding detection levels under their program.

The Departments responsible for Transport in Victoria and South Australia have shared information and lessons learned from the Victorian trial so far which have helped shape our proposed draft legislation that has been released for public comment.

LAND TAX

In reply to **Hon. IAN GILFILLAN** (26 October 2004).

In reply to **Hon. NICK XENOPHON** (26 October 2004).

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

Land tax is no different from other taxes (State and Federal) where the revenue raised is a consequence of applying legislated tax rates and thresholds to a given tax base.

It is not standard tax practice to set tax rates to achieve a predetermined revenue target. Local government rates are set on this basis but they do not conform to standard tax arrangements.

While the Emergency Services Levy is designed to raise predetermined revenue targets, in practice, the levy on property owners operates like any other tax. The amount of revenue raised from property owners is a consequence of applying tax rates to underlying property values. The remissions funded by Government are the balancing item which funds the shortfall between the expenditure

target for emergency services and the revenue raised from property owners.

In any given year, tax revenues will vary against Budget estimates. Some will exceed Budget; others will fall short of Budget. These variations arise because growth in the tax base exceeds or falls short of estimates.

It is not appropriate to describe these variances as 'dishonest windfall income'.

If the local government rate model were to be applied to State taxes, this would involve an annual adjustment to all tax rates at considerable administrative cost, inconvenience to taxpayers and would create an environment of uncertainty due to unpredictable annual variations in tax liabilities, including for business. Whereas local government relies almost exclusively on rate revenue, State and Federal Governments rely on a range of taxes to fund their expenditure requirements.

In addition the expenditure requirements, and therefore necessary revenue raising methods, of local governments are less complex and of a smaller magnitude than those of State or Federal Governments.

Growth in land tax values has been stronger than expectations, with tax collections exceeding budget estimates in 2002-03 and 2003-04.

Revenue gains of this kind, however, should not be considered in isolation of other pressures on State Budgets, including wage cost pressures and pressures for increased spending on health, education and other services the Government is required to provide.

Recent strong growth in land tax revenues follows an extended period during the 1990's when land tax revenues declined in nominal and in real terms. Historical experience shows that strong growth in land values is followed by extended periods of relative stability.

For the 2004-05 assessment year, an instalment payment option for land tax was introduced which allowed payment in equal instalments over four consecutive months, with no interest charge.

In addition, the option of paying land tax accounts by credit card was also introduced, subject to a \$2000 transaction limit.

These were both issues that had been the subject of representations including from the Land Tax Reform Association dating back to February 2004.

From the 2005-06 assessment year, quarterly billing will be available to land taxpayers as announced in the 2005-06 Budget.

In February 2005, the Government announced a land tax reform package including adjustments to tax brackets and tax rates to deliver broad-based relief. Further relief was provided in the 2005-06 Budget by lifting the tax-free threshold to \$110,000, exempting supported residential facilities from land tax and introducing the option to pay land tax bills on a quarterly basis.

The amended land tax structure will apply from the 2005-06 assessment year. Land tax rebates costing \$20 million have also been provided for the 2004-05 assessment year.

With effect from the 2005-06 assessment year, exemptions from land tax will be available for caravan parks, residential parks and supported residential facilities. Full or partial exemptions will also be available for income-earning activities conducted from the principal place of residence, depending on the business use percentage of the total floor area of all buildings on the land. Eligibility criteria for a primary production exemption in defined rural areas (close to Adelaide and Mount Gambier) have also been broadened.

These amendments in conjunction with the restructured land tax scale will deliver \$58 million in relief for land taxpayers in 2005-06 and \$244 million over the four years to 2008-09.

CYCLING ACTION PLAN

In reply to **Hon. IAN GILFILLAN** (31 May).

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

1. The Cycling Action Plan was developed by the former Department of Transport and Urban Planning to provide future directions for the encouragement of cycling in SA. The plan was produced taking into account input from the numerous submissions made on cycling during the public consultation phase of the Draft Transport Plan and in reference to Bicycle SA's *Making the Links—A blueprint for a cycling friendly South Australia* document.

2. The Cycling Action Plan was developed primarily for intra-Government discussion and has never been released for general public consultation. The Cycling Action Plan has been further developed with input from other Government agencies and community cycling groups and is now entitled *Safety In Numbers, a Cycling Strategy for South Australia 2005 – 2010*. The Minister

for Transport announced the development of this strategy on 6 May 2005 together with his announcement of the creation of a Cycling and Pedestrian Safety Taskforce under the auspices of the Road Safety Advisory Council.

3. The development of *Safety in Numbers* has been overseen by the Chief Executive's Cycling Group that included amongst its members representatives from both community cycling advocacy groups in SA. The Chair of the Bicycle Institute of SA and the Executive Director of Bicycle SA have been provided with a draft copy of *Safety in Numbers* and have provided input into its development. It will be released in the near future.

PORT LINCOLN, PETROL STATION

In reply to **Hon. SANDRA KANCK** (9 November 2004).

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

1. I am advised that the decision to approve the petrol outlet on the corner of Boston Street and Mortlock Terrace in Port Lincoln was a decision made by the City of Port Lincoln, which is the relevant planning authority under the Development Act 1993 (SA).

2. I refer to my answer to question 1.

3. The advice that I have received is that the Environment Protection Authority advised on 21 November 2003 that, provided the applicant is prepared to develop and maintain the fuel outlet appropriately, the environmental matters in sub-section 15(2) of the Petroleum Products Regulation Act 1995 should be met.

I am also advised that the City of Port Lincoln required compliance by the developer with the Australian Institute of Petroleum Code of Practice CP4-98 *Design, Installation and Operation of Underground Petroleum Storage Systems* as a condition of planning approval.

4. The advice that I have received in relation to the Port Lincoln site, is that seepage from on site petrol is unlikely to be an issue. I am advised that the site was required to have underground tanks installed according to the relevant Australian Standards covering storage and handling of flammable and combustible liquids and liquid petroleum gas. I am also advised that prior to start up the installation was certified by its installer as meeting the requirements of all relevant legislation.

RAIL, ADELAIDE HILLS

In reply to **Hon. SANDRA KANCK** (2 March).

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

The interstate rail corridor between Melbourne and Adelaide is owned by the Australian Rail Track Corporation (ARTC) and is the responsibility of the Commonwealth Government. Federal Member for Boothby, Mr Andrew Southcott, has indicated in the media and to his electorate that he will be strongly lobbying the Federal Government to 'have direct rail freight coming out through the north of the city instead of through the Adelaide Hills.' It is understood that concept options to reroute the Adelaide to Murray Bridge rail line were considered in 2001 as part of the Interstate Rail Network Audit but not further considered because of relatively low cost benefit ratio.

The South Australian Government supports and encourages consideration of improvements to the Adelaide to Melbourne rail corridor.

The Commonwealth Department of Transport and Regional Services has recently commenced a number of corridor studies in accordance with the process outlined in the Auslink White Paper. One of these is the Adelaide Urban links study, which will consider the rail corridor through the Adelaide metropolitan area and possible improvements. A further study will be undertaken subsequently on the rest of the Adelaide to Melbourne corridor.

BUS DRIVERS, EMPLOYMENT

In reply to **Hon. SANDRA KANCK** (6 April).

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

1. The contract between the Minister for Transport and the bus contractors requires them to comply with the Passenger Transport Act and any other legislation, which imposes an obligation on the Contractor in relation to or as a provider of the bus services.

Consequently, the Contractors must ensure that drivers are accredited under the Passenger Transport Act. The Occupational

Health, Safety and Welfare Act 1986 is another Act with which the Contractors must comply. Contractors must provide a safe and healthy work environment and ensure that staff engage in safe work practices. Each contractor must decide how best to comply with the OHS&W Act. What is important is that they do not put their staff or their passengers in danger of injuring themselves. To this end each contractor has put in place practices to ensure they minimise this risk.

3. Prior to 24 April 2005, Serco employed 655 drivers some full time, some part time and some casual. On 24 April 2005, the incoming contractors, SouthLink and Torrens, employed a total of 535 drivers. Another 5 drivers have gained employment with another bus contractor, Transitplus.

A total of 115 drivers did not get work with the bus contractors. SouthLink and Torrens Transit had 72 people who either did not accept a position or withdrew from the process, however some of these could have withdrawn after accepting a position with the other company.

4. Both SouthLink and Torrens Transit have committed to only engaging current Serco drivers for the routes they operated from 24 April.

5. There is continual turnover of drivers in the bus industry and an ongoing requirement to train new bus drivers. All drivers, new to the industry, undertake a training program. Both the State Government and Federal Government provide assistance to companies providing training programs. All bus contractors participate in these schemes.

UNDERPASS

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

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

1. The Infrastructure Plan defines the broad strategic direction for infrastructure development in the State. It is not intended to be a document that provides the detailed design for each development. The Plan establishes, amongst other priorities, the upgrade of the north-south transport corridor through metropolitan Adelaide as a clear priority and identifies preliminary rankings and suggested timeframes for some initial projects to tackle congestion on South Road including the Grange/Port Road intersections.

Concepts for the tunnel underneath these intersections have been considered in sufficient detail to ensure the viability and benefits of the proposal and understand the associated costs and broad impacts. The next phase of the project will be to engage with the community to assess a range of more detailed concept designs before finalising the preferred detailed scheme.

2. The Land Acquisition Act 1969, as amended, clearly outlines the issues which must be taken into account in determining the amount of compensation payable in respect of any property acquisition. There is no 'formula' which can be applied to any property acquisition, as each acquisition must be treated entirely on its own merits.

3. Yes.

SEXUAL ASSAULT

In reply to **Hon. SANDRA KANCK** (5 July).

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

The Commissioner of Police has advised the following:

1. The Sexual Crime Investigation Branch was established in October 2004 and has the responsibility to investigate complex sexual offences. Part of their responsibility is to continually review all sexual crimes reported across the State and identify links to similar offences. The Sexual Crime Investigation Branch is currently investigating six of the reported offences in the Salisbury area and whilst investigations are ongoing, no links have been identified between these crimes. In relation to one of the offences, police have arrested and charged a person with seven counts of rape. Media reports at the time of the most recent offence in June suggested a link to an earlier crime however this was discounted by the subsequent police investigation.

2. No linkages have been identified in relation to the location of these offences. Locations have included a park, a private home, a bus stop, and a roadway. The unique circumstances of each report have resulted in many persons being spoken to about the individual offences and this policing activity is ongoing.

3. Increasing public awareness is a priority for police and on four occasions police have promptly released information to the media about these particular offences. Whilst each of these offences is unique, a common theme of personal safety awareness and seeking public assistance is adopted by police when reporting these incidents to the media.

4. Police investigators from the Sexual Crime Investigation Branch are responsible for six of the offences referred to. This specialist investigation area works closely with the Local Service Area in which these offences have occurred and additional resources can be sourced as required. These offences are currently under investigation and this has resulted in one person being arrested in relation to one of the incidents. That matter is currently before the courts.

DEPARTMENTAL FUNDS

In reply to **Hon. R.D. LAWSON** (28 October 2004).

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

The briefing did contain the passage and the comment is part of the comparison of total budgeted payments in the 2001-02 budget to the 2002-03 budget. The comment refers to a decrease in budgeted payments in 2002-03 OWING to the combined effect of two matters:

"Unapproved carryovers to 2002-03 ..."—refers to amounts which were not spent in 2001-02 and a carryover was not granted by Treasury for 2002-03 as part of the budget process. Hence there has been a decrease in budgeted payments in 2002-03 compared to 2001-02.

"...increase in approved carryovers in 2001-02"—refers to a higher level of approved carryover in 2001-02 than in 2002-03. Hence there has been a decrease in budgeted payments in 2002-03 compared to 2001-02.

It is important to note that the briefing was written in June, 2002—four months before the former Chief Executive, Ms. Kate Lennon, started to misuse the Crown Solicitor's Trust Account.

The \$4.198 million figure is part of an explanation of the difference between two budget figures and has no relationship to the transactions conducted through the C.S.T.A. No action on my part was necessary.

LIDDY, Mr P.

In reply to **Hon. R.D. LAWSON** (4 May).

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

1. The Commissioner of Police has advised that Members of the Major Fraud Section of the South Australia Police have been investigating issues relating to the estate of Mr Peter Liddy for some time. Police have searched a number of premises during this time and have been successful in locating numerous artefacts from the Liddy Estate. It should be borne in mind that SAPOL members must hold the requisite level of suspicion vide Section 67 of the Summary Offences Act before they can utilise their general search warrants to search premises. During this protracted investigation, police have obtained some material from the Channel 7 'Today Tonight' program. The circumstances surrounding the movement of the weapons, including their removal from Shenandoah (Liddy's former home) and the depositing of them at the location where they were found, are subject to further investigation.

The Attorney-General has provided the following information:

2. and 3. The Attorney-General suggests the Honourable Member refers to the House of Assembly Hansard of 31 May 2005, page 2841, for the answer to this question.

CRIME STATISTICS

In reply to **Hon. R.D. LAWSON** (26 May).

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

1. The statistics referred to by the Hon. R.D. Lawson, MLC, in *Hansard* dated 23 May 2005, were provided in response to a specific request received by the Office of Crime Statistics and Research (O.C.S.A.R.) from the Premier's Office. They were prepared as a one-off briefing paper, rather than extracted from an existing report.

In preparing this information for the Premier, O.C.S.A.R. followed its standard procedures when responding to ad-hoc information requests about unpublished data.

Although the statistics provided to the Premier will be included in O.C.S.A.R.'s annual publication *Crime and Justice in South Australia: Offences reported to police, the victims and alleged perpetrators*, that report is still being prepared. I expect it to be released by the end of the year. As in the past, the *Crime and Justice in South Australia* reports will be publicly released after its completion.

2. See (1) above. The Premier's Office thought the information would be of interest to the South Australian public, which is why it requested it in the first place.

It was released to the public, through its publication in *The Advertiser*, to which the Honourable Member perversely takes exception.

3. O.C.S.A.R. responds to specific requests from Opposition MPs, and even media, when asked. In his time as an Opposition MP, the Attorney was often assisted by O.C.S.A.R. responding to his specific requests.

DISABILITY ACTION PLAN

In reply to **Hon. J.M.A. LENSINK** (31 May).

The Hon. P. HOLLOWAY: The Department of Trade and Economic Development, as with other government agencies, is realigning its Corporate Plan with the South Australia Strategic Plan and in light of other recent strategies such as the State Infrastructure Plan, Export Strategy and Manufacturing Strategy. The Corporate Plan for 2005-06 will be completed early in the 2005-06 financial year.

The timing of the development of a new departmental Disability Action Plan has been contingent on the comprehensive review of HR management undertaken for the new agency in 2004. The Chief Executive approved the DTED HR Management Plan incorporating a complete review of HR information and resources on the

- workforce planning and workforce culture strategies requiring rejuvenation of equity and diversity policies and planning, and
- writing of a complete set of HR policies and procedures.

This policy review schedule established an *Equity and Diversity* policy, the first draft of which was completed in March 2005. The policy requires the completion of a Disability Action Plan, which is currently underway. In line with the Promoting Independence reporting framework for State Government, the draft DTED Disability Action plan has based strategic outcomes for disability on the five key areas which government departments are required to address, namely:

1. access
2. information
3. awareness
4. consultation and complaint processes
5. legislative compliance

I am advised that the department's new draft Disability Action Plan is expected to be completed early in the new financial year following consultation with stakeholders.

The 2003 *Promoting Independence: Disability Action Plan's* report identified the importance of disability awareness and discrimination training, and DTED's resource commitment to the progress of opportunities and services in the disability area is reflected in participation on the Promoting Independence Sub-Committee which launched the *Disability Awareness Training Program* in December 2004.

STATE DEFENCE SECTOR PLAN

In reply to **Hon. R.I. LUCAS** (2 March).

The Hon. P. HOLLOWAY: The Minister Assisting the Premier in Economic Development has provided the following information based on advice from the Department of Trade and Economic Development:

1. The activities and skills required to effectively launch the State Defence Sector Plans and to coordinate the supporting Defence Industry Trade Expo 2005 (DITE 05) included:

- (a) the development of a launch concept and event management and logistics coordination at both the launch and the DITE 05
- (b) the development and supply of multi-purpose audio-visual material, and
- (c) on-site staff and security at the Convention Centre on the day of the launch.

The resources required to complete these tasks were not available internally within the Government Defence Unit's staff of eight because of bid activities for the Air Warfare Destroyer project and

preparations for Avalon Airshow. Resources were not available within the Department of Trade and Economic Development, especially given concurrent focus on other major events such as Magic Millions and Clipsal 500. Hence, private sector event management teams submitted proposals to the Defence Unit, interviews were conducted and In Front Management chosen. Release of all government announcements in relation to the defence sector were handled by the Chief Executive, Defence Unit and the Department of Trade and Economic Development.

2. All expenditure for the Defence Sector Plan launch was within the financial delegations of the Chief Executive, Defence Unit. Feedback from both defence and industry has been extremely positive and the launch has been able to generate significant confidence amongst the South Australian defence community whilst strengthening the State's case for the Air Warfare Destroyer contract.

3. In Front Management was classified as a contractor as it provided a fee for service under the day to day direction and control of the Defence Unit officers.

4. The bid for the \$6b Air Warfare Destroyer is a key part of this Government's drive to develop the State's economy. The Hon Rob Lucas's record in Government suggests he was more concerned with the privatisation of State assets, a policy that has cost South Australia dearly, than building this State.

5. South Australia has now been chosen as the Consolidation Site for the Air Warfare Destroyer. This achievement dwarfs anything the Hon R Lucas did in his 4 years as Industry Minister.

OUTER HARBOR

In reply to **Hon. CAROLINE SCHAEFER** (22 September 2004).

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

1. The Government commissioned a cost/benefit evaluation of the Outer Harbor channel deepening in order to develop the business case for the project. This study was completed in June 2003 and showed that in a twenty-year timeframe, the present value of direct gain in increased profits and lower costs to South Australian industry resulting from the channel deepening is estimated at \$465 million. While this study was based on a number of assumptions, the findings clearly showed an imperative to deepen the port at Outer Harbor. The report also showed that the deepening of the port would result in significant direct benefits to South Australia's importers and exporters.

2. The study concluded that the reduced freighting options would put 'at risk' an estimated \$2.8 billion worth of trade by year ten. The study did not make reference to the loss of job opportunities that might result from any reduced trade.

3. The Minister for Urban Development and Planning approved the development application for the Outer Harbor channel deepening project on 2 February 2005. The EPA issued a dredging licence to the project proponent, Flinders Ports, on 13 April 2005. The channel deepening project will commence in May 2005 and be completed by the end of 2005.

4. The Government has agreed to fund directly \$15 million of the project costs. The Government will also contribute \$15 million in savings generated from the deep sea grain wharf relocation, bringing the total Government contribution to \$30 million. Flinders Ports will fund the balance (estimated at \$15 million) of the \$45 million total project costs.

In reply to **Hon. CAROLINE SCHAEFER** (9 December 2004).

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

1. The rail bridge component of the Port River Expressway project is scheduled for completion by mid 2007 with the road bridge component scheduled for completion in the second half of 2007. Delays have been caused by the need to revisit the delivery approach put in place by the previous Government and to resolve Federal Government funding through AusLink for the bridges and associated works. The current timetable will ensure the rail bridge will be operating when the new grain terminal at Outer Harbor opens.

The Port River Expressway bridges are part of an overall development strategy for the Outer Harbor port, which includes the proposed deepening of the shipping channel, the upgrade of the LeFevre rail corridor and the delivery of headworks at Outer Harbor.

The channel deepening in particular is critical to the future of the port and the Government has already announced its commitment to this project. The channel deepening will enable our port to attract

larger container and bulk vessels, which should provide freight savings for the State's port users and underpin the long-term viability of the port.

The Government has agreed to directly fund \$15 million of the project costs. The Government will also contribute the \$15 million in savings generated from the deep sea grain wharf relocation, bringing the total Government contribution to \$30 million. Flinders Ports will fund the balance (estimated at \$15 million) of the \$45 million total project costs.

The Minister for Urban Development and Planning approved the development application for the Outer Harbor channel deepening project on 2 February 2005. The Environment Protection Authority issued a dredging licence to the project proponent, Flinders Ports, on 13 April 2005.

Preliminary on-site works on the channel deepening project have commenced, with the project on-track for completion by the end of 2005, well before the proposed deepening of the port of Melbourne will even commence. The port of Melbourne deepening project has encountered significant difficulties during the development approval process and has been delayed for some years.

2. Tolling of the bridges was part of the delivery approach promoted and accepted by the former Government. This Government, however, has recognised that tolls are not appropriate for these bridges and has recently announced that tolls will not be levied.

NATIVE VEGETATION

In reply to **Hon. SANDRA KANCK** (24 May 2004).

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

The former Minister for Transport gave approval to declare the parcel of land surplus to requirements on 29 December 2002. A Whole of Government Strategic Land Use Assessment was undertaken by the planning division of my department which concluded that this parcel of land should be developed primarily for a range of large-scale bulky goods facilities such as retail show rooms and hardware stores. The assessment also concluded that the site was not required for open space due to the amount of open space networks provided in the area. The disposal process therefore commenced.

At the time of sale an existing garden centre was located on the land and could have been adapted to a variety of commercial/retail uses whilst retaining the native vegetation located on the site.

On 18 October 2003 an agent was appointed to facilitate the sale of the parcel of land by way of public tender. The Purchaser Acknowledgments under Special Conditions in Annexure A of the Tender Package specify 'The Purchaser purchases the Land subject to any restrictions imposed by any provisions of :- (e) the Native Vegetation Act 1991.....'.

In addition, the Executive Summary of the Phase 1 Environmental Site Assessment – Allotment 102 (DP 63032) Beach Road, Noarlunga, SA clearly states '...Any future development of the site would have to take into account that, under the provisions of the Native Vegetation Act 1991 (SA), permission would be required to clear vegetation from any part of the eastern and southern sections'.

All Government agencies were consulted in accordance with established processes for the disposal of surplus land.

The Contract for Sale and Purchase of the land was awarded to Syrianos Pty Ltd, on 14 May 2004.

The adjacent land described as Lot 44 Goldsmith Drive, Noarlunga Downs, CT 5696/908, 2.7ha, is in the ownership of the Commissioner of Highways and its future has not been decided.

In reply to **Hon. J.F. STEFANI** (24 May 2004).

The government received the sum of \$676,000 (GST exclusive) for the land.

CHILDREN'S PROTECTION (KEEPING THEM SAFE) AMENDMENT BILL

Second reading.

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I move:

That this bill be now read a second time.

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

Leave granted.

Introduction

Keeping Them Safe, the Government's reform program for child protection, was launched in September 2004, following the Layton review of the child protection system. The reform program is based on a whole of community approach to protecting children. The government believes that keeping children safe from harm is everybody's responsibility.

The vision in *Keeping Them Safe* is to make sure that all South Australian children:

- Enjoy good physical and mental health in a safe and healthy physical environment
- Get the most out of life, including play, leisure and access to recreation and sport
- Develop skills for adulthood
- Have a strong sense of self and are connected to learning, opportunity and the community
- Can take up their citizenship rights and make a positive contribution; and
- Are not prevented by disadvantage from achieving their full potential.

These outcomes are essential to a positive future for South Australia. If we do not look after our children we limit not only their potential but also the potential of the broader South Australian community. Like other States, and other countries, the care and protection system in South Australia has been under significant pressure in recent years.

Reports of child abuse or neglect have steadily increased. In part this reflects the difficulties some parents are experiencing as well as community concern for children. However, we now have a far greater understanding of how those who set out to deliberately harm children actively find the means to have contact with children. This ranges from befriending vulnerable children and their parents to gaining employment, or volunteering, in agencies that work with children. Additionally the days are gone when the words of children and adults who come forward with accounts of harm are given little credibility.

We are now in the process of building a new system that is more responsive to vulnerable children and their families.

There are five interconnected reform priorities:

- *Support to children and families*—including recognition of the challenges of responsible and good parenting, and the need to address this in situations where families face considerable pressure, as well as a particular focus on children under Guardianship of the Minister
- *Effective, appropriate intervention*—including intervening early to prevent difficulties from escalating and ensuring that the child protection system can adapt to the needs of particular children
- *Reforming work practices and culture*—including a commitment to a skilled and competent work force and outcome focused organisations
- *Collaborative partnerships*—across government and between and among the non government services and those who represent children's interests in order to build shared understandings about what is best for children and to work together for improved outcomes
- *Improved accountability*—we know that some child abuse is conducted in secrecy and that this will often increase trauma to the child. A closed child protection system will have a similar effect as it creates unnecessary barriers to effective intervention to protect vulnerable children. It is therefore crucial for Government to model openness and transparency through processes for independent scrutiny of the care and protection system and seeking advice from the community about children's rights and interests.

A substantial financial investment of \$210 million over 5 years has been committed to this reform program.

To further progress the reform program it is necessary to make a number of changes to the *Children's Protection Act 1993*.

Objects and Principles

The draft Bill provides for fundamental change to our care and protection system. Recognising the importance of a childhood free from harm, the provisions in the Bill reflect a strong commitment to achieving this for South Australian children.

A sound and nurturing relationship between a child and their birth parents helps children to feel that they belong, to know who they are, and to know that they are important. The present Act encourages services to do whatever can be done to strengthen these relationships. This Bill maintains this focus but does not do so in isolation of the other relationships in a child's life. While it is important to encourage strong relationships between a child and their birth parents and birth siblings, important relationships such as those with grandparents and other relatives must be valued.

The Bill takes into account that throughout childhood, a child also spends a significant amount of time in the care of others – for example, a child may spend time in the care of relatives, a kindergarten, a school, a hospital, a sporting club, or a social club. It is the Government's intention to make sure that all the key people in a child's life accept responsibility for supporting that child to help him or her to grow and flourish.

Thus, the Bill moves away from the concept that only certain individuals are responsible for protecting children from harm, whether this occurs at home or elsewhere.

Central to the Government's reforms is the need to move away from prevailing expectations that only one government agency has responsibility for the welfare of children. This has proven to be ineffective. The responsibilities of those working with vulnerable children extend beyond making a report to the Department for Families and Communities. A greater awareness of children's safety and protection needs and acceptance of shared responsibility to meet these needs are vital to developing a more responsive child focused system.

Further, the Objects state the importance of intervening early when children are at risk of harm. At present, the child protection system tends towards a crisis response, and often children do not receive a response until harm has occurred. There is considerable evidence across the western world of the benefits of early intervention strategies in preventing further harm as well as preventing long term damage to the child.

The principles have also been rewritten to reassert that the safety of the child is to be the paramount consideration and that the powers must always be exercised in the best interests of the child. The objectives concerning the importance of family life cannot override the paramount principle.

In order to ensure greater clarity, it is proposed to include as the first principle, "Every child has a right to protection from harm". This principle leaves no doubt as to the first responsibility of the care and protection system.

In addition, consideration must be given to the child's wellbeing to make sure that we interpret risks to safety more broadly, to ensure that we consider those children living in environments that are detrimental to their development but where incidents of actual harm are difficult to identify.

In accordance with the focus on achieving better outcomes for children, and in line with the UN Charter on the Rights of the Child, consideration must now be given to the child's own views, where they are able to form and express them, when determining the child's best interests.

The importance of preserving and enhancing a child's sense of racial, ethnic, religious or cultural identity is given greater priority. This is crucial to building a child's sense of belonging and connection. In addition, specific mention is made of adherence to the Aboriginal Child Placement Principle. This has long been advocated by Aboriginal communities, and is called for in the Layton Review. This compels a particular process for decision making for Aboriginal children who may be removed from their birth families, involving firstly consideration of placement within their family, secondly their kin relationships, thirdly their community, and fourthly within another Aboriginal community. This will ensure that as far as is possible, Aboriginal children are kept connected to their known environment and culture. Going beyond these four steps should be seen as a last resort.

While we must do what we can to support families, some children's birth families are not sufficiently safe and/or supportive. In these cases, it is intended to emphasise Government's responsibility to do all that is possible to make sure that these children are not left in limbo and preferably have an opportunity to belong to an alternative family. A principle is proposed that gives these children the right to

care and protection in a suitable standard of alternative care in keeping with the recommendations of the Layton Review.

These particular principles build on the Government directive made in 2004 that children under the Minister's care receive priority access to Government services. They set in place a framework for ensuring that this particular group of children are given special attention.

Interpretation of Alternative Care

The Bill extends the meaning of alternative care to cover all children in the custody of the Minister for Families and Communities, including those in lawful detention. This recognises that these children too need a special focus and that their care and protection needs are not forgotten or excluded from this Bill.

Interpretation of At Risk

South Australians value children and want to reduce child abuse and neglect in the community. However, there are many challenges in determining how best to prevent abuse and neglect and assist the recovery of those children who have been harmed. It is widely acknowledged that the present definition of "at risk" is too narrow. In amendments to section 6(2) of the *Children's Protection Act 1993*, the Government has accepted the advice from the Layton Review that the assessment of risk should give greater consideration to a child's development, the importance of anticipating future harm, and the need to take a broader assessment approach of the protective capacity of parents and their ability to meet the child's needs.

It is therefore proposed to broaden the definition of "at risk" so that, for the purposes of the Act, a child is at risk if "there is a significant risk that the child will suffer serious harm to his or her physical, psychological or emotional wellbeing against which he or she should have, but does not have, proper protection". More guidance will be contained in government policy and procedures.

Child Safe Environments

Recent debate has focused on mandatory reporting arrangements when abuse or suspicion of abuse arises – but this is not enough. Government has a responsibility for guiding all organisations to adopt a preventative approach to child abuse as well as helping them put in place appropriate processes for when a child may have been harmed.

Ensuring children are protected in all settings is crucial and building child safe environments is fundamental to the Government's commitment to protecting children. The best way forward is to promote and facilitate common commitment and approaches across all government and community organisations, including church agencies.

The child safe environment framework contained in this Bill seeks to ensure that all organisations have an understanding of their responsibilities to prevent child abuse, protect children from predators, and to make sure that effective and timely processes are in place when harm is suspected or has occurred. Provisions in the Bill will require organisations to have in place policies and procedures directed at ensuring the establishment and maintenance of child safe environment.

Further, the government is committed to supporting organisations to fulfill their responsibilities. The South Australian Government through its national leadership role in the Community Services Ministers Child Safe Organisations Working Group is leading the development of a national framework. The group has been charged by Ministers to develop a nationally consistent framework that includes schedules on screening, information exchange and guidelines for building capacity for child safe organisations.

Accordingly the Chief Executive may now produce guidelines for organisations for how to best achieve child safe environments and the Governor has the power to make regulations setting out standards for procedures and practice. Widespread consultation with affected organisations will occur during the development of the standards to ensure that they are suitable. There will be a staged approach that reflects the capacity of the sectors to implement the standards and to reflect evolving practice. The Chief Executive will also be empowered to ensure that appropriate screening is carried out for all volunteers and employees who work with children in government or in services provided to government.

Notification of abuse or neglect

Mandatory reporting has an important part to play in the protection of children. In this State there is a longstanding commitment to mandatory reporting by many professionals. In recent times greater consideration has been given to those environments in which children live and play, and what responsibilities non professional organisations should play in the care and protection of children.

Child abuse in all its forms is shocking to the community, and this is particularly the case when a trusted community leader is found to

be the perpetrator of harm. Extending mandatory reporting to ministers of religion, and those employed or volunteering in religious and spiritual organisations, acknowledges the place of spiritual and religious communities and organisations in children's lives. It recognises that some predators against children look to religious organisations in the same way they look to children's services: to seek greater access to vulnerable children. These predators exploit the authority and status of a religious organisation in the minds of individual children and their parents.

The Bill expands the requirements to those employed in, and volunteering in, sporting and recreational services. Sport and play are also fundamental to the healthy development of children and we need to do all we can to make sure that these organisations are focused on helping children to achieve their potential in all aspects of their lives.

It is important to note that those concerned for children will take whatever action they have at their disposal (including making reports) and do not require legislation to compel them. A report does not by itself guarantee a child will be safe; rather it alerts government agencies to suspicions and concerns that a child may not be safe.

The issue of whether to include an obligation for ministers of religion to pass on information received in confessionals has been carefully considered. It has been decided to exclude the confessional from this obligation. However, it is important to note that even if information is disclosed in the confessional, a minister of religion can still make a report based on information gleaned from broader interactions with parishioners and other personnel. The commitment to doing so will come from recognition of a sense of duty and responsibility to protect children from harm. Similarly, the minister of religion needs to have an understanding of and commitment to the requirements of restitution in the confessional which may include advising a person to confess their behaviour and action to an appropriate authority such as the Police.

The more comprehensive approach to child safe environments and renewed emphasis on everyone in the community taking responsibility contained in the Bill will assist us to achieve our objectives.

Court Powers and Orders

The Layton Review noted the importance of the Youth Court having all relevant information about a parent's capacity to care for a child, and the lack of professional assessment currently available if a parent does not volunteer information or agree to voluntary assessment. The Government concurs with this view and amendments have been prepared to order assessment of a parent or guardian. In order to facilitate this assessment the duration of investigation and assessment Orders will be extended to six weeks. Orders requiring a parent, guardian or other person caring for a child to undertake particular activities or instructions are also included.

These amendments are crucial to good assessment and planning for vulnerable children and their families. The intention is to make decisions about children at risk based on more comprehensive assessments of how parents are managing and the difficulties they face. Clear direction about what is expected of parents and what they must do in order to keep their children in safe, stable and nurturing environments sets the scene for a shared focus on the needs of the children concerned.

It is proposed to amend section 48 of the *Children's Protection Act 1993* to ensure that a Court can hear an application in the absence of the child or the legal representative for the child. As indicated in the draft Bill, it is not intended for this to occur as a general rule. Rather, it is to ensure that the Court can act in certain situations, for example where children are still living with their birth family and the birth family do not attend the hearing. Without this provision, children in these situations remain at risk and the Court has no power to protect the child.

Amendments are also sought to section 38 to complement amendments referred to above in relation to those children who cannot live with their birth families. These provisions require the Court to be satisfied that the child's needs for emotional security (including a sense of belonging) will best be met by making a custody or guardianship order. What needs to be avoided is a child's anxiety about where they are going to be living and who will take responsibility for them, as this can contribute to a lack of trust and adversely affect the child's development. In this context, the Court must consider a long term order compared to a series of short term arrangements.

Improving Accountability

It is intended to replace current provisions for the Children's Protection Advisory Panel (section 55) and the Children's Interests Bureau (section 26 of the *Family and Community Services Act 1972*)

and the non legislative Ministerial Advisory Committee on Alternative Care with a single Council for the Care of Children. This is considered necessary because over time there have been differing interpretations of the purpose and function of existing bodies which have resulted in a lack of coordinated focus on the needs and interests of children.

It is therefore essential that the functions, responsibilities and reporting requirements are clearly provided for in the *Children's Protection Act 1993* in order to demonstrate a strong commitment to partnerships and ongoing community involvement in reviewing the child protection system and the Government's reform program.

Establishment of a Council for the Care of Children

This body is intended to have a broad focus on the care and protection of children. It is intended that the Council report to Government on all major aspects of children's circumstances and development with a particular focus on vulnerable populations. Similar to the functions of the present Children's Interests Bureau, the Council will be required to advise the Minister for Families and Communities about community awareness raising strategies which will support the new Object in the Act regarding whole of community approaches.

It is intended that the Council will report to the Minister for Families and Communities and that he will table the report in Parliament. However the broad nature of its focus will mean that it will deal with important issues of child development in both the Departments of Health and Education. This will require close liaison between the committee and the Minister for Families and Communities and the Minister for Health and the Minister for Education.

In addition to a focus on South Australia's commitment to the rights of the child as provided in the United Nations Convention on the Rights of the Child, the Council will also be required to keep under constant review the operations of the Children's Protection Act and the *Family and Community Services Act 1972*.

The Council is similar to the model called for in recommendation 11 of the Layton review and referred to as The Child Protection Board.

Establishment of a Guardian

It is proposed to establish a Guardian for Children and Young Persons, as the Minister's representative for those children under his guardianship. The inadequacy of the present system for children in alternative care and the implications for their long term future have been highlighted in a number of recent reports, and are the subject of the Commission of Inquiry (Children in State Care) currently being conducted in South Australia.

The Layton Review recommended a statutory office to ensure that this particular group of children have their rights articulated and safeguarded. The Guardian will provide advice and direction on the systemic reform necessary to improve the quality of care provided, with a major focus on advocating for the interests of individual children. The Guardian reports to the Minister for Families and Communities.

Establishment of Child Death and Serious Injury Review Committee
A Child Death and Serious Injury Review Committee is to be established under the *Children's Protection Act 1993* in order to establish a database of the circumstances and causes of child deaths and serious injuries and conduct reviews of certain cases, with the intention of identifying any necessary changes to systems and procedures for the care and protection of children. The Layton Review devoted an entire chapter to this topic, concluding that such a Committee was an essential component of the child protection system, and necessary to improve accountability.

The proposed provisions cover the establishment of the Committee and provide directions for the conduct of individual cases, which are confined to those cases where abuse or neglect may have occurred or is suspected and/or the child was in the care/custody of a Government agency or for some other reason the death or serious injury has occurred in unusual circumstances.

There are also necessary provisions for the Committee to carry out its functions, including access to information; confidentiality provisions; indemnity and immunity provisions, and the relationship between the Committee and key agencies such as the Coroner, SAPOL, and the Chief Executive of the Department for Families and Communities.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

The measure will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Children's Protection Act 1993*

4—Substitution of section 3

This clause deletes existing section 3 and substitutes a new section. Under proposed new section 3, the objects of the Act are as follows:

- to ensure that all children are safe from harm;
- to ensure as far as practicable that all children are cared for in a way that allows them to reach their full potential;
- to promote caring attitudes and responses towards children among all sections of the community so that—
 - the need for appropriate nurture, care and protection (including protection of the child's cultural identity) is understood; and
 - risks to a child's wellbeing are quickly identified; and
 - any necessary support, protection or care is promptly provided;
- to recognise the family as the primary means of providing for the nurture, care and protection of children and to accord a high priority to supporting and assisting the family to carry out its responsibilities to children.

5—Substitution of section 4

This clause deletes existing section 4 and substitutes a new section. Proposed new section 4 lists a number of fundamental principles, the first being that every child has a right to be safe from harm.

The proposed section also provides that every child has a right to protection and care in a safe and stable family environment or, if such a family environment cannot for some reason be provided, in some alternative form of care in which the child has every opportunity to develop to his or her full potential.

These principles, and the child's wellbeing and best interests, are to be the paramount considerations in exercising powers under the Act. For the purpose of determining a child's best interest, consideration must be given to—

- the desirability of keeping the child within the child's own family and the undesirability of withdrawing the child unnecessarily from a neighbourhood or environment with which the child has an established sense of connection; and
- the need to preserve and strengthen relationships between the child, the child's parents and other members of the child's family (whether or not the child is to reside with those parents or other family members); and
- the need to encourage, preserve and enhance the child's sense of racial, ethnic, religious, spiritual and cultural identity and to respect traditions and values of the community into which the child was born; and
- the child's own views as to his or her own best interests (if the child is able to form and express such views); and
- the undesirability of interrupting the child's education or employment unnecessarily.

The Aboriginal Child Placement Principle is to be observed in relation to Aboriginal children.

The proposed section also provides that a child who is placed (or about to be placed) in alternative care (a definition of *alternative care* is inserted by clause 6)—

- must be provided with—
 - a nurturing, safe and stable living environment; and
 - care that is, as far as practicable, appropriate to the child's needs and culturally appropriate;
- must be allowed to maintain relationships with the child's family and community (to the extent that such relationships can be maintained without serious risk of harm);
- must be consulted about, and (if the child is reasonably able to do so) to take part in making, decisions affecting the child's life, particularly decisions about the child's ongoing care, where the child is to live, contact with the child's family and the child's health and schooling;
- must be given information that is appropriate, having regard to the child's age and ability to understand, about plans and decisions concerning the child's future;
- is entitled to have his or her privacy respected;

- if the child is in alternative care on a long-term basis—is entitled to regular review of the child's circumstances and the arrangements for the child's care.

6—Amendment of section 6—Interpretation

This clause inserts two new definitions into the interpretation section of the Act. The *Aboriginal Child Placement Principle* is the principle of that name as stated in the regulations. *Alternative care* means care provided for a child on a residential basis by or through a government or non-government agency or in a foster home. *Alternative care* includes care provided in a detention facility for a child who is held there in lawful detention and care provided under independent living arrangements made for a child under the Minister's guardianship. "Foster home" includes a foster home provided by a member of the child's family. (*Family* is defined in section 6 to include, in relation to an Aboriginal or Torres Strait Islander child, any person held to be related to the child according to Aboriginal kinship rules, or Torres Strait Islander kinship rules, as the case may require.)

As a consequence of the amendment made by this clause to subsection (2) of section 6, a child will be at risk for the purposes of the Act if there is a significant risk that the child will suffer serious harm to his or her physical, psychological or emotional wellbeing against which the child should have, but does not have, proper protection.

7—Substitution of heading to Part 2

This is a consequential amendment.

8—Amendment of section 8—General functions of the Minister

This clause amends section 8 to require the Minister to endeavour to encourage the provision of child safe environments.

9—Insertion of Part 2 Divisions 2 and 3

This clause inserts two new Divisions into Part 2 of the Act.

Division 2 contains proposed new **section 8A**. This section provides that the Chief Executive has the following functions:

- to develop codes of conduct and principles of good practice for working with children;
- to provide guidance on appropriate standards of conduct for adults in dealing with children;
- to define appropriate standards of care for ensuring the safety of children;
- to provide guidance on how to deal with cases involving the bullying or harassment of a child;
- to disseminate information about child abuse and neglect so that cases of child abuse and neglect are more readily recognised and more promptly dealt with;
- to provide guidance on how to deal with cases involving the suspected abuse or neglect of a child;
- to provide guidance on the recruitment and supervision of staff of government and non-government organisations who may have contact with children in the course of their employment;
- to ensure, as far as practicable, that procedures for making complaints about cases of suspected child abuse or neglect are easily accessible and, in particular, that they are accessible and responsive to children;
- to monitor progress towards child safe environments in the government and non-government sectors and to report regularly to the Minister on that subject;
- to develop and issue standards to be observed in dealing with information obtained about the criminal history of employees and volunteers who work with children in government or non-government organisations.

Division 3 includes two new sections connected to the provision of child safe environments. Under **section 8B**, the Chief Executive is required to ensure that a report is obtained on the criminal history (if any) of each person occupying or acting in a prescribed position when the section comes into operation. The Chief Executive must also ensure that, before a person is appointed to a prescribed position, a report on the criminal history of the person is obtained. A *prescribed position* is a position in a government department, agency or instrumentality that requires or involves regular contact with children or work in close proximity to children on a regular basis, supervision or management of such persons, access to records relating to children, or the performance of functions or the undertaking of activities prescribed by regulation. These requirements apply in relation to employees, volunteers, agents, contractors and subcontractors.

The section also gives the Chief Executive the power to obtain a report on the criminal history of a person who—

- occupies or acts in a prescribed position; or
- provides, or proposes to provide, services for the government or is engaged by a non-government organisation that provides, or proposes to provide, services for the government.

The Chief Executive may obtain such reports in respect of employees, volunteers, agents, contractors and subcontractors if he or she thinks it necessary or desirable to do so for the purpose of establishing or maintaining child safe environments. The Chief Executive is also required to ensure that information about the criminal history contained in reports obtained under the section is dealt with in accordance with relevant standards.

Proposed **section 8C** applies to an organisation that provides health, welfare, education, sporting or recreational, religious or spiritual, child care or residential services wholly or partly for children and is a Government department, agency or instrumentality, or a local government or non-government agency. Such organisations are required to establish policies and procedures for ensuring that appropriate reports of abuse or neglect are made under Part 4 of the Act and that child safe environments are established and maintained within the organisation. Policies and procedures may vary according to the size, nature and resources of the organisation. However, they must include the provisions (if any) prescribed by regulation and provisions relating to the matters (if any) prescribed by regulation.

10—Amendment of section 11—Notification of abuse or neglect

Section 11(1) provides that if a person to whom the section applies forms a suspicion on reasonable grounds during the course of his or her work that a child has been or is being abused or neglected, the person must notify the Department of the suspicion.

This clause amends section 11(1) by increasing the penalty for failing to comply with the requirement to notify the Department under subsection (1) from \$2 500 to \$10 000.

The clause alters the list of persons to whom the section applies by adding the following:

- a priest or other Minister of religion;
- a person who is an employee of, or volunteer in, an organisation formed for religious or spiritual purposes.

An amendment is also made to section 11(2)(j) to insert a reference to persons employed by, or volunteering in, organisations that provide sporting or recreational services.

Proposed new subsection (4) provides that section 11 does not require a priest or other minister of religion to divulge information communicated in the course of a confession made in accordance with the rules and usages of the relevant religion. A further new subsection provides that a person does not necessarily exhaust his or her duty of care to a child by giving a notification under section 11.

11—Amendment of section 21—Orders Court may make

As a consequence of the amendment proposed to be made by this clause to section 21, the Youth Court will be able to make an order authorising the assessment of a parent, guardian or other person who has, or is responsible for, the care of a child for the purpose of determining the capacity of that parent or other person to care for and protect the child.

12—Amendment of section 38—Court's power to make orders

As a consequence of the amendment proposed to be made by this clause to section 38, the Youth Court will be able to make a consequential or ancillary order requiring a parent, guardian or other person who has the care of a child to undertake specified courses of instruction, or programmed activities, in order to increase his or her capacity to care for and protect the child.

The second amendment proposed to be made to section 38 involves the insertion of two new subsections in place of existing subsection (2). Under proposed new section 38(2), the Youth Court must be satisfied, before making an order giving custody or guardianship of a child to a person who is not a parent of the child, that there is no parent able, willing and available to provide adequate care and protection for the child. The Court must also be satisfied that the order is the best available solution. In determining whether the order is the best solution, the Court must have regard to the child's need for care and protection (including emotional security) and the child's age, developmental needs and emotional attachments.

If a child is to be placed in guardianship, the Court must, under proposed subsection (2a), consider the importance of settled and stable living arrangements for the child. The provision states that as a general rule, a long term guardianship order (ie an order under section 38(1)(d)) is to be preferred to a series of temporary arrangements for the custody or guardianship of the child.

13—Amendment of section 48—Legal representation of child
The contents of proposed new subsection (3) of section 48 currently appear as a parenthetical passage in subsection (1). This passage provides that a child must be given a reasonable opportunity to give his or her own views personally to the Court about his or her ongoing care and protection unless the Court is satisfied that the child is not capable of doing so. As a result of this amendment, that passage will become a new subsection with the additional qualification that the child is not required to give his or her views if to do so would give rise to an unacceptable risk to the child's wellbeing.

14—Insertion of Parts 7A, 7B and 7C

This clause inserts three new Parts. These Parts establish the position of the Guardian for Children and Young Persons, the Council for the Care of Children and the Child Death and Serious Injury Review Committee.

Proposed new **section 52A** provides that there is to be a Guardian for Children and Young Persons appointed by the Governor. Under **section 52B**, the Guardian is to be provided with the staff and resources reasonably necessary to carry out the Guardian's functions.

These functions are listed in **section 52C**:

- to promote the best interests of children under guardianship, and in particular those in alternative care;
- to act as an advocate for the interests of children under guardianship;
- to monitor the circumstances of children under the guardianship of the Minister or in the custody of the Minister;
- to provide advice to the Minister on the quality of care provided for children in the Minister's care, custody or guardianship and on whether the children's needs are being met;
- to inquire into, and provide advice to the Minister in relation to, systemic reform necessary to improve the quality of care provided for children in alternative care;
- to investigate and report to the Minister on matters referred to the Guardian by the Minister.

Section 52C also provides that a government or non-government organisation that is involved in the provision of services to children must, at the Guardian's request, provide the Guardian with information relevant to the performance of the Guardian's functions.

Under **section 52D**, the Guardian is required to report periodically to the Minister on the performance of his or her statutory functions. The Guardian must also report to the Minister on the performance of his or her statutory functions on or before 31 October in each year and the Minister must table such a report in Parliament. **Section 52E** provides that information about individual cases disclosed to the Guardian or a member of his or her staff is to be kept confidential. Such information is not liable to disclosure under the *Freedom of Information Act 1991*.

Part 7B deals with the Council for the Care of Children. The Council is established under **section 52F**. This section provides that the Council is to consist of up to 10 members (including at least one Aboriginal member and 2 young persons with experience of alternative care) appointed by the Governor. The Council is also to consist of the chief executive of any department designated by the Minister as a department closely involved in issues related to the care and protection of children.

The Minister may, before the Governor makes an appointment to the Council, call for nominations from government or non-government agencies that the Minister believes should be represented on the Council.

A member of the Council will be appointed by the Governor to chair the Council. Although the Council will be subject to the direction of the Minister, it cannot be directed to make a particular finding or recommendation. A direction by the Minister is to be published in the annual report of the Council.

Section 52G provides that a member of the Council holds office for the term stated in the instrument of appointment (not more than two years) and is then eligible for reappointment. This section also lists the circumstances in which the office of a member of the Council becomes vacant and provides that the

Governor may remove a member from office in certain specified circumstances.

Under **section 52H**, the Council will determine its own procedures (subject to any directions of the Minister). However, the section lists a number of requirements. The Council is required to meet at least five times in each year. The person appointed to chair the Council is to preside at meetings of the Council and, in the absence of that person, a member chosen by the members present at the meeting will preside. A question arising for decision at a meeting of the Council will be decided by a majority of the votes cast by the members present at the meeting. Each member present at a meeting of the Council will be entitled to one vote on any question arising for decision at the meeting and, if the votes are equal, the person presiding will have a casting vote. The Council may delegate to a member, or a sub-committee of its members, any of its powers or functions under the Act.

Under **section 52I**, the Minister is required to provide the Council with the staff and other resources that it reasonably requires for carrying out its functions.

The functions of the Council, listed under **section 52J**, are:

- to keep under review the operation of the *Children's Protection Act 1993* and the *Family and Community Services Act 1972* so far as it affects the interests of children;
- to provide independent advice to the Government on the rights and interests of children;
- to report to the Government on progress achieved towards—
 - keeping children safe from harm; and
 - ensuring that all children are cared for in a way that allows them to realise their full potential; and
 - improving the physical and mental health, and the emotional wellbeing, of children; and
 - improving access for children to educational and vocational training; and
 - improving access for children to sporting and healthy recreational activities; and
 - ensuring that children are properly prepared for taking their position in society as responsible citizens;
 - maintaining the cultural identity of children;
 - to promote the safe care of children by their families (or surrogate families) and communities with particular reference to vulnerable children;
 - to provide advice to the Minister on various matters, such as raising community awareness of the relationship between the needs of children for care and protection and their development, creating environments that are safe for children, and initiatives involving the community as a whole for the protection or care of children;
 - to investigate and report to the Minister on matters referred to the Council for advice.

Under **section 52K**, the Council is required to report periodically to the Minister on the performance of its statutory functions and must, on or before 31 October in each year, report to the Minister on the performance of its statutory functions during the preceding financial year. The Minister is required to have copies of this report laid before both Houses of Parliament.

Section 52L provides that information about individual cases disclosed to the Council or a person employed (or formerly employed) to assist the Council is to be kept confidential. Such information is not liable to disclosure under the *Freedom of Information Act 1991*. However, the section does not prevent the disclosure of information about suspected offences or suspected child abuse or neglect to appropriate authorities.

Section 52M provides that no civil liability attaches to the Council, a member of the Council, or a member of the Council's staff for an act or omission in the exercise or purported exercise of official powers or functions. An action that would otherwise lie against the Council, or a member of the Council or a staff member, lies against the Crown. However, the section does not prejudice rights of action of the Crown in relation to an act or omission not in good faith.

Part 7C deals with the Child Death and Serious Injury Review Committee. The Committee is established under **section 52N** and is to consist of the members appointed by the Governor. The Minister may, before appointments are made to the Committee, call for nominations from organisations (including departments and agencies of the government) that should be represented on the Committee (in the Minister's opinion). A member of the

Committee will be appointed by the Governor to chair the Committee.

The Committee is subject to the direction of the Minister but cannot be directed to make a particular finding or recommendation. A direction by the Minister must be published in the relevant annual report of the Committee.

Section 52O provides that a member holds office for a term stated in the instrument of appointment and is then eligible for reappointment. The office of a member of the Committee becomes vacant in the following circumstances:

- the member dies;
- the member completes a term of office and is not reappointed;
- the member resigns by written notice to the Minister;
- the member is absent from 3 consecutive meetings of the Committee without the Committee's permission (but the absence may be excused by the Minister);
- the member is convicted either within or outside the South Australia of an indictable offence or an offence carrying a maximum penalty of imprisonment for 12 months or more;
- the member is removed from office by the Governor.

The office of a member also becomes vacant if the member was appointed as nominee of a particular organisation and the organisation notifies the Minister, in writing, that the member no longer represents the organisation.

A member may be removed from office by the Governor for—

- breach of, or non-compliance with, a condition of appointment;
- failure to disclose to the Committee a personal or pecuniary interest of which the member is aware that may conflict with the member's duties of office;
- neglect of duty;
- mental or physical incapacity to carry out duties of office satisfactorily;
- dishonourable conduct;
- any other reason considered sufficient by the Minister.

Under **section 52P**, the Committee will determine its own procedures (subject to any directions of the Minister). However, the section lists a number of requirements. The Committee is required to meet at least five times in each year. The person appointed to chair the Committee is to preside at meetings of the Committee and, in the absence of that person, a member chosen by the members present at the meeting will preside. A question arising for decision at a meeting of the Committee will be decided by a majority of the votes cast by the members present at the meeting. Each member present at a meeting of the Committee will be entitled to one vote on any question arising for decision at the meeting and, if the votes are equal, the person presiding will have a casting vote. The Committee may delegate to a member, or a sub-committee of its members, any of its powers or functions under the Act.

The Minister is required under **section 52Q** to provide the Committee with the staff and other resources it needs for carrying out its functions and exercising its powers. This section also provides that the Committee may, with the Minister's approval, engage an expert to assist it in the review of a particular case or in carrying out any other aspect of its functions.

Section 52R provides that no civil liability attaches to the Committee, a member of the Committee, or a member of the Committee's staff for an act or omission in the exercise or purported exercise of official powers or functions. An action that would otherwise lie against the Committee, or a member of the Committee or a staff member, lies against the Committee. However, the section does not prejudice rights of action of the Crown in relation to an act or omission not in good faith.

The functions of the Committee are detailed in **section 52S**.

The Committee has two principle functions. The first is to review cases in which children die or suffer serious injury with a view to identifying legislative or administrative means of avoiding a recurrence of such cases in the future. The second principle function is to make, and monitor the implementation of, recommendations for avoiding preventable child death or serious injury to a child. A review may be carried out if the incident resulting in the death or serious injury occurred in South Australia or the child was, at the time of the death or serious injury, ordinarily resident in South Australia. The section further provides that the Committee should review a case of child death or serious injury if the death or serious injury was due to abuse

or neglect or there are grounds to suspect that the death or serious injury may be due to abuse or neglect. The Committee should also review a case of child death or serious injury if there are grounds to believe that the death or serious injury might have been prevented by some kind of systemic change, or the child was, at the time of death or serious injury, in custody or detention or in the care of a government agency. A death or injury should also be reviewed if the case was referred to the Committee by the State Coroner.

The section provides that the Committee is not to review a case of child death or serious injury unless there is no risk that the review would compromise an ongoing criminal investigation of the case. There is a further requirement that a case not be reviewed unless a coronial inquiry has been completed, the State Coroner requests the Committee to carry out the review or the State Coroner indicates that there is no present intention to carry out a coronial inquiry.

The purpose of a review carried out by the Committee is to identify trends and patterns in cases of child death and serious injury, to review policies, practices and procedures designed to prevent cases of child death or serious injury, and to provide an objective basis for the Committee's recommendations.

The Committee cannot make findings as to civil or criminal liability.

As a general rule, a review by the Committee is to be carried out by examination of coronial and other records as well as reports relevant to the case.

The Committee is required under **section 52T** to maintain a database of child deaths and serious injuries and their causes. Only members of the Committee, or persons authorised by the Commissioner of Police, the State Coroner, the Committee or the Minister, are to have access to the database.

Section 52U provides that the Committee may enter into an arrangement with an agency or instrumentality of the government under which information about child deaths and serious injuries will be passed on to the Committee. An agency or instrumentality of the government may enter into, and carry out its obligations under, such an arrangement despite any statutory provision against the disclosure of confidential information or any rule of the common law or equity.

Under **section 52V**, the Committee, or a person authorised by the Committee to conduct a review, may request a person who may be in a position to do so to produce documents, to allow access to documents or other information, or to provide information (in writing) that may be relevant to the review. Failure to comply with such a requirement is an offence with a maximum penalty of \$10 000. A parent or relative of a child cannot be compelled to comply with a requirement under the section. A person may refuse to comply with a requirement on the ground that the information sought might tend to incriminate him or her of an offence. A person does not commit an offence if he or she refuses to comply with a request if the document or other information is protected by legal professional privilege and the refusal is based on that ground. Also, a request cannot be validly made of a person who has access to confidential information by virtue of an authorisation under section 64D of the *South Australian Health Commission Act 1976* to disclose or allow access to the information.

A person does not, by complying with a requirement under the section, contravene a statutory prohibition against the disclosure of confidential information, any rule of the common law or equity, or any principle of professional ethics.

Section 52W imposes reporting obligations on the Committee. The Committee is required to report periodically to the Minister on the performance of its statutory functions and must, on or before 31 October in each year, report to the Minister on the performance of those functions during the preceding financial year.

Under **section 52X**, information about individual cases disclosed to the Committee or a person employed (or formerly employed) to assist the Committee is to be kept confidential and is not liable to disclosure under the *Freedom of Information Act 1991*. A member of the Committee, or a person who has been employed in duties related to the functions of the Committee, must not disclose confidential information obtained as a result of his or her official position. However, information about possible criminal offences must be reported by the Committee to the Commissioner of Police. Also, if the Committee comes into possession of information suggesting that a child may be at risk of neglect or

abuse, the Committee must pass the information on to the appropriate authorities. The Committee must disclose information relevant to a coronial inquiry or possible coronial inquiry to the State Coroner.

15—Repeal of section 55

Section 55 of the Act is deleted by this clause. This section provides for the establishment of the *Children's Protection Advisory Panel*.

Schedule 1—Related amendment of *Family and Community Services Act 1972*

1—Repeal of Part 4 Division 1

This clause repeals Part 4 Division 1 of the *Family and Community Services Act 1972*. This Division establishes the *Children's Interests Bureau*.

Schedule 2—Statute law revision amendment of *Children's Protection Act 1993*

Schedule 2 contains a number of statute law revision amendments of the *Children's Protection Act 1993*.

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

**STATUTES AMENDMENT (RELATIONSHIPS)
BILL**

Adjourned debate on second reading.
(Continued from 1 June. Page 2068.)

The Hon. J.S.L. DAWKINS: The Statutes Amendment (Relationships) Bill is an omnibus bill which seeks to extend to same-sex couples a series of rights as well as some responsibilities which currently apply to married couples and those in heterosexual and de facto relationships. This piece of legislation will be treated as a conscience matter by members of the Liberal Party. I commend my colleague the Hon. Michelle Lensink for the manner in which she outlined the many complex issues contained within the legislation in her second reading speech in July this year.

Like all members of this place I have received a great deal of correspondence of all forms in relation to this piece of legislation, both before and after it was considered by the Social Development Committee of the parliament. The original bill sought to amend 82 acts of parliament. I note that the revised bill has added another 10 acts, taking the total to 92. I intend to summarise briefly the areas of law affected by the bill as it stands before us. The first area is that of general property rights and includes the areas of stamp duty exemptions, binding agreements about property, property division upon separation, housing related entitlements, and exemption, or partial exemption, of certain land from land tax.

The next area relates to rights as next of kin, including inheritance, property and entitlement rights; rights to contest a will; rights to claim compensation if a partner is wrongfully

killed; the right to veto cremation; the right to consent or refuse consent to organ donation and post-mortem examination; guardianship orders; rights if a partner is detained under the Mental Health Act; the right to consent to forensic procedures; problem gambling orders; criminal behaviour, domestic violence orders and common assault; and assumptions regarding principal place of residence.

The next area affected is the regulation of the professions and, like many of these areas, a great range of acts is affected by this one area. I now move to conflicts of interest through being considered an 'associate', relative or the like; the relevant associations for corporate governance provisions; relevant associations for licensing purposes; financial recovery provisions; state superannuation; rights under the Equal Opportunity Act; other rights relating to care; family responsibilities; and exemption from compulsion to give evidence against a partner. The rights of married people and heterosexual de facto couples, as well as same-sex couples, may also be affected by some other measures, including reduction in the cohabitation period from five years to three years, changes to declaration procedures, and changes to confidentiality provisions regarding declarations.

Obviously, there has been some coverage in this chamber (and there may be more) about the deliberations of the Social Development Committee on this bill and the obvious result of a majority report and a minority report. I will not go into that at this point. However, obviously there will be people on both sides of the various arguments who will support one or other of those reports. It is my intention to support the second reading of this bill to ensure that all members of the council have the opportunity to examine at the committee stage the large number of amendments that have been proposed. I add that the summary of the areas of law affected by this bill I have just discussed indicates the enormous effect this bill would have across the legislative framework of the state. For that reason, I think we should have the opportunity, in the manner in which the committee processes of this committee allow us, to examine in detail every one of those areas of effect and also, of course, the large number of amendments that I understand are foreshadowed in relation to them. In summary, on that basis I intend to support the second reading. However, my stance on the third reading will be determined only at the conclusion of the committee's work.

The Hon. A.L. EVANS secured the adjournment of the debate.

ADJOURNMENT

At 4.46 p.m. the council adjourned until Tuesday 13 September at 2.15 p.m.