

## LEGISLATIVE COUNCIL

Tuesday 13 September 2005

The **PRESIDENT (Hon. R.R. Roberts)** took the chair at 2.20 p.m. and read prayers.

### ASSENT TO BILLS

Her Excellency the Governor, by message, assented to the following bills:

Ambulance Services (SA Ambulance Service Inc) Amendment,  
 Appropriation,  
 Chiropractic and Osteopathy Practice,  
 Citrus Industry,  
 Education (Extension) Amendment,  
 Fire and Emergency Services,  
 Heritage (Beechwood Garden) Amendment,  
 Heritage (Heritage Directions) Amendment,  
 Law Reform (Contributory Negligence and Apportionment of Liability) (Proportionate Liability) Amendment,  
 Occupational Health, Safety and Welfare (Safework SA) Amendment,  
 Parliamentary Superannuation (Scheme for New Members) Amendment,  
 Statutes Amendment (Local Government Elections),  
 Statutes Amendment (Sentencing of Sex Offenders),  
 Statutes Amendment (Universities),  
 Trustee Companies (Elders Trustees Limited) Amendment.

### 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.

### BUTTFIELD, DAME NANCY, 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 Dame Nancy Buttfeld, former senator of the Australian parliament, and places on record its appreciation of her distinguished public service and, as a mark of respect to her memory, the sitting of the council be suspended until the ringing of the bells.

Sadly, Dame Nancy Buttfeld, the first South Australian woman elected to federal parliament, died on 4 September at the age of 92 years. She was born on 12 November 1912. Her parents were Sir Edward and Hilda Holden. Sir Edward was the founder of the Australian car industry. As a young woman Nancy studied psychology, music and economics at the University of Adelaide. During the Great Depression she used her talents in working with a number of charities. At the age of 22 she married Adelaide businessman Frank Buttfeld, and they had two sons.

Through the passage of time she became interested in politics and public life. In 1955 she was elected to the Senate for the Liberal Party and remained there until 1965. She was then re-elected to the Senate in 1968 and remained in office until 1974.

Dame Nancy was a strong-willed person, and in her own way she made a stand for equality for women. In the early 1960s she lobbied the then prime minister Robert Menzies on the issue of equal pay for women, as well as the removal of the ban against married women being employed in the Public Service. Such efforts put her off side with some members of her own party. She continued to be somewhat of a pioneer during her parliamentary career. When she presented herself at the members' bar in federal parliament for a drink, she was pivotal in the removal of the acceptance of a male only members' bar.

Dame Nancy also served on the Commonwealth Migration Advisory Council established by the federal government. She received her title in 1972 when she was made a Dame Commander of the Most Excellent Order of the British Empire for her contributions in the political and public arenas. Whilst Dame Nancy was a strong advocate of equal rights for women in public life, she was very aware that this could be a tough path to pursue. In an article she wrote for the *Adelaide News* in 1974, she said:

Women should have equal opportunities to participate, but they must be properly equipped for it and willing to earn their place. Of course, there is keen competition for places in public life so that women, like men, must be willing to accept challenges and to take the continual criticisms.

In the same article, Dame Nancy acknowledged the need for supportive partners in the life of a successful politician. She noted:

A political career means great sacrifice of privacy and family life. It certainly requires extreme tolerance, unselfishness and self-sacrifice on the part of marriage partners.

After politics Dame Nancy continued to live an active and community-oriented life. She and her husband established a youth venture club where young people could partake in horse riding, bush walking and other such activities. She also established the Dame Nancy Buttfeld Prize for Decorative Arts presented for embroidery, pottery and other such works. Dame Nancy is survived by her two sons, Ian and Andrew, and five grandchildren. On behalf of the government, I extend sincere condolences to Dame Nancy's family. I am sure that her committed service to the Australian people as the first elected South Australian woman federal parliamentarian can be gratefully acknowledged by us all.

The **Hon. R.I. LUCAS (Leader of the Opposition)**: In seconding the motion, I support the comments made by the Leader of the Government, and I indicate that my colleague the Hon. Michelle Lensink will also speak in tribute to Dame Nancy Buttfeld's contribution. First, on behalf of Liberal members, I acknowledge Dame Nancy's contribution to the federal parliament and to public and community affairs during a long period of public and community service as briefly outlined by the Leader of the Government. I say at the outset that the Liberal Party in South Australia has a very proud history through the years of encouraging women to be members of parliament.

As I am sure my colleague will outline in greater detail, not only was Dame Nancy Buttfeld the first South Australian woman in the Australian parliament but the Liberal Party (or the LCL as it then was—the Liberal and Country League), through Joyce Steele, Jessie Cooper, Kay Brownbill and Dame Nancy Buttfeld, was the trailblazer for women's representation in the houses of parliament in South Australia and nationally from South Australia.

As I said, I am sure that my colleague the Hon. Michelle Lensink will speak about that in greater detail because I know that, in recent years, the Women's Council of the Liberal Party undertook a considerable body of work in relation to the trailblazing nature of those four prominent South Australian women. The Leader of the Government outlined a little of the interesting history and background of Dame Nancy Buttfield prior to her going into federal parliament. I think that one aspect to which he did not refer but which is in one of the books written about her mentions the fact that, as the Leader of the Government indicated, not only did she study psychology, music, logic and economics part time at the university but when they were growing up she also enrolled with her sons for carpentry lessons at the then school of mines and industries.

It is probably a fair indication that Dame Nancy Buttfield was an independent thinker and doer. If she decided that she wanted to do something, she did not accept the commonly understood restrictions of the time as they might have applied to women of her background. Indeed, she was a trailblazer in not only this area of parliamentary representation but, I am sure, in many other aspects of her life as well.

Prior to being successful in preselection for the federal parliament in 1954, she was the Liberal Party endorsed candidate for the federal seat of Adelaide, the seat vacated only recently by Trish Worth, who was the federal Liberal member for Adelaide for a little over a decade. As I have said, in 1954, Dame Nancy won preselection for that seat, when she beat a young Liberal of the time who went on to prominence in his own life, namely, Robin Millhouse, now Justice Millhouse. Evidently, she beat him by one vote for that nomination. Whilst she achieved a 3 per cent swing to the Liberal Party at that time, Adelaide at that stage was a safe Labor seat and was held by the Labor Party. The following year, in 1955, after the sudden death of Senator George McLeay, she was nominated by this state parliament for the vacancy created by his death. So, Dame Nancy realised the commencement of her political ambition of being a federal senator.

As has been referred to in some of the articles written about Dame Nancy, she had some interesting experiences as a woman from South Australia—and, I guess, from any of the states and territories—in the federal parliament. One of the books referred to requiring the support of then prime minister Menzies to even allow her to get into the members' bar at Parliament House. Evidently, the prime minister made the point to her, 'That's where politics is discussed, so you should have the right to drink there. It's a members' bar, and you are a member.' Obviously, that is self-evident now, but not so for everyone at that time. Dame Nancy is quoted as saying, 'So, to the horror of my male colleagues, I duly fronted up there,' referring to the members' bar.

In Dame Nancy's autobiography, she says the following:

My first impression of Parliament House was that of a virtual rabbit warren and a maze of corridors, but eventually I became familiar with my surroundings. I remember the first time I had to look for a lavatory. Spying a door marked 'Senators' toilet', I went in only to find that it was not for me.

So, at that stage they had not moved with the times in realising that there would be female senators. In her maiden contribution, which was on the Appropriation Bill, in October 1955, her passions and interests were self-evident. She spoke at length on population policy and immigration, in particular, and defence to a slightly less degree. Evidently, she had a prominent role with the Good Neighbour Council and the

New Settlers leagues. She paid tribute to the work of those bodies and supported additional funding going to them as part of that particular Appropriation Bill. As a highlight of the times (and it is now 50 years since Dame Nancy's speech), the honourable senator made reference also to the fact that at dances Australian girls were not mixing with immigrant men. She said:

This is not the fault of immigrants, nor of the Good Neighbour Councils, nor of the New Settlers Leagues. Due to the long isolation of Australia, many Australians, through ignorance, are intolerant of the manners and customs of other nationals. Unwillingness of parents to have their daughters marry Europeans is understandable owing to a fear of temperamental differences. But there is no need to be afraid of the type of offspring resulting from such inter-marriage. . . It is the duty of the individual Australian citizen to convince parents that they have nothing to fear from the marriage of their children with immigrants.

It is clear from her speech—and there is much more detail—that there was much less acceptance in the 1950s of some of the newer migrant communities that had come to Australia post the war. There were clearly differing views to those of Dame Nancy Buttfield which were being expressed in the federal parliament. She went on to state:

We must increase our population as quickly as possible in order to develop our national resources, and we must do something for ourselves towards strengthening our defences.

Again, it is interesting to reflect on the debate that we are having in South Australia at the moment, which is about trying to increase our population. Further, she stated:

Every economic problem in Australia today can be traced to a lack of man-power. . . Large-scale projects such as the Snowy Mountains scheme, the Eildon Weir, Rocklands Dam and oil refineries could not have been undertaken without this mobile immigrant work force, and if we are to continue with further projects such as these, we must continue the flow. We have recruited types most needed and, by placing them at key points, we have broken down bottle-necks, thus leading to greater production and economies. I should like to quote one outstanding example, namely the growth in the steel industry.

She goes on in some detail to highlight the impact in the steel industry, and she also goes on to highlight housing needs and the growth in the housing and construction industries as part of her contribution.

In concluding, I place on the record two final stories of Dame Nancy, told by others, and a quote of her own as an indicator of the type of person that she was. In April 1974, the then president of the Senate made some comments about Senator Wilkinson and retiring Senator Dame Nancy Buttfield, as follows:

It is with an immense amount of regret that I note that he [Wilkinson] will not be back again. Senator Dame Nancy Buttfield has had a hard road to hoe in what is essentially a male community whose members perhaps do not understand a woman's approach to a problem. Therefore she has had a very difficult task in fulfilling her role. Senator Dame Nancy Buttfield has not been well either. On several occasions I said that with the consent of the Senate she could speak or ask questions without rising from her seat, but she refused to do so and always said: 'No, I am a senator and I will stand on my feet.'

Finally, in an article written about her, Dame Nancy is quoted with her comments and perhaps a pithy observation of politics of current times. Perhaps she did not have high regard for many of us in the modern era in terms of politics. The article is as follows:

Sadly, Dame Nancy is left with mixed feelings about the Australian political scene. 'The media have made today's politicians lazy', she says. 'They know they must have a televised image to succeed and many of them are more image than substance.'

Where have we heard that in recent times? I conclude my tribute to Dame Nancy by indicating that not only was that a pithy summary—perhaps some of the problems of some of the politicians to whom we are exposed these days—but it is an indicator of Dame Nancy's approach to politics. She was a plain speaker. She made an enormous contribution. She certainly had significant difficulties, as has been outlined in a number of the books and articles written about her time in the federal Senate. On behalf of Liberal members I pass on our condolences to her family, friends and acquaintances here in South Australia and, again, I pay tribute to her contribution to the Liberal Party, the federal parliament and public and community affairs in South Australia and Australia.

**The Hon. SANDRA KANCK:** As the first Australian woman to be elected to a parliament—in fact, four years ahead of any woman being elected to the South Australian parliament—I think that this is a time to acknowledge some of the work that was done in the 1880s and 1890s that allowed women like Nancy Buttfield into that position. Back in those times the women who were campaigning for women to have the right to vote were known by those who disparaged their efforts as 'The Shrieking Sisterhood', and I suspect that Dame Nancy Buttfield does not fit that description at all.

I met her in the suffrage centenary year and she was a very dignified woman, although I must say that, had I known about her view on population increase, I might have taken her to task when I met her. However, it is a historic fact that, when the bill was introduced in 1894 to give women the right to vote, one of the men who was opposing that right removed the clause that prevented women from standing for parliament. He said that it was a test for those members who seriously wanted women to have the vote. I think he thought that it was such a preposterous move to allow women to stand for parliament that, of course, the guys who were going to be supporting women's right to vote would then change their mind. They did not. That right to vote got through in 1894, as did the right to stand for parliament.

That was a trailblazing piece of legislation. We were the first parliament in the world to give women the right to stand for parliament and, when the negotiations over a federal constitution took place, the fact that we had that in our legislation became part of the negotiations on our federal constitution, which meant that from 1901 onwards women across Australia then were entitled to stand for parliament.

**The Hon. A.J. Redford:** Something I tell every school group.

**The Hon. SANDRA KANCK:** Yes, I similarly tell school groups. The interesting thing about Dame Nancy Buttfield was that she filled a casual vacancy, which meant that she must have been a very strong woman because, when it came up, she went straight to the people in her party—I think it was to the then premier—and said, 'I want that position'. That was a fairly gutsy thing to do. However, a book by Helen Jones describes what she thought about her status within the party, as follows:

Throughout her political career, Dame Nancy was never placed in first position on the party ticket, and she said later, 'Always, I was pushed to the bottom because I was a woman.' She gradually realised, too, that whenever she suggested a new idea in the party room it was brushed aside, only to surface later as another male member's initiative.

Although she was clearly a trailblazer at the time, the trail she blazed could not have been bright enough because it was not until 1977 (in other words, 22 years later) when Janine

Haines was elected to a casual vacancy position to replace Steele Hall that another South Australian woman entered the Senate. Nevertheless, despite the fact that the trail was not as bright as some of us would have liked at the time, she did make a difference. In fact, we are told that in 1962, with other women senators, she lobbied the then prime minister on the issue of equal pay for women and the abolition of the marriage bar against women in the Public Service. The State Library web site observes that this harmed her in the party and ultimately she did lose preselection.

I would like to give an indication of the Democrat's support for this motion. It was very important to have a woman in that position, and of course it does show that, when political parties choose women and put them in winnable positions, they will always acquit themselves well in our parliaments.

**The Hon. CARMEL ZOLLO (Minister for Emergency Services):** Given her place in history, I would also like to note the passing of Dame Nancy Buttfield. She is described as a person of great energy and achievement. As we have already heard, she was the first woman parliamentarian elected from South Australia, and she was a member of the Senate for 18 years. I understand that she began her political career as a Liberal senator in 1955 and retired in 1974. Former South Australian Liberal MP Jennifer Cashmore says Dame Nancy, as we have already heard, also had to battle her own party at every election. She was always put second or third on the Senate ticket, but the people of South Australia gave her more votes than the male senators who were above her on the ticket.

Clyde Cameron, Dame Nancy Buttfield's friend from the Labor side, wrote that she was elected at a time when parties preferred a second-rate male to a first-rate female. She clearly had a strong sense of social justice, being a member of the Senate Standing Committee on Social Welfare; she took part in inquiries relating to social services entitlements, ultrasonic aids for the blind and rehabilitation services for the disadvantaged; and she chaired an inquiry into repatriation. She was also a member of the Senate Select Committee on Drug Trafficking and Drug Abuse and a member of the Joint Committee on Foreign Affairs.

We have already heard the Hon. Sandra Kanck detail the history of women politicians in South Australia. In an article published the day after Dame Nancy Buttfield was elected it was stated that, as a matter of fact, it was ironic that South Australia was the first Australian state to give women the right to vote at elections and about the last state to elect one to parliament; it took some 60 years in fact. There were, of course, many trailblazers in the Labor Party as well, but I think the position in relation to Dame Nancy Buttfield was well summed up in last Sunday's *Sunday Mail*, where she was described as a robust eccentric who forced open the door of respect for generations of women who followed her. I guess for those reasons I also pay my respects to a great South Australian.

**The Hon. J.M.A. LENSINK:** It gives me great pleasure to speak to this motion, although with some sadness in noting the passing of Dame Nancy Buttfield. On 18 December 1894, South Australia became the first democracy in the world to grant women the right to vote and the right to stand for election, followed shortly thereafter in 1902 by the commonwealth parliament. South Australia in particular was a leader in that field, but it took some 61 years after South Australia

granted those rights, and 53 years after the commonwealth, for Dame Nancy Buttfield to be the first South Australian woman elected to parliament, federal or state.

She represents a great Liberal tradition in that there were a number of firsts achieved. The first woman endorsed by a political party in South Australia was Agnes Goode. Her election in 1955 was the next milestone, when she was elected to the federal parliament. We also claim these firsts: in women elected to the South Australian parliament, Joyce Steele and Jessie Cooper, in 1959; the first woman opposition whip, Joyce Steele; the first woman elected to the House of Representatives, Kay Brownbill; and the first woman cabinet minister in 1968, Joyce Steele.

I imagine that it must have been quite a difficult task for Dame Nancy at the time. Those of us who represent the minority gender in this parliament can but imagine the task that she might have had in presenting issues without being dismissed as merely raising those issues because she was a woman and perhaps being labelled emotional or a bit soft. On being asked to assent to the bill providing Australian women with the right to vote, Queen Victoria allegedly described it as mad, wicked folly. When one must fight one's own gender to have representation, it is a difficult task indeed.

Dame Nancy is somebody I met fleetingly, which I think is probably a reflection of our different generations. Her trailblazing is something that I think all South Australian women, including women parliamentarians, have a great deal to be grateful for, in that she has paved the way. As I said, we can but imagine her difficulties in representing the state, with the isolation that she had to overcome and the dismissiveness of some of her colleagues. As has already been stated, I think by minister Carmel Zollo, the people of South Australia often chose to give Dame Nancy more votes than male colleagues who were on the ticket. So, I think in that sense it reflects that. Many people in our community recognise that women certainly do have a place in parliament, as they did in those days, and need to be elected so that the population is properly represented by all.

Dame Nancy served for 18 years, which is quite a milestone, particularly given the period in which she served. Indeed, she must have helped to make many changes. Equal pay for women and abolishing the marriage bar are very significant changes indeed, and in the year 2005 I think we all take those sorts of things for granted. I would like to extend my condolences to Dame Nancy's family; I commend her work to the house; and I support the motion.

**The Hon. A.L. EVANS:** On behalf of Family First I would like to record my condolences to the family of Dame Nancy Buttfield. I always admire anyone who has broken through barriers in order to advance in society. She will always be remembered for this and for her other achievements. She was a trailblazer for women in parliament, and for this we will always be grateful.

**The Hon. CAROLINE SCHAEFER:** As the only other female Liberal member of parliament in this council, I, too, would like to extend my condolences to the family of Dame Nancy Buttfield, whom I do not believe I ever met, but those who knew her have described her to me as never either soft or emotional; rather, quite feisty and extremely strong. For those of us who still find this place not terribly welcoming from time to time, she has been a trailblazer of enormous courage, someone from whom females who aspire to this particular career can learn.

At a time when women were not expected to leave the home to take up any sort of a career (let alone a career in politics), her contribution to the federal parliament (in particular, her lobbying for equal pay and recognition for women across the nation) was history making, something of which not only my party can be proud but her family also. I extend my personal condolences to her family.

Motion carried by members standing in their places in silence.

*[Sitting suspended from 2.54 to 3.13 p.m.]*

## PAPERS TABLED

The following papers were laid on the table:

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

- Regulations under the following Acts—
  - Electricity Act 1996—Certificates of Compliance
  - Gas Act 1997—General Gas Fitting Work
  - Harbors and Navigation Act 1993—*Caulerpa Taxifolia*
  - Parliamentary Superannuation Act 1974—Revocation
  - Passenger Transport Act 1994—Taxi Fares
  - Police Act 1998—Ranks
  - Public Corporations Act 1993—South Australian Health Commission
  - Public Sector management Act 1995—Exemptions
  - Road Traffic Act 1961—
    - Mass and Loading Requirements
    - Modification of Motor Vehicles
    - Oversize Vehicle Exemption
    - Rear Marking Plates
    - Testing of Photographic Detection Devices
    - Traffic Speed Analysers
  - Subordinate Legislation Act 1978—Expiry of Subordinate Legislation
  - Superannuation Act 1988—State Transport Authority Employees
  - Taxation Administration Act 1996—Permitted Disclosure
- Rules of Court—
  - District Court—District Court Act 1991—Address for Service
  - Supreme Court—Supreme Court Act 1935—Legal Costs
- Dangerous Area Declarations, 1 October 2004 to 31 December 2004, Section 83B of the Summary Offences Act 1953
- Dangerous Area Declarations, 1 January 2005 to 31 March 2005, Section 83B of the Summary Offences Act 1953
- Road Block Establishment Authorisations, 1 October 2004 to 31 December 2004, Section 74B of the Summary Offences Act 1953
- Road Block Establishment Authorisations, 1 January 2005 to 31 March 2005, Section 74B of the Summary Offences Act 1953
- Return of Authorisations issued to Enter Premises, 1 July 2004 to 30 June 2005, under Section 83C(1) of the Summary Offences Act 1953
- Return of Authorisations issued to Enter Premises, 1 July 2004 to 30 June 2005, under Section 83C(3) of the Summary Offences Act 1953

By the Minister for Urban Planning and Development (Hon. P. Holloway)—

- Reports—
  - Alexandrina Council—Development Plan—Strathalbyn Township Local Heritage—Plan Amendment Report
  - Application to Construct an Activity Hall at Trinity Gardens Primary School—Section 49(15)(a) of the Development Act 1993
  - City of Whyalla—Development Plan—Whitehead Street, Whyalla—Plan Amendment Report
  - Light Regional Council—Industry (Gawler Belt) Zone—Land Division—Plan Amendment Report

Proposed Redevelopment of Willunga Primary School—Section 49(15)(a) of the Development Act 1993  
 Wakefield Regional Council—Primary Industry Zone—Plan Amendment Report  
 Adelaide Cemeteries Authority Charter

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

South Australian Soil Conservation Council—Report, 2003-2004  
 Regulations under the following Acts—  
 Aboriginal Lands Trust Act 1966—Controlled Substances on Yalata Reserve  
 Adoption Act 1988—Criteria  
 Environment Protection Act 1993—Exemptions  
 Liquor Licensing Act 1997—  
 Coober Pedy Dry Zone  
 Mount Gambier Dry Zone  
 Onkaparinga Dry Zone  
 Port Augusta Dry Zone  
 Natural Resources Management Act 2004—  
 Eastern Mount Lofty Ranges Surface Water  
 Eastern Mount Lofty Ranges Wells  
 Rates and Land Tax Remission Act 1986—Criteria for Remission Entitlements  
 Recreational Services (Limitation of Liability) Act 2002—Registration of Code  
 Shop Trading Hours Act 1977—Expiry  
 South Australian Housing Trust Act 1995—Disclosure of Interest  
 Valuation of Land Act 1971—Valuations  
 Workers Rehabilitation and Compensation Act 1986—  
 Agencies and Instrumentalities  
 Waterworks Act 1932—Fees  
 Rules under Acts—  
 Fair Work Act 1994—Industrial Proceedings Rules

By the Minister for Emergency Services (Hon. C. Zollo)—

Reports, 2003-2004  
 Children, Youth and Women's Health Service  
 Incorporated  
 Modbury Hospital  
 Noarlunga Health Services  
 Noarlunga Health Services Financial and Business Statements  
 North Western Adelaide Health Service  
 Southern Adelaide Health Service  
 Reports, 2004—  
 Julia Farr Services  
 South Australian Council on Reproductive Technology  
 Regulations under the following Acts—  
 Fisheries Act 1982—  
 Charter Boat Fishery  
 Commercial Netting Closures  
 Management Committees  
 Food Act 2001—Food Standards Code  
 Forestry Act 1950—Recreational Access  
 Medical Practitioners Act 1983—Registration Fees  
 Primary Produce (Food Safety Schemes) Act 2004—  
 Dairy Industry  
 Reproductive Technology (Clinical Practices) Act 1988—Review Panel  
 Technical and Further Education Act 1975—College Councils  
 Rules under Acts—  
 Local Government Act 1999—Local Government Superannuation Board—Non-commutable Allocated Pension  
 Corporation By-laws—Port Augusta—  
 No. 1—Permits and Penalties  
 No. 3—Local Government Land  
 No. 4—Roads  
 No. 5—Dogs  
 No. 6—Waste Management  
 No. 7—Australian Arid lands Botanic Garden  
 No. 8—Cats  
 District Council By-laws—Wattle Range—

No. 1—Permits and Penalties  
 No. 2—Moveable Signs  
 No. 3—Roads  
 No. 4—Local Government Land  
 No. 5—Dogs  
 No. 6—Nuisances caused by Building Sites.

## MEMBERS, ATTIRE

**The PRESIDENT:** Before we proceed further with the *Notice Paper*, I note that the Hon. Ms Kate Reynolds is wearing a garment with a sign on it. It is a well-known practice within the council that members are not to display signs, placards or props whether or not a matter is of great public concern. My inclination was not to raise the matter in the chamber, thus providing the sort of publicity that I suspect is being sought. However, duty demands that, according to my responsibilities as the President, I raise the matter in line with parliamentary practice and procedures. I have raised the matter with the honourable member, and she has chosen to defy me. I request that the Hon. Ms Reynolds act in accordance with the parliamentary practice and procedures of the council and remove the offending garment—not in the council. What would be appropriate in the circumstances—

*Members interjecting:*

**The PRESIDENT:** Order! In the circumstances, it would be appropriate for the Hon. Ms Reynolds to retire to her room and replace the offending articles with appropriate attire.

**The Hon. KATE REYNOLDS:** Mr President—

**The PRESIDENT:** No; there is no debate.

**The Hon. KATE REYNOLDS:** Mr President, I would just like to—

**The PRESIDENT:** No.

**The Hon. KATE REYNOLDS:** I seek leave to make a personal explanation.

**The PRESIDENT:** No; there is no debate. It is not an explanation. I have proffered the advice in accordance with the demands that are upon me as the Presiding Officer of the council. The Hon. Ms Kate Reynolds should comply.

**The Hon. T.G. CAMERON:** Am I to be recognised?

**The PRESIDENT:** What is the honourable member—

**The Hon. T.G. CAMERON:** I am seeking your advice, if I may?

**The PRESIDENT:** In respect of what matter?

**The Hon. T.G. CAMERON:** In relation to the honourable member's dress.

**The PRESIDENT:** There is no advice. I have explained the position.

**The Hon. T.G. CAMERON:** Are you saying that you determine—

**The PRESIDENT:** Yes, I have.

**The Hon. T.G. CAMERON:** —our dress code?

**The PRESIDENT:** No.

**The Hon. T.G. CAMERON:** Do we get any say? Can we vote on it?

**The PRESIDENT:** No; you do not. The Hon. Mr Cameron will resume his seat. The Hon. Ms Reynolds—

**The Hon. T.G. CAMERON:** I have a further point of order.

**The PRESIDENT:** What is the point of order?

**The Hon. T.G. CAMERON:** She had the nod. You nodded to her.

**The PRESIDENT:** No, I did not. I have asked the Hon. Ms Reynolds to comply with the standards of the council.

*The Hon. T.G. Cameron interjecting:*

**The PRESIDENT:** Well, what is the point of order?

**The Hon. T.G. CAMERON:** The point of order is: do you determine the dress code for this place or does the Legislative Council determine the dress code, and if the council disagrees—

**The PRESIDENT:** Order! There is no point of order.

*The Hon. T.G. Cameron interjecting:*

**The PRESIDENT:** Order! The honourable member is starting to debate. I have raised the matter. As I said, my inclination was not to draw this matter to anyone's attention because it was my view that it would bring the matter into public debate. Many members in this council are in sympathy with the cause outlined on the placards. Members are expected, indeed commanded, to be articulate enough. They have enormous opportunity under parliamentary privilege to raise any matter in the council at the appropriate time, and they can.

I do not set the dress standards. The dress standards for all parliaments have been set by practice and convention in the House of Commons. I have raised this matter on a number of occasions. At one stage the Hon. Mr Ridgway was waving placards about. I have raised the matter on a number of occasions. What has occurred here—

*Members interjecting:*

**The PRESIDENT:** Order! I understand that what has occurred here is something about which the honourable member feels passionate. As I said, my inclination was not to provide the sort of publicity that the honourable member will probably gain from this. Other members feel just as passionately about the issue and they are entitled to demand the same sort of publicity, but it is not available to any member in this way. In future, I ask that all members be aware of it.

**The Hon. T.G. CAMERON:** I have a question that I would like to address to the chair.

**The PRESIDENT:** It is not question time. Does the honourable member have a point of order?

**The Hon. T.G. CAMERON:** I have a point of order.

**The PRESIDENT:** What is the point of order?

**The Hon. T.G. CAMERON:** Will the President clarify whether the dress code to which he is referring would require members of this parliament to wear a tie into this council?

**The PRESIDENT:** No.

#### ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

**The Hon. G.E. GAGO:** I bring up the report of the committee on its inquiry into marine protected areas.

Report received.

#### PARADISE INTERCHANGE

**The Hon. P. HOLLOWAY (Minister for Industry and Trade):** I seek leave to make a ministerial statement on the Paradise Interchange.

Leave granted.

**The Hon. P. HOLLOWAY:** An article appeared in the Messenger Press of 31 August 2005, reporting that the Paradise Interchange had been 'earmarked for a multi-million dollar overhaul by Planning SA'. The concept of the Paradise Interchange being further developed as a local or neighbourhood activity centre with a 'transit focus' is included in the draft planning strategy for metropolitan Adelaide.

As members of the council would be aware, the draft planning strategy completed a formal consultation process on 31 July 2005 and will now be subject to further refinement and consideration by the government. However, the government recognises that some of the concepts put forward in the planning strategy may require further targeted consultation with the community. The Metropolitan Spatial Plan contained in the draft planning strategy identifies a number of locations along major public transport routes where there may be the potential to explore the concept of transit oriented development, or TODs, as they are often called.

Given the public interest that has been raised recently regarding the identification of the Paradise Interchange as a possible site for this type of development, through the media and with the Premier during the recent public meeting, the government has decided to extend the opportunity for public comment on this concept until 30 November 2005. I would like to clarify, as I have before in regard to the spatial maps presented in the draft strategy, that the features on the maps are indicative; that is, they present a visual representation of the types of opportunities and concepts that are possible. In all cases, indicative options would require, if pursued, extensive investigation. They provide a framework that councils and/ or state governments can use to determine what type of land use policies may apply to an area in the future. It should be remembered that these policies can only then be developed in consultation with local communities and will usually require an amendment to council development plans.

In relation to transit oriented developments, I understand that they are coordinated developments, usually including a mixture of residential, retail and commercial land uses, which are designed around a public transport hub. I also understand that these types of development have been successfully applied overseas and may be worthy of further investigation in the South Australian context. The government welcomes community input into discussions on these concepts.

#### BLUE SKY DEVELOPMENTS

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** I table a ministerial statement relating to Blue Sky Developments (SA) Pty Ltd made on 12 September in another place by the Hon. Karlene Maywald.

#### ROYAL ADELAIDE HOSPITAL

**The Hon. CARMEL ZOLLO (Minister for Emergency Services):** I table a ministerial statement entitled 'Ombudsman dismisses allegations of political manipulation of surgical waiting lists at Royal Adelaide Hospital' made on 12 September in another place by the Hon. Lea Stevens, the Minister for Health.

#### QUESTION TIME

##### DIRECTOR OF PUBLIC PROSECUTIONS

**The Hon. R.I. LUCAS (Leader of the Opposition):** I seek leave to make an explanation before asking the minister representing the Premier questions about the Director of Public Prosecutions.

Leave granted.

**The Hon. R.I. LUCAS:** On 5 July this year on the Matthew Abraham and David Bevan morning ABC show there was a negative story in relation to the Director of Public

Prosecutions and a supposed salary increase of some \$100 000 or so. On 6 July, on the Matthew Abraham and David Bevan show, there was a continuation of that particular story, and on that occasion the government-provided transcript indicates that Mr Abraham said:

... well we have the letter here written by Stephen Pallaras, received in the Attorney-General's Office on June 14 2005. . . the heading is re: remuneration level. . .

And then the subsequent discussion between Mr Bevan and Mr Abraham indicates, as they read from the letter, that they indeed have a copy of what is a two or three-page confidential letter from the Director of Public Prosecutions written to the Rann government.

Subsequent to that, on 24 August this year, again on the Matthew Abraham and David Bevan show, there was a further story in relation to an overseas trip evidently taken by the Director of Public Prosecutions. Mr Abraham introduces the music, evidently with some theme music or background music from *Wonderful, Wonderful Copenhagen*, and he indicates:

... we've confirmed that the Director of Public Prosecutions, Stephen Pallaras, is this afternoon—

**The Hon. A.J. Redford:** You think that's funny, do you?

**The Hon. P. Holloway:** I think you're funny, Angus.

**The Hon. A.J. Redford:** No; you thought it was funny. You were laughing your head off at that.

**The Hon. R.I. LUCAS:** It is disappointing that the minister is laughing at this particular reference.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. R.I. LUCAS:** He indicates:

... we've confirmed that the Director of Public Prosecutions, Stephen Pallaras, is this afternoon heading off for Copenhagen. . . a three-week taxpayer-funded tour. . . he's also going to Ireland. . .

Further on it says that it has been confirmed that the trip was signed off by the head of the Justice Department, Mark Johns, and other confidential detail in relation to that trip was relayed on the Bevan and Abraham show. Subsequent to that there has been another reference to that particular overseas trip, again on the Matthew Abraham and David Bevan show on ABC Radio.

Members of the media who have spoken to me on this issue have confirmed that a number of members of Mr Rann's ministerial staff and Attorney-General Atkinson's staff have been engaged for some time now in an active campaign to undermine the standing and integrity of the Director of Public Prosecutions and the Office of the DPP through the selective briefing of journalists and on some occasions the selective leaking of confidential correspondence from the Director of Public Prosecutions.

**The Hon. A.J. Redford:** No, he probably just left it lying around on the coffee table and Matthew picked it up. He probably said, 'Oh, there's the letter!'

**The PRESIDENT:** Order, the Hon. Mr Redford! The Leader of the Opposition does not need any assistance from a junior backbencher.

**The Hon. R.I. LUCAS:** The Hon. Mr Redford makes a suggestion as to where it might have come from, but I would be surprised if that indeed was the source of them, or the mechanism. I remind members that on 30 June this year I raised another serious issue, and I said on that occasion:

I have now been informed by a very senior source with an intimate knowledge of the operation of the DPP's office that in recent weeks the DPP has expressed concerns about the actions of

a senior adviser to the Premier in relation to the recent Ashbourne case.

What I want to now say is I have now been informed by a very senior source with an intimate knowledge of the highest levels of the Rann government that the DPP has written to the Premier expressing further concern about the actions of Rann government advisers—

*The Hon. R.K. Sneath interjecting:*

**The PRESIDENT:** Order!

**The Hon. R.I. LUCAS:**—and in particular the actions of Mr Rann's most senior media person, Ms Jill Bottrall. My questions to the Premier are as follows:

1. Has the DPP, Mr Pallaras, written to the Premier, or any other Rann government minister, and again expressed concern about the actions of some Rann government advisers and, in particular, Mr Rann's senior adviser Ms Jill Bottrall?

2. What is the nature of the concern expressed by Mr Pallaras and what action, if any, has Mr Rann taken?

3. Why has the Premier personally approved a campaign by his government's paid political advisers to undermine the standing of the DPP and the Office of the DPP through the selective briefing of journalists, including the leaking of confidential DPP correspondence to journalists such as Mr Abraham and Mr Bevan from ABC Radio?

**The Hon. P. HOLLOWAY (Minister for Industry and Trade):** The Leader of the Opposition, of course, has form in relation to quoting the Director of Public Prosecutions, because if we are going to talk about what is raised on the Bevan and Abraham program perhaps we could recall what was—

*The Hon. T.G. Cameron interjecting:*

**The Hon. P. HOLLOWAY:** I listened to the question in silence. Do you want an answer or not?

**The Hon. T.G. Cameron:** As long as you tell the truth.

**The Hon. P. HOLLOWAY:** Oh, yes, I'll tell the truth all right. On the Bevan and Abraham program—

*The Hon. T.G. Cameron interjecting:*

**The PRESIDENT:** Order! The Hon. Mr Cameron is far too enthusiastic.

**The Hon. P. HOLLOWAY:** The Leader of the Opposition, towards the end of the last session, asked a question and he suggested it was from somebody who was a senior source with an intimate working knowledge, I think were the words, of the DPP's office. The following morning I was rung up by Bevan and Abraham and asked about that and I expressed my regret that, if that allegation was correct—

**The Hon. T.G. Cameron:** Matthew Abraham is a Labor stooge.

**The PRESIDENT:** Order, the Hon. Mr Cameron!

**The Hon. P. HOLLOWAY:**—and in fact there had been a leak, I thought it was highly regrettable. Of course, subsequently Mr Pallaras categorically denied that there had been a leak and he criticised me for making the return comment. I am not going to fall into that trap again, Mr President. What the Director of Public Prosecutions was saying was that the Leader of the Opposition effectively had lied in relation to that story, in suggesting that leak from his office. The question that we just had from the Leader of the Opposition suggested—

**The Hon. R.I. LUCAS:** I rise on a point of order. The Director of Public Prosecutions did not indicate that at any stage.

**The PRESIDENT:** There is no point of order.

**The Hon. P. HOLLOWAY:** A select committee is going on at the moment. The Leader of the Opposition knows full well that the Director of Public Prosecutions did make a comment in relation to his remark. I am not going to fall for his trap again. The fact is that the Director of Public Prosecutions categorically denied that anyone with close connections in his office had supplied the information. What is today's story? Today's question says that a source with intimate knowledge of the DPP has been leaking again.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. A.J. REDFORD:** I take a point of order. The minister has misrepresented what the Hon. Rob Lucas has said. He should be made to desist from that.

**The PRESIDENT:** There is no point of order. There is a difference of opinion. Is there a supplementary question?

*Members interjecting:*

**The PRESIDENT:** Order! We will get through this a lot quicker if members allow the Hon. Mr Lucas to ask his own questions. He is quite capable.

**The Hon. R.I. LUCAS:** Is the Leader of the Government refusing to forward the question that I have directed to the Premier in relation to the issue of whether or not he has received correspondence from the Director of Public Prosecutions expressing concerns along the lines that I have outlined?

**The Hon. P. HOLLOWAY:** The Leader of the Opposition is apparently claiming that he has some source from within the DPP's office that is leaking this information.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. R.I. LUCAS:** Point of order, Mr President.

*Members interjecting:*

**The PRESIDENT:** Order, the Hon. Mr Redford!

**The Hon. R.I. LUCAS:** I did not indicate that I had a source within the DPP's office. I said it was a source at the highest level of the Rann government.

*Members interjecting:*

**The PRESIDENT:** Order! All honourable members will come to order. There is a propensity by some members, when they disagree with something that is being said, to call for a point of order and then try to make an explanation.

**The Hon. T.G. Cameron:** And you shut them up.

**The PRESIDENT:** Order! I expect that to happen from time to time, but when I call on a point of order I expect the member to return to his seat immediately.

**The Hon. P. HOLLOWAY:** The Leader of the Opposition is notorious for playing games with claims about what is leaked and what is not. We have already seen the results of that in relation to the case that I mentioned earlier. These sort of accusations by the Leader of the Opposition deserve to be treated with the utmost contempt and I intend to do so.

### CRIME STATISTICS

**The PRESIDENT:** The Hon. Mr Lawson.

*Members interjecting:*

**The PRESIDENT:** Order! The Hon. Mr Lawson has the call.

*The Hon. T.G. Cameron interjecting:*

**The PRESIDENT:** Order! The Hon. Mr Cameron will come to order. He has had a fair go; he is far too exuberant; and he is out of order. Interjections are out of order.

**The Hon. R.D. LAWSON:** I seek leave to make a brief explanation before asking the Leader of the Government, representing the Treasurer, a question about crime statistics.

Leave granted.

*The Hon. R.K. Sneath interjecting:*

**The Hon. A.J. Redford:** You're out there lying away to the public.

*The Hon. R.K. Sneath interjecting:*

**The PRESIDENT:** Order!

**The Hon. P. HOLLOWAY:** On a point of order, Mr President, I think the Hon. Angus Redford should withdraw his comment.

**The PRESIDENT:** Order! Interjections are out of order.

**The Hon. R.D. LAWSON:** Yesterday, the Premier and the police minister issued a joint media release in which they referred to the latest police statistics on reported crime, which were quoted somewhat selectively, I might say. The release claims that the policies of the Rann government have resulted in a lowering of the rate of reported crime in this state. The heading of the joint media release says it all: 'Crime statistics prove'—I emphasise the word 'prove'—'South Australia is a safer place under Rann'.

At the same time, a taxpayer funded media campaign commenced under the guise of a message from the government of South Australia containing the same message. Both the media statement and the publicity campaign omit the significant fact that the latest official statistics of the Australian Bureau of Statistics show that across Australia since 2001 crime has fallen in each year and that the decline in South Australia for the past year at 7.3 per cent is far below the decline being enjoyed nationally of 12.4 per cent.

*Members interjecting:*

**The Hon. R.D. LAWSON:** There's more to come. On 1 July 2005 the Attorney-General appeared on a Channel 10 news program. He was introduced as follows:

The state Attorney-General has made an extraordinary admission on the government's highly publicised war against crime. In the face of conflicting crime rate figures he's conceded that government policy is not influencing current trends.

The Attorney-General then appeared and said:

Yes there have been reductions in the crime rate in South Australia since our government came to office but my suspicion is that doesn't have much to do with our policy.

I repeat: 'That doesn't have much to do with our policy.'

**The Hon. T.G. CAMERON:** On a point of order, Mr President, the shadow minister is misquoting.

**The PRESIDENT:** There is no point of order.

*Members interjecting:*

**The Hon. R.D. LAWSON:** I am very happy to table, for the benefit of the public, the full transcript. As I said, the Attorney stated: '. . . that doesn't have much to do with our policy'. He went on to say:

One of the big influences on the crime rate anywhere in the world is the number of young men from disadvantaged backgrounds as a proportion of the total population.

My questions are:

1. What is the cost of the latest round of self-serving political advertising?
2. Will the Premier withdraw the current paid media campaign?
3. Will he dismiss the police minister for his complicity in this misleading public statement?
4. Will he sack the Attorney-General for telling the truth about the matter?

*Members interjecting:*



**The PRESIDENT:** Order!

**The Hon. P. HOLLOWAY (Minister for Industry and Trade):** In answer to questions two, three and four, I am sure I can give a no answer on behalf of the Premier. In relation to crime statistics, I think they are worthy of repeating. How desperate can an opposition be? It says that it will make law and order an issue at the election. This is the issue it is going to make at the next election. The new police figures for the 2004-05 financial year show that total offences reported by victims have fallen by 6.6 per cent.

*An honourable member interjecting:*

**The PRESIDENT:** Order!

**The Hon. P. HOLLOWAY:** That is on top of the 6.4 per cent drop the year before. So, a 6.6 per cent drop this year and 6.4 per cent the year before. Crime has fallen over the past two years in all but two of the 24 categories specified by police.

*The Hon. R.D. Lawson interjecting:*

**The Hon. P. HOLLOWAY:** These are results. Does the member want it to go up? There are a lot of reasons why crime goes down. One of the reasons, I would have thought, is that we have the lowest unemployment level. As my colleague the Hon. Bob Sneath pointed out earlier, we have the lowest unemployment level since statistics were recorded. Believe it or not, unemployment when people have time off—idle hands, lack of money—does tend to have an impact on the crime rate. So, when there are low levels of unemployment, it does tend to reduce crime.

*The Hon. R.K. Sneath interjecting:*

**The Hon. P. HOLLOWAY:** Exactly. But this year property offences are down by 7.5 per cent, or 13.9 per cent over a two-year period. Offences against—

**The Hon. T.J. Stephens:** What about murder and home invasion?

**The Hon. P. HOLLOWAY:** What about murder? That is where you are wrong.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. P. HOLLOWAY:** Offences against people are up half a per cent, following the 9.4 per cent dip the previous financial year.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. P. HOLLOWAY:** The biggest crime reductions have been recorded for murder, driving causing death, assault police and robbery as well as serious criminal trespass, deception, dealing in stolen property and theft from shops and cars. The number of offences recorded as a result of proactive policing has also increased 3.8 per cent, including an 18.3 per cent rise in the detection of drink driving offences. Those offences have gone up because we have specifically targeted those areas—we have put more police resources into them. If one does that, the crime rate will go up. What we have had in all those sorts of offences—

*An honourable member interjecting:*

**The Hon. P. HOLLOWAY:** That is what the Attorney is saying—if we put more effort into things such as detecting drink driving to make our roads safer, our policies will cause the statistics to go up because we are putting more effort into it. However, things such as property offences, in fact, have gone down. With the proactive policing, there has been a rise of 18.3 per cent in the detection of drink driving offences, and that is a good thing. Members opposite could easily make those statistics go down. If they want to make law and order an issue they could easily say, ‘Okay, we are going to drop

the number of drink driving offences. What we will do is halve the number of breathalysers on the road. We will reduce the effort that the government now puts into detecting crime.’ That would be a very easy thing to do.

What we have seen is that all those crimes I mentioned earlier—the property offences with victims—have seen significant falls, but in the areas of proactive policing there has been a significant increase in the detection of those offences, and that is a good thing. It is not bad, is it? Members opposite have said that the issues they will fight at the next election are law and order, yet we have statistics like that. The other issue is unemployment, and we have the lowest level of unemployment since records were established. It will be a very interesting election.

*Members interjecting:*

**The PRESIDENT:** Order! I draw member’s attention to the disruption in the council. It is bad enough when members are interjecting when their own colleagues are putting a question or explanation, but we find that when the answer comes back there is more interjecting. Everybody has had a fair go. We have had a spell and we are back into work. I point out to members that their activities have resulted in only two questions being asked today. Members in this council have matters of some concern to their constituency and they require an opportunity to put a question. Members’ disruptive behaviour is not only immature and out of order but it is depriving constituents with legitimate concerns from having those concerns raised in the Legislative Council. I call on all members to observe the standing orders.

## PROPERTY OFFENCES

**The Hon. A.J. REDFORD:** Is it not the case that the reported cut in crime is as a consequence of changed recording procedures? In particular, I refer to the minister’s answer to my question tabled today, in which he refers to document policy statement 16, which gives guidance on the reporting of offences against property, whereby only one offence is recorded, notwithstanding that there might be a series of offences.

**The Hon. P. HOLLOWAY (Minister for Industry and Trade):** The honourable member has raised this issue before. I do not know that there is a detailed answer in writing. If he does not have it yet, he will have it soon. He received it today and anyone can read it in *Hansard*.

## TERRORISM

**The Hon. P. HOLLOWAY (Minister for Industry and Trade):** I table a ministerial statement about counter terrorism made by the Premier in the House of Assembly today.

## SA WATER

**The Hon. A.J. REDFORD:** I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Administrative Services, a question about SA Water.

Leave granted.

**The Hon. A.J. REDFORD:** Yesterday my office received a call from a constituent who lives in a house he owns at Christie Downs. As the owner of the house he regularly receives accounts for water, gas, electricity, council rates, the emergency services levy, the River Murray levy, and so on.

Like all households my constituent has to run a budget, which is much easier if these accounts are spread out, and it is even easier if people are given a reasonable time to pay.

My constituent received an account from SA Water for less than \$150. He tells me that he was required to pay the account 17 days from the day he received it (or 19 days from the date it was issued). If one is paid monthly, payment within that time frame might prove difficult. My constituent tells me that he rang SA Water and it kindly acceded to his request to extend the time for payment. When he asked about the short space of time for payment of the account, he was told that different suburbs have different cycles with different times to pay. He was told that at Christie Downs, which is not Springfield or Unley Park, if people are given longer to pay they forget to pay or do not pay. The clear implication is that people in lower socio-economic suburbs get less time to pay because they are more prone not to pay because they forget. My questions to the minister are:

1. Do different suburbs have different times to pay their water accounts?
2. Do people in poorer suburbs get less time to pay their SA Water bills?
3. If they do, why does the government support giving poorer people less time to pay their bills?
4. Does the minister think that people like my constituent, who in the past has always paid his bills on time, are given short times to pay their bill as a consequence of where they live?

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

#### BUSINESS SA EXPORT AWARDS

**The Hon. G.E. GAGO:** I seek leave to make a brief explanation before asking the Minister for Industry and Trade a question about the Business SA Export Awards.

Leave granted.

**The Hon. G.E. GAGO:** Winning an award is an important accolade for South Australian businesses, and those high performers deserve recognition and success. Will the minister provide some information on the recent Business SA Export Awards?

**The Hon. P. HOLLOWAY (Minister for Industry and Trade):** I thank the honourable member for her important question. Last Friday night I attended the 2005 Business SA Export Awards at which 11 South Australian companies were honoured as export champions. This year the Rann government again sponsored the small to medium manufacturer category, as well as the Premier's Award for Excellence and High Achievement. On behalf of the Premier, I had great pleasure in presenting this special award for Excellence in High Achievement in Exporting to the University of Adelaide.

Other award winners on the night included Angoves for agribusiness; regional export, Balco; the large advanced manufacturer, Schefenacker Vision Systems; small to medium manufacturer, Extreme Machining Australia (which produces mining drill components for the world); education, the University of Adelaide; services, Cartridge World; information and communication technology, Comlabs Systems; arts and entertainment, Imagination Entertainment; tourism, Kangaroo Island Sealink; minerals, Zinifex Port

Pirie Smelter; and the Emerging Exporter Award went to Seed Genetics Australia.

The Annual Business SA Export Awards recognise South Australia's most successful and innovative export businesses. The wider benefit of this is that success breeds confidence, and the promotion of success stories will help engender that confidence. We recognise how important it is to tell the story of export success, and so does Business SA. Business SA has got behind the export push with its awards, and it is helping to stimulate a high level of interest in exporting. The state government is pleased to have been involved as an award sponsor, and I commend Business SA for its efforts. Apart from congratulating all the winners, I wish them all well as they go on to represent South Australia at the prestigious Australian Export Awards to be held on 1 December this year in Sydney.

#### SUPPORTED ACCOMMODATION

**The Hon. KATE REYNOLDS:** I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Families and Communities, a question about support for residential facilities.

Leave granted.

**The Hon. KATE REYNOLDS:** I quote from a letter written by Mr Andrew Marshall, the outgoing President of the Supported Residential Facilities Association. The letter was written to the Premier on 25 August this year. In his letter, Mr Marshall refers to some discussions that were held between minister Weatherill and the association, and specifically to a meeting between Mr Weatherill and the association on 12 August. The letter states:

For a minister responsible for the SRF sector Mr Weatherill displayed a complete lack of knowledge of almost all aspects of the sector. He sought from us the definition of a supported residential facility, was unaware of the resident mix of SRFs, was unaware of the agencies from which residents are referred to SRFs and apparently has no idea where or if SRFs will fit or play a role in the supported accommodation sector into the future.

I would like also to quote from Mr Marshall's President's Report to the SRFA's annual general meeting held on 25 August. In relation to the SRF sustainment package announced previously by the government, the report states:

The ability of DFC [Department for Families and Communities] to provide all the services announced in the initial and subsequent announcements has started to unravel. In the past couple of weeks the Dental Service has been told that no further funding will be made available to it to continue services to SRF residents. The minister and DFC said that all residents in SRFs would be screened, assessed for dental treatment needs and have necessary treatment provided to them. The Dental Service, having been provided with a funding allocation of \$500 000, screened 1 100 residents and has or will provide treatment to those who require it. The service applied for an additional \$360 000 for this year to enable it to provide follow-up services to those people who required more than one treatment session and also to screen and provide services to new residents of SRFs. That funding application has been rejected.

The report further states:

[Members will be aware that] all SRFs are required to fit sprinkler systems to buildings within the next year or so. . . members are in agreement that the safety of their residents is paramount and do not object or disagree with the need to install sprinklers.

He said:

The cost of installing the systems is an issue and, given that quotations received by individual proprietors vary depending on the

size and physical structure of facilities from \$40 000 to in excess of \$150 000, are potentially crippling.

He goes on:

The former DHS and now DFC was aware of this potential problem early last year. Towards the end of last year we were told a submission for funding assistance had been sent to cabinet. . . In April this year, during a conversation with a DFC officer [he says] I was told the submission had been refused.

He goes on to say:

The next week, when the issue of funding was raised with Minister Weatherill by Alistare Armstrong and Doug Clark at a meeting in Mount Gambier, he denied the submission had been rejected but refused to discuss it further. The next week, [Mr] . . . Armstrong raised the matter with Minister Rory McEwen in Mount Gambier and was advised a week later by Mr McEwen, who proudly claimed to have the ear of the minister, that Minister Weatherill had told him that he could tell. . . [Mr Armstrong] that the Government would cover the cost of sprinkler systems. . .

On Friday 12/8/05, the . . . Committee met with [Minister]. . . Weatherill and [he says] we were told that no decision had been made, that a submission to assist SRFs with funding was still being considered. . . and that we would have an answer in three to four weeks.

I note that that time has now expired, and I know that they have no answer. He goes on to say:

The ineptitude with which DFC and the Minister have conducted themselves in handling this matter is nothing short of pathetic.

So, my questions are:

1. Why has the government taken so long to make an announcement about assistance for supported residential facilities to meet new fire safety standards?

2. Did the minister tell the member for Mount Gambier that he could tell Mr Armstrong and Mr Clark that the government would cover the cost of fire sprinkler systems in SRFs?

3. When will the government make an announcement about how it will assist SRFs to cover the cost of meeting fire safety standards?

4. Why has the government refused to fund follow-up services to those people who need more than one dental treatment?

5. Why has the government refused to fund dental screening and treatment services to new residents of SRFs?

6. Will the minister request that the Premier acknowledge the letter from Mr Marshall, and will the minister urge the Premier to meet with Mr Marshall to discuss the many matters raised in his letter?

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

### SPEED CAMERAS

**The Hon. T.G. CAMERON:** I seek leave to make a brief explanation before asking the Minister for Industry and Trade, representing the Minister for Police, questions regarding speed cameras in 50 km/h zones.

Leave granted.

**The Hon. T.G. CAMERON:** The most recent speed camera detections and expiation figures supplied by the Minister for Police for the 50 to 60 km/h percentile for the period 1 January to 31 March this year show a total of 21 388 detections, raising \$2.4 million in revenue for the government. This compares to 57 516 detections for the same period for all other figures for those caught speeding (that is, all

those caught speeding for all the percentiles 60 km/h or more), which raised \$3.5 million in revenue. This means, percentage wise, 40 per cent of the revenue generated by speed cameras is now raised in the 50 to 60 km/h zones. I remind members that that is not where accidents are occurring.

This financial year, we can expect an extra 100 000 motorists to be issued with detection notices, raising more than \$10 million for the government. Additionally, figures supplied by the police minister show that the top 10 locations raising the most from speeding fines in 50 to 60 km/h zones during 2004-05 were in the city square mile and two others in North Adelaide.

King William Road was particularly severe. So you all want to be careful as you drive through North Terrace and do a leftie into the Festival Centre. King William Road had 5 487 notices issued, raising almost \$1 million by itself. It raises all sorts of questions as to how well educated the motoring public is on 50 km/h zones. Promises were made by the government but it has not delivered. We need to be looking at the appropriateness of their locations and whether placing speed cameras in these streets is more about raising additional new revenue than actual road safety—a point I have always made. My questions to the minister are:

1. In the period 1 July 2004 to 30 June 2005, how many deaths and serious accidents occurred on metropolitan roads with a 50 km/h speed limit?

2. Have any recent studies been undertaken to ensure that 50 km/h speed zones are located in appropriate areas?

3. Will the minister look at the appropriateness of keeping 50 km/h zones for each of the top 10 roads in the 2004 list for revenue raised?

*Members interjecting:*

**The Hon. T.G. CAMERON:** Well, we know he won't.

4. Considering the number of drivers continuing to be caught speeding in 50 km/h zones, and the amount raised by the fines, will the government immediately introduce a new education campaign to refresh motorists' awareness of the new zones?

**The Hon. P. HOLLOWAY (Minister for Industry and Trade):** I will refer those questions to the Minister for Transport and/or the Minister for Police. However, the Hon. Terry Cameron, by way of an aside during the question, said that we know the 50 to 60 km/h zones where the accidents are not happening. It is my understanding that, given that those 50 km/h zones tend to be in the broader metropolitan area of Adelaide, less the major roads, there are a significant number of accidents in those areas. In fact, since these speed cameras have applied to those roads there has been a reduction. I will refer the questions to the Minister for Transport and bring back a response.

*The Hon. T.G. Cameron interjecting:*

**The Hon. P. HOLLOWAY:** There would be a lot in country areas, as we know. I think that the police have referred to that.

**The Hon. J.F. STEFANI:** I have a supplementary question. Could the minister advise how many motorists were caught speeding on Jeffcott Street, North Adelaide, for the period 1 July 2004 to 30 June 2005?

**The Hon. P. HOLLOWAY:** I will refer that question to the Minister for Police and bring back a reply.

### OFFICE OF THE MURRAY MALLEE

**The Hon. D.W. RIDGWAY:** I seek leave to make a brief explanation before asking the Minister for Emergency Services, representing the Minister for Agriculture, Food and Fisheries, a question about the Office of the Murray Mallee.

Leave granted.

**The Hon. D.W. RIDGWAY:** Recently, I received a copy of a press release advertising the new Office of the Murray Mallee which was issued by the Department of Primary Industries and Resources. The first dot point on the press release stated that the Office of the Murray Mallee is 'not a new version of the former Office of the Murray'. The new Office of the Murray Mallee is in the same building as the former Office of the Murray. It is interesting, because I think that this is just a rebranding of something that existed before.

In the press release of some six or seven dot points the word 'strategic' appears, not in relation to the State Strategic Plan but just in describing the functions of the office. Four out of the six dot points include such phrases as 'whole-of-government strategic initiatives', a bottom line 'strategic focus', 'the strategic functions of Primary Industries' and a 'high level strategic and administrative assistance'. This sounds like Rann government spin yet again. As it is in the same building as the former Office of the Murray, that building is across the road from the campaign office of the very energetic Liberal Party candidate for Hammond, and it has been observed that very little activity has taken place in the Office of the Murray. My questions are:

1. What was the cost of establishing this office?
2. How many staff are employed at that office and what are their salaries?
3. Can the minister confirm that the former staff member in the Office of the Murray, Mr Jeremy Makin, who was the Labor candidate for Heysen, now works for minister Holloway in his department?
4. Do the staff, including the acting director, have use of government vehicles and what is the budget of this office?

**The Hon. P. HOLLOWAY (Minister for Industry and Trade):** I will answer the question. We can go through the system and you can get it back from the Minister for Agriculture, Food and Fisheries if you like, but I can throw some light on the matter because, when I became Minister for Urban Development and Planning, the Office of the Murray, as it then was, was under my jurisdiction and the changes have come about as a result of reviewing that.

*Members interjecting:*

**The Hon. P. HOLLOWAY:** They were under the broad portfolio.

**The Hon. J.S.L. Dawkins:** Why would that be so?

**The Hon. P. HOLLOWAY:** They were under the Department of Transport. The departments were serviced for administrative terms under the Department of Transport and Urban Development.

*Members interjecting:*

**The Hon. P. HOLLOWAY:** I made the decision that it would be better if those officers were in relation to PIRSA. PIRSA has an office across the road, as the honourable member would be well aware, and has a significant staff there. As a result of that review, I made some changes. In relation to the latter question asked by the honourable member, he is quite correct. Mr Makin is now in my office but the budget which was previously given to that office, apart from the officer concerned, has been transferred over to PIRSA, and one of the tasks of that new office is to service

the Murray Mallee strategic task force, and the honourable member talked before about the new energetic Liberal candidate. He would be well aware that that candidate's wife has been involved in that particular strategic task force, which is one thing as a result of the additional effort that has been put in through PIRSA.

This can be confirmed by the Minister for Agriculture, Food and Fisheries, but certainly from my discussions I know one of the things that has been looked at was whether, given the shortage of additional agronomy positions, which has been raised by the opposition here, that could be fitted in as a result of the transfer of this budget from the efficiencies gained. I will have that confirmed by the Minister for Agriculture, Food and Fisheries but I would have thought members opposite, and particularly those interested in the rural community out there, would actually welcome the changes that have been made that should improve the services to those communities. But that transfer has now been made. Most of the budget that was previously there has been transferred over to PIRSA and now that will come under their jurisdiction, but I believe as a result of the changes it will result in better servicing of the citizens of the Murray Mallee region, a very important region of this state.

**The Hon. J.S.L. DAWKINS:** As a supplementary question: given that the regional officers were originally announced by the first regional affairs minister in this current government, the Hon. Terry Roberts, and were announced as regional officers of the government, why have they not been transferred to the jurisdiction of the Minister for Regional Development?

**The Hon. P. HOLLOWAY:** As I understand it, those officers came under the previous department as it was, the Department of Transport and Urban Development. I am not quite sure why that was. Was that originally the case? Others are more familiar with it than I, but all I can say is when I became the minister earlier this year I had a review of the arrangements and that was one of the changes that I made, and I believed it would be for the betterment of the people of the region in the Murray Mallee, and I would think that they would welcome those changes.

### COOBER PEDY, POLICE STATION

**The Hon. T.J. STEPHENS:** I seek leave to make a brief explanation before asking the Minister for Industry and Trade, representing the Minister for Police, a question regarding the Coober Pedy police services.

Leave granted.

**The Hon. T.J. STEPHENS:** I have asked a number of questions regarding policing resources in Coober Pedy, the last being in May this year. It would surprise members to know that at this point in time I have actually received no satisfactory reply. Members may also be aware that the mayor of Coober Pedy, Mr Steven Baines, has called for increased police resources, both in the media recently and at a community cabinet meeting with the Premier. Mr Baines said the issue was being progressed up until March this year. My questions are:

1. Why was this process halted in March?
2. Why has the mayor's request at community cabinet been ignored?
3. Will the government now commit to funding staff at the police station at Coober Pedy on a 24-hour basis?

**The Hon. P. HOLLOWAY (Minister for Industry and Trade):** I am not sure that the allegations—and that is what they are—made in the questions are necessarily correct, but I will get a response from the Minister for Police and bring back a reply.

#### CORRECTIONAL SERVICES DEPARTMENT

**The Hon. R.K. SNEATH:** I seek leave to make a brief explanation before asking the Minister for Correctional Services a question about an award for excellence won by the Department for Correctional Services.

Leave granted.

**The Hon. R.K. SNEATH:** Earlier this year a major security upgrade of the Mount Gambier Prison was completed, with the commissioning of a new \$950 000 control room, funded by the state government. Since then, the work undertaken by the Department for Correctional Services to install the new security equipment at the prison has been recognised nationally and even internationally. My question is: can the minister provide details of this prestigious award won by the department for this project?

**The Hon. T.G. ROBERTS (Minister for Correctional Services):** I thank the honourable member for his important question and his interest in the bush, as he states. This is a very sophisticated program that has been put together by the department and I congratulate the individual in the department who has a flair for introducing or making applications for technology through the department to the prison system, because it has not only saved the state money but it has the potential for exporting the principles of the transfer of that technology into the prison system, not just throughout Australia and through our own prisons but internationally.

In relation to the Mount Gambier Prison project, which came in at just under \$1 million, funded by the state government, it produced a purpose-built, state-of-the-art control room located near the entrance to the prison. The control room's major function is to monitor perimeter security and the security within the prison itself. To that end the new facility included eight CCTV monitors, which can be automatically or manually focused on a single area or multiple areas inside and outside the prison.

A unique aspect of the control room is that part of the floor is a perspex false floor under which the kilometres of cabling required for all the security devices to interface with the computer system have been carefully laid out. The floor can easily be removed for cable maintenance. The comfort of staff was also taken into account in the design of the new control room with a crew comfort station incorporated into the middle of the room, allowing operators to prepare food and drinks without leaving the room.

The award for excellence from the Australian Security Industry Association is another example of South Australia punching above its weight in the correctional services area. Our present system is one of the smallest in Australia but is recognised nationally and internationally as perhaps the world's leader in prison control room design and construction. According to the judging panel—and this did not get a lot of publicity in the media—the attention to detail, the open technology architecture, the design innovation and the highly ordered and exhaustive documentation set new standards in control room design which will spread beyond the walls of the prison system.

The department has already been approached by other states to help in the planning of similar control rooms, while

keen interest has been shown by jurisdictions in overseas countries, most notably our near neighbours in Asia. The department is also fostering the development of a security industry cluster which will benefit many South Australian companies. Already around 400 South Australian companies have contributed to these control room projects and their expertise is also being sought by jurisdictions in other states.

The national recognition of the Mount Gambier control room and last week's opening of the new \$4 million Ross Unit at Mobilong Prison are concrete evidence—pardon the pun—of the state government's commitment to improving the state's correctional services system.

#### INTEGRATED WASTE SERVICES

**The Hon. SANDRA KANCK:** I seek leave to make an explanation before asking the minister representing the Minister for Environment and Conservation a question about a slow burning fire and consequent noxious emissions from the Integrated Waste Service's balefill at Dublin.

Leave granted.

**The Hon. SANDRA KANCK:** My office has received information that a slow burning fire at the IWS Dublin operation has created an extremely unpleasant and potentially dangerous situation for nearby residents and businesses. An email which was sent to my office states:

Some time early 2004, perhaps January or February, but certainly early March, an uncharacteristic smell began to pervade our air.

Further investigation revealed the acrid smell was created by a deep-seated fire in the balefill operation. I am informed that, despite regular complaints to the EPA by people affected by the smoke, the fire continues to burn today more than 18 months after it was first noticed. My questions are:

1. Why has the EPA not required the fire to be extinguished?
2. Has there been any air quality monitoring done at the site? If not, why not? If so, will the minister release the monitoring data?
3. Will the minister assure the council that no individual's health has been placed at risk as a consequence of the fire?
4. Will the minister also assure the council that the fire has done no damage to the leachate collection system and the balefill's clay liner?

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** I will refer the honourable member's questions to the Minister for Environment and Conservation in another place and bring back a reply.

#### STUDENTS, FINANCIAL ASSISTANCE

**The Hon. A.L. EVANS:** I seek leave to make a brief explanation before asking the minister representing the Minister for Education and Children's Services a question about financial assistance for students.

Leave granted.

**The Hon. A.L. EVANS:** Recently, a letter was sent from the Department of Education and Children's Services to every parent who had a child who sat the 2003 South Australian year 3 state test. Further, subject to the results of the test, parents were informed if their child had been offered special assistance under the Tutorial Voucher Initiative. The Tutorial Voucher Initiative has been launched to improve the reading skills of students who are below the 2003 year 3 national reading benchmark.

A constituent recently spoke to a member of my staff to advise that she had received a letter from the Department of Education and Children's Services in relation to her son who sat the test in 2003. My constituent had been advised that her son was not eligible to receive assistance through the Tutorial Assistance Program. Along with a letter, my constituent received an individual student report which gave her son's results in the test for reading, spelling, language and writing. The report indicates a student's results in two ways: as a percentage and on a band scale. On the band scale, band 1 indicates low achievement and band 5 indicates high achievement. For literacy, my constituent's son received a low grade resulting in his score falling into band 1. This was well below the state average for his age group where 24 per cent fell into band 3.

My constituent was concerned that her son was not being offered tutorial assistance when clearly his results were below the national average. When my constituent contacted the Department of Education and Children's Services and advised the department of her son's score and asked why her son had not met the eligibility criteria for assistance, after some discussion the officer eventually capitulated and said that her son would be sent a letter advising that his results had been reviewed and that he would be offered a place in the program. My questions are:

1. Will the minister advise how eligibility for the program is assessed?

2. Have parents been formally advised in writing that they can appeal a decision by the department if they feel their child should have been offered a position in the Tutorial Assistance Program?

3. How many students have been advised that they are not eligible to receive assistance under the Tutorial Voucher Program despite having fallen into band 1 for any of the areas assessed under the 2003 South Australian year 3 state test?

**The Hon. CARMEL ZOLLO (Minister for Emergency Services):** I thank the honourable member for his questions in relation to financial assistance for students. I will refer them to the Minister for Education and Children's Services in another place and bring back a response.

#### SEAWEED HARVESTING

**The Hon. CAROLINE SCHAEFER:** My question is to the Minister for Emergency Services, representing the Minister for Agriculture, Food and Fisheries. Has an environmental impact assessment ever been conducted with regard to the harvesting of seaweed in South Australia and, in particular, in the vicinity of Kingston and Maria Creek, where collection has taken place for several years? If not, why not? If so, why is a current licence applicant being quoted over \$23 000 to have such a study conducted as part of his licence conditions? If such information exists, why cannot previously collected environmental impact data be used to defray some of this cost?

**The Hon. CARMEL ZOLLO (Minister for Emergency Services):** I will refer the honourable member's questions to the Minister for Agriculture, Food and Fisheries in the other place and bring back a response.

#### GENETICALLY MODIFIED CROPS

**The Hon. IAN GILFILLAN:** I seek leave to make an explanation before asking the Minister for Emergency Services, representing the Minister for Agriculture, Food and

Fisheries, a question about the contamination of South Australian canola with a genetically modified variety, Topaz 19/2.

Leave granted.

**The Hon. IAN GILFILLAN:** On 1 September this year, the following was reported in the *Stock Journal*:

Trace levels of genetically modified material have been found in samples of South Australian canola from ABB Grain.

This contamination is from a genetically modified canola variety, Topaz 19/2, the same GMO that was recently found to contaminate Victoria and Western Australia. This is the first discovered major contamination incident in South Australia since the establishment of the state wide ban. The Genetically Modified Crops Management Act 2004 gives the minister the power to establish zones within the state within which genetically modified crops cannot be cultivated. On 22 April 2004, the minister designated the entire state, as such, a zone. I quote from the Genetically Modified Crops Management (Designation of Areas) Regulations 2004 as follows:

3—Designation of areas in which cultivation of genetically modified food crops is prohibited.

The whole of the state is designated as an area in which no genetically modified food crops may be cultivated.

Under the provisions of the act, this zone will remain in place until April 2007. The Minister for Agriculture, Food and Fisheries is responsible for the enforcement of the Genetically Modified Crops Management Act 2004 and has wide-ranging powers to manage genetically modified crops in this state and to enforce any bans in place. These powers include entry to property and destruction of contaminated material as well as the means to recover the costs of such actions from offending parties. However, with these powers and responsibilities, the minister has done little to address the situation. In fact, he is quoted in the *Stock Journal* as saying:

We'll be supporting and following with interest any work that's done to find out the cause—

In other words, he is leaving the industry to deal with the matter. While ABB has found the genetically modified canola contaminating its canola supplies, it maintains that the contamination is low and that it will continue with 'business as usual'. However, the regulations made under the Genetically Modified Crops Management Act 2004 make it clear that it is illegal to deal with genetically modified crops in South Australia. There are no exemptions in place for Topaz 19/2. My questions are:

1. What action has the minister taken to identify the causes of the contamination?

2. What action has the minister taken to identify the extent of the contamination across South Australia?

3. What plans has the minister made or is he making to eradicate any contamination in the South Australian canola supply?

4. Given that ABB has genetically modified canola contaminating its stock and that it is illegal to deal with genetically modified material in South Australia, what can ABB legally do with its contaminated canola?

5. Has the Genetically Modified Crops Advisory Committee considered the incident? If so, what was its advice, and will the minister release the minutes from the meeting where the matter was considered?

**The Hon. CARMEL ZOLLO (Minister for Emergency Services):** I will refer the member's questions to the Minister

for Agriculture, Food and Fisheries in another place and bring back a response.

### METROPOLITAN FIRE SERVICE

**The Hon. J. GAZZOLA:** I seek leave to make a brief explanation before asking the Minister for Emergency Services a question about the Metropolitan Fire Service stand at the Royal Adelaide Show.

Leave granted.

**The Hon. J. GAZZOLA:** I heard that the Metropolitan Fire Service had a new stand at the Royal Adelaide Show this year. Can the minister please advise the council of the details of the stand?

**The Hon. CARMEL ZOLLO (Minister for Emergency Services):** I thank the member for his important question. It is a very good educative tool. On 5 September I was pleased to visit the new MFS stand at the Royal Adelaide Show.

**The Hon. A.J. REDFORD:** Sir, I rise on a point of order. I wonder, given the importance of the question, whether the minister might wait for the TV cameras to come flooding in.

**The PRESIDENT:** That is a frivolous point of order, as usual.

**The Hon. CARMEL ZOLLO:** It is, indeed, a frivolous point of order. The theme of this year's stand was 'home fire safety', which I would have thought is a very important theme. Each year the MFS is able to reach a large number of—

*The Hon. Kate Reynolds interjecting:*

**The Hon. CARMEL ZOLLO:** Did the member visit the stand? Each year the MFS is able to reach a large number of South Australian families at the Royal Adelaide Show and uses the opportunity to educate them on fire safety. This year the MFS commissioned a new, professionally built shell for its stand at the show. The new shell provided a bright, colourful and eye-catching layout, which was used to generate significant interest from show goers. The activities were planned to engage visitors for 10 to 15 minutes as both children and adults moved from one area to another. Children were invited to take a journey down Livelonga Lane, where they could learn from colourful fire safety characters what to do in the event of a house fire. At the end of their journey, children were encouraged to enter the Livelonga Land competition or the Stop Cover Drop and Roll competition, which was developed to educate children on what to do if their clothes caught fire. Smaller children could be videotaped in Triple Zero, the miniature fire engine that was included on the children's fire safety video *You're Never too Young to Learn Fire Safety*. Absolutely!

I was pleased to witness several young people go through their paces, and I think we should all be reminded that messages that young children learn tend to stay with them for the rest of their lives. In keeping with the atmosphere of the show, the MFS was pleased to provide an important educational message to both adults and children in a fun and enjoyable manner. While the children were entertained by the many activities on offer, MFS staff took the opportunity to talk to parents about critical home fire safety information, such as having a practice home fire escape plan, the importance of working smoke alarms and being aware of fire hazards in their home and how to minimise their risk with fire safe behaviour.

To stimulate discussion, a fire safety survey was used, which allowed survey officers to target important areas and to educate visitors one on one about fire safe behaviours.

Responses to the survey will be collated as valuable research data and used to track changes in behaviour over the past five years. Willing survey participants were also invited to participate in a phone evaluation, which will be conducted four to six weeks after the show.

The stand was also used to showcase the results of the annual MFS school fire safety competition, which is held each year. A package of fire safety information for children is sent to schools in the form of a 'learn, don't burn' fire safety competition—a very important educational tool. Children enter posters they create and prizes are awarded to children in each year level from reception to year 7. I am sure that all members will be very pleased to hear that the MFS stand was awarded first place in the large commercial stand category (Jubilee Hall) and for overall commercial exhibitor. As mentioned, I had the opportunity to visit the stand during the show and I congratulate all the staff involved with this wonderful initiative, particularly those involved from the community safety section of the MFS.

**The PRESIDENT:** The time having expired for the asking of questions, call on the business of the day.

*The Hon. T.G. Cameron interjecting:*

**The PRESIDENT:** I am pleased the Hon. Mr Cameron's voice has returned, but I think I preferred it when it was quieter.

### PRESIDENT'S REMARKS

**The Hon. KATE REYNOLDS:** I seek leave to make a personal explanation.

**The PRESIDENT:** About something on which you were misquoted?

**The Hon. KATE REYNOLDS:** I am not sure about the appropriate word under standing orders, but I think 'mis-represented' will cover it.

Leave granted.

**The Hon. KATE REYNOLDS:** You, sir, provided some advice to me and to the chamber earlier and I am grateful for that advice, but I would like to put on the record some explanation about the circumstances of the advice you provided.

**The PRESIDENT:** Order! I am sorry, but what you are doing is constituting a debate. The matter has been resolved. No personal explanation is required. You have not been misquoted on anything. I have made an order on that. You are now introducing debate, and this is not the time for a debate.

**The Hon. KATE REYNOLDS:** With respect, Mr President, you said that I intended to seek some attention by—

**The PRESIDENT:** No; I said that I suspected that was the case. That was an explanation by me. You were not misquoted.

**The Hon. KATE REYNOLDS:** With respect, Mr President, we had a discussion in the corridor.

**The PRESIDENT:** Order! You are debating the issue.

**The Hon. KATE REYNOLDS:** Mr President, I will seek further advice from you about the appropriate way to put an explanation on the record.

**The PRESIDENT:** You can come to the table and seek advice later, but my advice is that you are now debating the issue.

**The Hon. A.J. REDFORD:** On a point of order, Mr President, standing order 173 provides that with the indulgence of the council a member may explain matters of a personal nature. When you stopped the honourable member,

I had no idea whether or not she was talking about a matter of a personal nature. It may well be that it comes within standing order 173. Members generally should be given an opportunity to at least get to a stage where we can understand whether or not it is a matter of a personal nature.

**The PRESIDENT:** The point of order you make is right and, therefore, leave was granted. The member began her contribution and referred to advice about a matter that I raised earlier. I was suspicious that it was entering into debate. My advice is that it was. I then ruled that the member was debating the issue and that it was not the time for debate. You are correct: with the indulgence of the council she was given leave. I then gave my ruling because she said, 'You gave me some advice earlier on this particular matter'. That clearly identified the matter on which I had made a ruling earlier in accordance with the practice and procedures of the Westminster system and which meant that I had no alternative.

I have said on numerous occasions to members of the council that, on the day that I was elected, my responsibility was to maintain the practices, protocols, procedures and dignity of the chamber. Sometimes that means that I have to rule, as my duty demands, on matters which I think could be best handled another way. I will not shirk from the application of the rules, the protocols, practices and standing orders of this council, and it is my earnest intention, for as long as I am here (which may or not be a long time), to maintain the dignity of the council.

**The Hon. KATE REYNOLDS:** On a point of order, sir, can you please make a ruling about the wearing of ties with logos, such as the South Australian Farmers Federation, the Wool Board, the Liberal Party, the Labor Party, Port Power—

**The PRESIDENT:** Order! The Hon. Mr Cameron has already asked that question. It has been answered and it is in *Hansard*.

**The Hon. T.G. CAMERON:** On a point of order, that was not the question I asked.

**The PRESIDENT:** It was about the wearing of ties. The answer is the same.

**The Hon. T.G. CAMERON:** If you are going to quote me, please do it correctly.

## REPLIES TO QUESTIONS

### HEAVY VEHICLES, LOGBOOKS

In reply to **Hon. D.W. RIDGWAY** (3 May).

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

Following extensive negotiations between Transport SA (TSA) and South Australia Police (SAPOL) an agreement has been implemented whereby TSA 'administrative functions' provided at police stations will be transferred to a TSA or Service SA Customer Service Centre, if such a centre is accessible within 100 kilometres. Police stations located more than 100 kilometres from a TSA or a Service SA Customer Service Centre will continue to conduct TSA 'administrative functions'.

This agreement allows SAPOL to increase its focus on the delivery of core police functions to local communities whilst ensuring that appropriate TSA service access is maintained in all rural communities. SAPOL will continue to conduct Vehicle Identity Inspections, Practical Driving Tests and Defect Clearance Inspections at all country police stations currently providing these services.

Commercial vehicle logbooks contain a page that advises drivers when they are utilising the last ten pages of the logbook. This should provide adequate opportunity for drivers to acquire a new log book during the course of their usual business. If a driver completes a logbook before obtaining a replacement, there is provision under *Section 54(3) Road Traffic (Driving Hours) Regulations 1999* to use an interim log. Collectively these provisions ensure that drivers have

adequate opportunity to obtain a replacement log book without being unduly inconvenienced.

Police in rural environments disseminated information about the new customer service arrangements via local radio, newspaper or any other suitable means. Each police station displays in a prominent position, maps depicting the 100 kilometre radius around the major TSA/Service SA Customer Service Centres. Brochures promoting this service change have been distributed to:

- Federal and State Government agencies;
- Local Councils;
- Rural Watch groups;
- RAA Information Services; and
- Any other organisation deemed appropriate.

The brochures provide information about:

- The new customer service arrangements between TSA and SAPOL (including a list of police stations not affected by this agreement).
- Details of the TSA/Service SA Customer Service Centres.
- Alternatives for TSA services; i.e. EzyReg and TSA/Service SA Customer Service Centres.
- Contact details for advice/queries (local police station).

The above provisions ensure that rural based commercial vehicle drivers have adequate information and opportunity to obtain replacement vehicle log books without being unduly inconvenienced.

### DISABILITY PARKING

In reply to **Hon. KATE REYNOLDS** (25 November 2004).

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

1. The Department of Transport, Energy and Infrastructure (DTEI) is responsible for the administration of the Disabled Person's Parking Permit Scheme through the Registrar of Motor Vehicles. The role of DTEI is essentially limited to the issue of the disabled person's parking permits. The provision and management of parking areas is the responsibility of local councils.

2. N/A

3. This information is held by individual councils.

The former Minister, Hon. Trish White MP, requested that the Department undertake a review of the Disabled Person's Parking Permit Scheme which will encompass the issue of compliance. As part of the review, my Department has requested information on the number of fines issued in the past financial year through the Local Government Association.

The review has now been completed and the findings of the review will be available in due course.

4. The fines for offences with respect to designated parking spaces for the disabled are contained in the Regulations under the *Private Parking Areas Act 1986*. Consequently, the level of fines for these parking offences is a matter for the Minister for State/Local Government Relations. If as a result of the review, it is recommended that the amount of the fine be increased, I will forward the recommendation to the Minister for State/Local Government Relations for his consideration.

5. In 2000, the Building code of Australia (BCA) was amended to increase the number of parks available to disabled people in certain buildings (2 per cent for the first 1,000 spaces, then 1 per cent for ever 100 thereafter in shopping centres, hospital out patient areas and public assembly buildings).

I understand that all access provisions for people with a disability in the BCA are currently under review with the aim of aligning the access requirements under the Federal *Disability Discrimination Act 1992*.

### OUTER HARBOR

In reply to **Hon. D.W. RIDGWAY** (23 September 2004).

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

The channel deepening project commenced in May 2005 and is expected to be completed by the end of 2005.

### CRIME STATISTICS

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

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



The Commissioner of Police advises that the setting of SAPOL corporate policy in relation to the recording of crime has not involved the government of the day.

There are a number of SAPOL policy documents relating to the recording of crime. As some of these documents have been referred to by the honourable member, it is important to describe the purpose of each document.

The first document is "General Order 8275—Crime Reporting Manual". The manual was issued in 1990 and remains the overarching instruction to police on how to record crime.

The second document is a notice in the Police Gazette of 15 November 2000 at page 259. The notice is titled "Rules for Reporting Offences—Guidelines for entering offences onto PIMS". The notice gives instruction and guidance to police staff in how to record crime, and supplements General Order 8275—Crime Reporting Manual. The Police Gazette notice also provides a linkage to the national reporting rules, which came into existence after the publishing of the Crime Reporting Manual in 1990. The national rules are discussed further below.

The third document is a local instruction issued by the officer in charge of a Local Service Area. That document, called "Policy Statement 16—Rules for Reporting Offences—Guidelines for Entering Offences onto PIMS" was issued on 7 April 2003. The document reproduced the guidelines that were given in the Police Gazette notice of 15 November 2000. While the majority of the local service area guideline reproduced the Police Gazette guidelines, there was at least one sentence in the document that did not accurately reflect the intent of the Police Gazette Notice. That sentence read "One offence is recorded per criminal incident". The sentence was given prominence by purporting to apply to all crime recording and by being typed in bold print. The sentence was incorrect because it did not faithfully reproduce the Police Gazette notice which only gave guidance to offences against property and not to all offence types. The Police Gazette guideline states, "The guiding principle is that one offence is recorded per criminal incident, consistent with the need to record the level and nature of the offending whilst avoiding unnecessary duplication". The Police Gazette guideline is not typed in bold and does not purport to provide an over-arching instruction for recording of all offences.

Because the local instruction did not strictly replicate the guidelines printed in the Police Gazette of 15 November 2000, the Deputy Commissioner of Police directed that the local instruction be withdrawn on 4 May 2005.

Any discussion on the recording of crime needs to consider the national framework. There are national rules for the reporting of crime. The rules are set by the National Crime Statistics Unit of the Australian Bureau of Statistics. The National Crime Statistics Unit is a common police service and its board of management comprises all Australian Police Commissioners and senior representatives of the Australian Bureau of Statistics and the Commonwealth Attorney General's Department.

The relevant national counting rule is published by the Australian Bureau of Statistics in the "Recorded Crime—Victims Statistics Manual 2003" at page 16. The national counting rule states:

"For each victim within a distinct criminal incident, the most serious offence within each national offence category is counted.

The abovementioned national counting rule has been in place since 1993 and applies to all police jurisdictions in Australia.

The effect of the national counting rule is that when recording offences for an incident, it is not necessary or desirable to record every conceivable offence that might exist for an incident; to do so would mean that the offences that are recorded inflate the level of recorded crime in a manner that is inappropriate.

The guiding principles by which SAPOL applies the national counting rules are contained in the Police Gazette Notice of 15 November 2000:

"Crime must be reported according to principles and rules so that the appropriate offence is recorded, the level and nature of criminal activity is covered, and unnecessary duplication does not occur

This principle ensures there is a balance in recording the level and nature of criminal activity and minimising the number of unnecessary associated offences in police incident reports (PIRs). The principle does not mean that only one offence is to be recorded on a PIR. Indeed in all three documents mentioned above as well as the national Victims Statistics Manual 2003 there are many references and guidelines pointing to the need to record more than one offence per criminal incident. Examples are also given in each of the documents, which clearly demonstrate the need to record more than one offence in various circumstances.

The Police Gazette Notice of November 2000 contains numerous examples that give guidance on how to record offences involving motor vehicles. For example, at page 260, if a vehicle is taken then an offence of theft or illegal use is to be recorded, but not both. To record both would involve unnecessary duplication. If there is damage done to the vehicle that is separate from the illegal use of that vehicle, by slashing seats or later setting fire to the vehicle, then those offences are also to be recorded. If the vehicle is used during the commission of other offences such as drug dealing or robbery, then those offences will be recorded.

In the Local Service Area instruction of 7 April 2003 there are also examples that demonstrate the need to record more than one offence per criminal incident. For example, at page four of the instructions there are different examples that demonstrate the need to record more than one offence. The first example states that if there is an illegal use and a theft from the motor vehicle, then illegal use and theft from the motor vehicle is to be recorded.

In the majority of PIRs the level and nature of the criminal activity can be covered by the inclusion of only one offence. However, if it is necessary to detail more than one offence to adequately record the level and nature of criminal activity then more than one offence must be recorded.

The SAPOL practice of recording offences, whether it be one offence or more than one offence, has been examined recently by the Office of Crime Statistics and Research. That office is not a part of the South Australia Police – it is independent of the police. The examination has shown that for all reports of crime over the last few years there has not been a trend toward recording less offences per incident.

The examination by the Office of Crime Statistics and Research shows that 75.1 per cent of police incident reports in 2004 contained one offence. In 2003 75.6 per cent of police incident reports contained one offence, in 2002 74.8 per cent contained one offence, and in 2001 76 per cent of police incident reports contained only one offence. The overall trend since 1998 has been one of a decreasing proportion of incident reports having only one offence. The trend supports the notion that police are accurately recording crime.

Although there has been some tightening of recording procedures over the years, the basic rules have remained unchanged for over a decade. Similarly, there has been some refinement of the national reporting framework over the same period. SAPOL corporate policy on recording crime has not changed since the Police Gazette notice of November 2000.

SAPOL now reports crime in a traditional format and a two stage format. Under the traditional format of reported crime, offences are grouped under the main categories of offences against the person, offences against property, and offences against public order. The two stage format features reporting of victim based crime and non-victim based crime. The rationale for this is that it is generally desirable to see a reduction in victim based crime (such as offences against the person and property) but not necessarily so in relation to non victim based crime. Detection of non-victim based crime such as drug offences, drink and dangerous driving are usually the result of proactive policing and increases in reported levels of such crime may simply be due to better implementation of pro-active policing strategies and activities. By adopting the two stage format, there is no bottom line reporting across these two distinct types of crime and appropriate modifications of counting rules have been adopted to exclude counting associated offences in some incidents.

**de CRESPIGNY, Mr R.C.**

In reply to **Hon. R.I. LUCAS** (7 July).

**The Hon. P. HOLLOWAY:** I am responding to the matter of consultation with the SA Minerals & Petroleum Expert Group (SAMPEG) on proposed changes to the mineral royalty rates. I wish to reiterate my earlier statement that Mr Robert Champion de Crespigny has had no direct role in the setting of the proposed new mineral royalty rates, however, along with other local SAMPEG and industry leaders, he has been briefed on the proposals and invited to provide comment. However, there has been no written communication with individual members of SAMPEG, including Mr Robert Champion de Crespigny, on this issue.

Such broad, wide-ranging consultation with industry is vitally important in the formulation of important policies that will attract investment and deliver clear economic benefits.

### REGIONAL OPEN SPACE ENHANCEMENT SUBSIDY

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

In reply to **Hon. J.S.L. DAWKINS** (1 June).

**The Hon. P. HOLLOWAY:** As I mentioned in my earlier response to this matter, the most recent round of ROSES funding has resulted in over \$2 million of grants being provided to councils throughout the state.

Funding recommendations in relation to these grant applications were forwarded to me for approval by Planning SA. Each grant application was also independently assessed by the Government's Open Space Advisory Committee, whose functions include the provision of advice on open space grant funding applications made by local government.

In every case, my decision was identical to the recommendations provided to me by the Department and the Open Space Advisory Committee, both in terms of the project, and the sum of money applied to each project.

With regard to where each project proposals emanated from, the ROSES program is a grant program specifically targeted at local

government for the planning, purchase or enhancement of regional open space. Grant applications can only be submitted to Planning SA by local government, and funding provided to councils can only be applied to public land.

Local government throughout the State ultimately determine their own priorities for regional open space development based on the needs of their local communities and submit funding applications to the ROSES program accordingly.

Each project announced in the latest round of ROSES funding was the result of a grant application submitted by the relevant council.

### LAND TAX

In reply to **Hon. R.I. LUCAS** (8 February).

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

At the time of the 7 February 2005 announcement, forward estimates of land tax, inclusive of the land tax reform measures, were as follows:

Land tax revenue	2004-05 \$m	2005-06 \$m	2006-07 \$m	2007-08 \$m	2008-09 \$m
Private taxpayers	151.5	156.1	162.0	169.4	177.1
Government entities	109.8	125.7	127.7	131.0	134.3
Total	261.3	281.8	289.7	300.4	311.4

There are thirteen government entities that are liable to pay land tax. In aggregate, government entities will pay about \$15,000 per annum less in land tax under the new tax scale.

In reply to **Hon. NICK XENOPHON** (8 February 2005, supplementary question).

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

At the time of the February announcement, based on preliminary advice from the Valuer-General on updated site valuations, the land tax estimates for 2005-06 assumed residential site value growth of 15 per cent and non-residential site value growth of 10 per cent.

In reply to **Hon. T.G. CAMERON** (8 February 2005, supplementary question).

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

Land that is owned by a natural person and is used solely as a principal place of residence has been exempt from land tax since 1980.

The exemption was, however, denied if the principal place of residence was also used for an income earning activity that occupied more than 28 square metres.

As from the 2005-06 assessment year, a full exemption will be available if the business accounts for less than 25 per cent of the total floor area of all buildings on the land. Partial exemptions will be available where home-based business activities utilise between 25 per cent and 75 per cent of the total floor area of all buildings on land used for a principal place of residence. For business use in excess of 75 per cent, no exemption will be available.

### STATE ECONOMY

In reply to **Hon. R.I. LUCAS** (25 November 2004).

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

I have been advised that in 2003-04, economic growth in South Australia was higher than the national level (4.3 per cent compared to 3.8 per cent).

This was despite the challenging external factors beyond South Australia's control that prevailed during 2003-04, such as a high Australian dollar, geopolitical instability and weak growth in our major overseas markets, making this the South Australia economy's best performance for some time.

South Australia has been out-investing the Nation.

In the 2001-02 to 2003-04 period, South Australia's business investment performance exceeded Australia by an average of 3.9 percentage points.

At June 2005, there is a record (trend) 742,300 South Australians in work, with full-time employment having grown for 17 consecutive

months, to also reach an all-time high. At June 2005, our unemployment rate, at 5.0 per cent, is below the National rate.

South Australia's unemployment rate effectively has been halved compared to the time of Hon Rob Lucas' first year as Treasurer.

Between December 1993 and February 2002, during the eight and a quarter years of Liberal government, full time trend employment increased by only 6,300. Between March 2002 and June 2005 (three and a quarter years) full-time employment has grown by 41,200.

The Hon. Rob Lucas' time as Treasurer and Minister for Industry and Trade will be remembered as wasted years of budget deficits and inaction, save for his disastrous privatisation of ETSA.

### GRADUATES, EXPATRIATE

In reply to **Hon. J.M.A. LENSINK** (6 April).

**The Hon. P. HOLLOWAY:** The cost of the two events is approximately \$76,000 which equates to \$95 per head, based on 400 at each event.

The invitation included the following wording:

South Australia is a state that takes pride in its talented people and their achievements, wherever they may be living.

Through your university you have been identified as a valued member of the State's alumni.

This invitation is the first step towards keeping you in touch with what's happening in your home state and exploring ways that alumni can contribute to the future development of South Australia.

I would like you to join me as my guests at a special cocktail party in Melbourne on Tuesday April 19 at Zinc, Federation Square (corner of Flinders & Swanston Street) from 6pm til 8pm or in Sydney on Wednesday April 20 at The ArtHouse Hotel (275 Pitt Street) from 6pm til 8pm.

The evening will be a chance to meet with fellow alumni and high profile business people in a relaxed atmosphere with some great entertainment and plenty of South Australia's fine wine and food.

I look forward to catching up with you and letting you know about some of the exciting developments taking place in South Australia at the moment.

There was no photo of the Premier included.

The invitation list was based on the three university's alumni databases, in particular those graduates aged 30 to 45 years living in Sydney, Melbourne and Canberra. The alumni program supplements other initiatives aimed at increasing South Australia's net interstate migration such as the Make the Move advertising campaign which targets the same age group but a broader cross section of trades and professions.

The two events are being co-ordinated by the DTED Marketing Unit with event management assistance provided by See More Solutions and Philip Engelberts Public Relations.

Speakers at the event include the Premier, the three university vice-chancellors and ex-SA media personalities George Donikian and Nuala Hafner.

A number of key stakeholders were involved in the initial planning of the events, including Education Adelaide. Education Adelaide has identified the development of alumni relationships as a potential avenue for promoting Adelaide as a study destination and DTED will continue to liaise with this agency to ensure marketing efforts are maximised.

Feedback from the events was extremely positive with a number of attendees inquiring about job opportunities in Adelaide. The level of attendance was beyond expectations and there was strong interest in future events and regular communication with the South Australian Government. Ultimately, the success of the alumni program will be measured on interstate migration statistics.

### VICTIMS OF CRIME

In reply to **Hon. R.D. LAWSON** (28 June).

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

1. No.
2. Not applicable.
3. Every application for an *ex gratia* payment is individually considered on its merit. No definite answer can be given about an application that was not made. It should be noted, however, that the *Criminal Injuries Compensation Act 1978*, which was in force at the time of Mr Watkins' death, expressly prohibited the payment of victims' compensation in a case where a right of action lay against the nominal defendant for the injury or death. That was so here. That would have made it unlawful for the Attorney-General to make an interim payment of compensation, because that can only be made to a person who is likely to receive compensation under the Act. The Act also provided that *ex gratia* payments could be made where it would be consistent with the objects and policy of the Act to do so. The policy of the Act appears to be that victims' compensation is not available where the offence has created a liability in the Compulsory Third-Party scheme. It would, therefore, seem unlikely that the Attorney would have used the power to make an *ex gratia* payment because that would have undermined the effect of the express words of the Act.

4. Mrs Watkins was legally represented. The Attorney-General does not know what legal advice she received. The Attorney-General did not himself give her any advice about *ex gratia* payments under the *Criminal Injuries Compensation Act 1978*.

5. Mrs Watkins has spoken to the Attorney-General and written to him. She has thanked him for at least one of his responses. The Attorney-General has also received several letters from the Hon. Peter Lewis, MP, Member for Hammond, on Mrs Watkins' behalf. The Attorney has answered these, including giving Mr Lewis a copy of the court transcript for Mrs Watkins. These communications concentrated on law reform and criticism of the prosecution and the first court outcome, rather than Mrs Watkins' financial affairs.

The Victims of Crime Co-ordinator spoke with Mrs Watkins before he appeared on A.B.C. Staline. He declines to publish details of the communication without her consent. Section 14(1) of the Victims of Crime Act says that "there should be no unnecessary intrusion on a victim's privacy".

### MOTOR VEHICLE THEFT

In reply to **Hon. R.D. LAWSON** (24 May).

**The Hon. P. HOLLOWAY:** The Attorney-General advises:

1. I accept the accuracy of the recently released statistics from the National Motor Vehicle Theft Reduction Council (N.M.V.T.R.C.).

Furthermore I can advise my colleague that all of the National Motor Vehicle Theft Reduction Council's figures are produced by staff from within my own Department. The CARS team, within the Office of Crime Statistics and Research, is contracted by the N.M.V.T.R.C. to collate and analyse national vehicle-theft statistics and has done so since the Council's inception in 1999. Thus, both sets of statistics referred to in the questions have been provided by the Office of Crime Statistics and Research.

The work of the Office of Crime Statistics and Research is highly regarded both nationally and internationally, and, in 2004, received an Award from the International Association of Auto Theft Investigators for its outstanding work with the CARS project.

2. The statistics released by the Premier while in London were figures up to the 31 December, 2004, summarising all categories of recorded crime during the last three calendar years. These figures show a decline in recorded crime over this period.

As the information was presented in a summarised format, offences were grouped into categories and there was no attempt to report on each individual offence type. Although some individual offences within a particular offence grouping may have increased, this does affect the assessment that overall there has been a reduction in recorded crime in South Australia during 2004.

The figures on vehicle theft provided to the Premier by the OCSAR showed a 3.3 per cent increase during the 2004 calendar year. These are slightly different from those released by the N.M.V.T.R.C. for the same time period, which show a 0.7 per cent decrease. The variation between the two set of figures are explained by the CARS project's undertaking different validation checks of the motor vehicle theft data and removes those that related to non-motorised vehicles, such as trailers, caravans etc., which at times are included under the category *theft of a motor vehicle*. In contrast, OCSAR does not exclude these categories.

I also note that the vehicle theft statistics that have recently been released by the N.M.V.T.R.C. covering the 12 months ending to 31 March, 2005, reflect an increase of 1 per cent.

I acknowledge that we all need to work harder to reduce motor vehicle theft and as I have outlined in previous responses to my colleague we have recently undertaken a number of initiatives to tackle this problem. For example, we have:

- jointly funded an engine immobiliser subsidy scheme for tertiary students;
- introduced of a three tier inspection scheme within Transport S.A.;
- funded the Motorsafe City—Immobiliser program in the City of Murray Bridge; and
- funded the Preventing Car Crime in the Eastern Region Project.

Furthermore, in last month's budget we announced funding for an automotive training and employment opportunity scheme for young car theft offenders in the Southern suburbs and I have recently met with the South Australian Vehicle Theft Reduction Committee to discuss additional strategies we can consider to reduce vehicle theft even further.

3. In preparing this information for the Premier, OCSAR followed its standard procedures when responding to information requests about published data.

OCSAR responds to specific requests from Opposition MPs, and even media, when asked. In my time as an Opposition MP, I was often assisted by OCSAR responding to my specific requests.

### ANANGU PITJANTJATJARA LANDS

In reply to **Hon. R.D. LAWSON** (5 April).

**The Hon. P. HOLLOWAY:** The Premier has been advised of the following:

1. I have read the petition.
2. Let me first say that the review of the Pitjantjatjara Lands Rights Act 1981 is intended to make it modern and to strengthen it by improving such things as governance and administration arrangements; accountability and transparency in decision making; defining the role, functions, powers and structure; extending the term of office for members of the Executive Board and providing for the election of the Chairperson from the Board.

Upon advice from the Anangu Pitjantjatjara Yankunytjatjara Executive Board, based upon resolutions passed by Anangu at a Special General Meeting held at Umuwa on 8,9 March 2005 it was agreed to review the legislation in two separate stages. Stage one, the current stage, will review those things essentially relating to governance and administrative matters. Stage two will review issues such as mining at Mintabie and land use and will require more lengthy consultation with the AP Executive Board, traditional owners and other interested parties.

The government has worked closely with the AP Executive Board, the elected representative body of the Anangu Pitjantjatjara Yankunytjatjara, and its legal representatives during the review of the Act.

In February 2005 I put out a statement that I am informed was read on PY Media and translated into Pitjantjatjara regarding the review of the Act. On 18 April 2005 the Acting Minister for Aboriginal Affairs sent an open letter and a media release to the AP Executive Board and all communities about the consultation process.

Consultations have taken place on the proposed amendments with Anangu on a number of occasions. In March the Anangu were consulted at the Anangu Pitjantjatjara Special General as noted above. During 18-22 April 2005 the AP Executive Board held the first round of community consultations at three major meetings across the Lands in Iwantja (Indulkana), Umuwa and Pipalyatjara, these meetings were well attended. A second round of consultations involving government and AP Executive Board members were held on 25-27 May 2005. The meetings were also well attended by Anangu who, I am advised, were supportive of the changes to the legislation. The proceedings of the meetings in April and May were broadcast on Radio 5NPY and at the same time hand held radio sets were distributed to facilitate discussion about the review amongst Anangu across the Lands. To complete the consultation process a Special General Meeting of Anangu Pitjantjatjara Yankunytjatjara was held at Umuwa on 21-22 June 2005 for the AP Executive Board to present the Pitjantjatjara Land Rights (Miscellaneous) Amendment Bill.

3. The petition makes three claims: that the Government has undermined the self determination and authority of traditional owners on the Lands; that AP Executive Board must consult with, and seek the approval of the, traditional owners in respect to the review; and that the traditional owners should receive separate funding for legal representation.

As made clear in the previous answer the Government has not undermined the self determination and authority of traditional owners on the Lands. It has worked closely with the elected representatives of Anangu Pitjantjatjara Yankunytjatjara, and their legal representatives and has consulted directly with Anangu, including traditional owners.

I am advised that the AP Executive Board has consulted with Anangu, including the traditional owners, concerning the review of the Act. On 3 June 2005 the Director and the Chairman of Anangu Pitjantjatjara wrote to me regarding the review of the Act. In that letter they stated 'we wish to affirm in the clearest possible terms that we are the elected body chosen to represent Anangu tjuta consistent with the provisions of the Pitjantjatjara Lands Rights Act 1981...and that processes required pursuant to sections 6 and 7 of the Act have been closely adhered to in the review of administrative amendments of the Act'.

In reply to **Hon. KATE REYNOLDS** (5 April).

**The Hon. P. HOLLOWAY:** The Premier has been advised of the following:

The letter handed to the member for Giles was addressed to the Governor and to the Premier.

#### DIRECTOR OF PUBLIC PROSECUTIONS

In reply to **Hon. R.D. LAWSON** (9 November 2004).

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

1. Yes.
2. The Government is building court buildings at Port Augusta, Port Pirie, Berri, Port Lincoln and will refurbish the Victor Harbour courthouse.

The Government also funded and approved an extra Master for the District Court, which is aimed at improving court efficiency and reducing waiting lists. As of 28 April, 2005 there is a full complement of magistrates.

The number of trials *not reached* owing to the unavailability of judges or courtrooms for the financial year 2003-04 was 72, comprising 62 as a result of judge unavailability and 10 as a result of courtroom unavailability.

To place this in context, it is worth noting that a total of 121 trials were removed from the list after a trial date was set as a result of applications by the D.P.P. or defence counsel. Sixty-seven of those were late applications, meaning that the D.P.P. or defence counsel applied for the removal within six weeks of trial commencement date.

It should be noted that the unavailability of a Judge does not necessarily indicate a lack of judges, but may also result from inaccurate trial length estimates by parties. An under-estimate may mean that a judge who continues to hear a trial to finalisation becomes unavailable to commence another trial because the former trial takes longer than the parties estimated. In other words, the availability of a judge to hear a case can be affected by many factors.

Long and complicated trials (including Bodies-in-the-Barrel and Gassy) have reduced courtroom availability and, consequently, the number of trials that could be listed during 2003-04.

3. The matter has been discussed with the Chief Justice. The Courts Administration Authority has appointed Mr Bill Cossey and Mr Kym Kelly to study this matter.

4. Tender documentation for the consultancy was prepared and went to a limited tender of major consulting firms. The closing date for tenders was 5 October, 2004. In early October it was decided that the tender process should be suspended pending the appointment of the new Director of Public Prosecutions.

5. The question is hypothetical.

6. The Government has appointed Mr Stephen Pallaras, Q.C.

#### WHEEL CACTUS

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

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

The state government has not received an application from any Natural Resources Management board for funds to control wheel cactus. The infestations in the Hundred of Nackara occur within the area of the South Australian Murray Darling Basin Natural Resources Management Board. The NRM Boards, wet up under the Natural Resources Management Act, 2004 are themselves funding bodies and will not need to submit applications to the state government as they have their own budgets to fund projects according to the priorities of each NRM board.

Prior to the formation of the South Australian Murray Darling Basin Natural Resources Management Board, an investment strategy was prepared by the regional Integrated Natural Resource Management Group. This strategy included a provision for weed control but did not single out individual weed species. The NRM board now has responsibility for implementing the strategy and may decide to set priorities and allocate funds to programs on particular weeds.

The former Animal and Plant Control Commission, the University of Adelaide, Cooperative Research Centre for Australian Weed Management and the Blinman/Parachilna Progress Association have jointly funded a post graduate student project to investigate the genetic variation of wheel cactus in South Australia, compared to populations in other states and in Mexico. This will determine its exact identity and the range from which biological control agents can be sourced. The research student will also look at biological control agents previously introduced to Australia for various *Opuntia* species, and experimentally test their impact on wheel cactus in SA.

Mapping and Geographic Information System modelling of the Orparinna infestations has been carried out by Dr Mark Lethbridge, Flinders University, and has established the range of topography and soil type subject to invasion.

The Upper North Animal and Plant Control Board and the Goyder Animal and Plant Control Board have also received funding from the Cooperative Research Centre for Australian Weed Management for further trials of herbicides on wheel cactus.

#### GAMBLERS REHABILITATION FUND

In reply to **Hon. NICK XENOPHON** (3 March).

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

1. The Minister for Gambling's media release on the day the new legislation was enacted, 1 February 2005 put on the public record the increase in funds for the Gamblers Rehabilitation Fund.

A Departmental representative also outlined the increase in funds to counselling agencies attending the Break Even services bi monthly meeting on 7 February 2005.

The Department wrote to the agencies providing the Break Even services on 25 February 2005 outlining the details of the new appropriation of \$833,000 to the Gamblers Rehabilitation Fund (GRF) for 2004-05.

A meeting was held on the 3 March 2005 with representatives from the Break Even Services and a further meeting was held on the 4 March 2005 with senior management from the gambling counselling services informing them of the process that would be used to distribute the new funds for 2004-05. The process for allocation of the funds in the longer term will be developed following the GRF Consultation Forum to determine key priorities and the development of a 3 year funding and services plan for the GRF program.

On 11 February 2005 the Minister for Families and Communities met with Robert Mittiga at his request to hear his views on problem gambling services

2. The Department initiated a consultation process with services, industry and government representatives to determine immediate priorities for the additional funding available for the 04-05 period. Existing services were invited to identify service enhancement proposals to address service demands on individual programs. In addition a one off submission process was offered to services to allocate funds to special initiatives identified by services as requiring action.

In addition services have been allocated a 10 per cent payment to alleviate cost pressures. This service has been made to all GRF funded services. Additionally funds are also being allocated to the needs of financial counselling.

3. The Department monitors the client registrations from the Break Even services (BES) quarterly data reports. Departmental staff monitor the extent of any waiting lists through regular agency visits and periodic surveys particularly when media campaigns are active. *The Prevention and Treatment of Problem Gambling in South Australia Through the Gamblers Rehabilitation Fund: A Strategic Review*, investigated waiting lists and the capacity of agencies to respond to client demand for services. This report has been recently released.

4. The report 'The Prevention and Treatment of Problem Gambling in South Australia Through the Gamblers Rehabilitation Fund: A Strategic Review,' recently released refers to a range of information collected through the Break Even Service Agencies (BESA) Database System.

There has been significant work undertaken by the Department to support agencies to complete data collection requirements and forward their data to the Department for compiling, analysing and publishing. The client data analysis for the period January 2000 to December 2001 was published and is available. The client data for 2003-2004 has been analysed and will be published soon. All break even services receive quarterly data reports.

#### SOUTHERN BLUE FIN TUNA

In reply to **Hon. SANDRA KANCK** (12 April)

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

1. As indicated by my colleague, the Minister for Industry and Trade, in his response to the House on 12 April 2005, the commercial southern bluefin tuna fishery in waters adjacent to South Australia is managed by the Commonwealth in accordance with the *Fisheries Management Act 1991* (Cwlth). The fishery is also subject to the objectives and performance criteria contained in the *Southern Bluefin Tuna Fishery Management Plan*, which ensures that the harvesting of these resources and any related activities are conducted in a manner consistent with the principles of ecologically sustainable development.

I am advised that southern bluefin tuna are highly mobile and understood to emanate from a single spawning stock. As a result, the species are recognised as a single population that traverses throughout the Southern Hemisphere. Consequently, the management of southern bluefin tuna is regarded as a collaborative responsibility, which is coordinated at an international level.

This necessary international coordination is facilitated through the Commission for the Conservation of Southern Bluefin Tuna (Commission), which was established in 1994 under the auspices of the *Convention for the Conservation of Southern Bluefin Tuna*. The Commission's objective is to ensure, through appropriate management, the conservation and optimum utilisation of the global southern bluefin tuna fishery. In pursuit of this objective the Commission:

- is responsible for setting a total allowable catch and allocating it amongst members;
- considers regulatory measures to meet the Convention's objectives;
- coordinates a scientific research program aimed at providing information to support the Commission's management objectives;
- provides a forum for the discussion of issues relevant to the conservation objectives of the Convention;
- acts as a coordination mechanism for members' activities in relation to the fishery; and
- cooperates and liaises with other regional tuna fishery management organisations in areas of mutual interest.

The Commonwealth Government is a member of the Commission and has significant involvement in southern bluefin tuna research.

As such, the Department for Environment and Heritage has not undertaken any specific studies on southern bluefin tuna, particularly given the highly transient nature of the species. Rather, the State Government is best served by broader national and international research undertaken by the Commission.

2. The Government of South Australia regards the Commission as the most appropriate body to direct and provide comment on any assessment of the status of southern bluefin tuna.

3. The Bureau of Resource Sciences is the policy group responsible for assessing scientific information on the stock of southern bluefin tuna with other Commission nations. The Government of South Australia acknowledges that the Commission's 2004 stock assessment concluded that southern bluefin tuna is considered to be globally overfished. As such, the Government is supportive of the Commission's work to develop a new management strategy for the fishery to guide the setting of global quotas and to pursue stock rebuilding to ensure that the species is not over-exploited.

It should be noted that the Australian Fisheries Management Authority is responsible for the management of southern bluefin tuna in Australian waters and determines the catch allocation for the fishery at a level that does not exceed Australia's allocation from the Commission.

4. Not applicable.

5. The Southern bluefin tuna is a highly migratory species and is fished by at least seven other countries in national and/or international waters. As such, a conservation outcome for the bluefin tuna cannot be achieved by either one state or one nation prohibiting the fishing of the tuna within their respective jurisdiction. Conservation objectives for southern bluefin tuna are better achieved by working through the global obligations of the Commission. Under this approach, all nations that fish for this species are expected to assist in the effective management and regulation of the industry.

The listing of southern bluefin tuna as a threatened species should reduce localised fishing pressure. However, given the extensive fishing of this highly migratory species outside Australian waters, any unilateral reduction in take would be unlikely to provide any significant protection to southern bluefin tuna as other fishing nations would be likely to receive Australia's allocation of the global total allowable catch established by the Commission.

As such, the Government of South Australia has not provided threatened species status to southern bluefin tuna under either the *Fisheries Act 1982* or *National Parks and Wildlife Act 1972* as any unilateral action taken on this matter may be detrimental to global conservation efforts for this species.

#### HOUSING TRUST

In reply to **Hon. KATE REYNOLDS** (30 May).

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

1. *Does the minister stand by his spokesperson's statement?*

Yes. The matters associated with the properties in Maylands and Salisbury Downs, referred to in the *Sunday Mail* article of 22 May 2005, have been fully investigated by the South Australian Housing Trust (the Trust) and it was found that there were extenuating circumstances that necessitated the tenants' absence from their homes at that time.

2. *If so, will the minister write to every one of the 25,000 people on the waiting list and tell them this and explain why 1,600 Housing Trust homes are vacant?*

No. The Trust manages approximately 48,000 rental properties. At any point in time the Trust has a number of unoccupied properties.

Approximately 400-600 tenable dwellings are managed through the vacancy process. However, this does not mean that they are immediately available for rental as maintenance is required to make them available for the next tenant.

300-400 vacant properties are considered to be 'unlettable' due to condition, amenity, style or low demand (mostly fringe metropolitan or some country locations). These may remain vacant for extended periods before they are re-let or sold.

The remaining vacant stock, mainly built prior to 1970, is being reconfigured to meet the needs of customers. Older properties that no longer meet contemporary standards are either replaced, refurbished or sold through urban renewal and smaller scale developments.

3. Will the minister make a copy of that letter available to agencies such as the Hutt Street Centre, which provides services for homeless people, so that they can post the letter on their notice boards and homeless people can read about why they are homeless?

Not applicable.

4. What is the government doing to ensure that people who are provided with Housing Trust homes actually live in them?

The Trust's Conditions of Tenancy require that a tenant personally resides in his or her property. Tenancy breaches may be identified in a number of ways, such as through the Trust's regular Home Visit program, non-payment of rent, property condition, non-response to letters or other forms of contact, or reports from neighbours.

Where it is suspected that a property has been abandoned, the Trust follows very explicit procedures in taking possession of the premises. The removal of goods from such premises is regulated by the *South Australian Housing Trust (Abandoned Goods) Regulations 1995*.

If the Trust cannot clearly establish that a tenant is no longer living at the property, a letter is sent to the tenant advising that the tenancy will be terminated. In some instances the Trust may need to seek an Order for Possession through the Residential Tenancies Tribunal.

There are a number of valid reasons why a tenant may be away from their home for a period of time. These may include hospitalisation, provision of support for family members, seasonal work or holidays.

5. Does the state government have a target to reduce the number of vacant houses at any one time?

The Trust's target for letting properties is 22 days. The majority of tenable properties are available for re-letting within this target. In 2004-05 the average turnaround time was 18.3 days.

The Trust's performance in managing its vacant stock compares very favourably with the private sector. The Real Estate Institute of Australia's "Market Facts" of December 2004 (p.8) reported that the private rental market vacancy rate in Adelaide was 2.3 per cent. In comparison, all vacant Trust properties that could be re-let, including those in low demand areas, represented 1.7 per cent of the total Trust stock, which is lower than the private industry benchmark.

#### PUBLIC SERVICE ASSOCIATION PAY CLAIM

In reply to **Hon. T.G. CAMERON** (8 February).

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

1. The enterprise agreement for public sector nurses provides for 3 x 3.5 per cent pa enterprise bargaining salary increases payable in October of 2004, 2005 and 2006. The agreement also includes provisions in relation to retention of nurses in the South Australian public sector, and addresses other issues specific to the nursing profession.

In relation to Police, the enterprise agreement provides for 3 x 3.5 per cent pa enterprise bargaining salary increases payable in July of 2004, 2005 and 2006. There are also provisions for restructuring arrangements for sworn officers operating from 1 October 2004.

Extensive discussions and negotiations in relation to general public sector salaried employees resulted in an enterprise bargaining package being offered on 10 February 2004 which included salary increases of 2 x 4 per cent pa (October 2004 and October).

O for employees earning up to \$42,948, and 2 x 3.5 per cent pa for employees earning above that amount and a doubling of the then current paid maternity leave to eight weeks. No agreement could be reached.

An application for an Award application was filed with the Industrial Relations Commission in order to enable the Commission to determine salaries, period of paid maternity and paid adoption leave, and duration.

An interim Award was made deciding that an interim salary increase of 3.5 per cent pa for all classifications was warranted and appropriate, and that the interim Award would operate from the first full pay period to commence on or after 1 October 2004.

Proceedings in relation to the salaries and other related matters of the Award application have been conducted by the Full Commission which has reserved its decision.

2. Employee entitlements to periods of paid maternity and paid adoption leave vary, both in this state and in other states and the Commonwealth.

Following hearings in relation to general public sector salaried employees, the Full Commission of the Industrial Relations

Commission of South Australia awarded 12 weeks paid maternity and adoption leave.

#### ADOPTION

In reply to **Hon A.L. EVANS** (1 March).

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

1. International best practice is defined by the articles of the *Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption*, to which Australia is a signatory, as are the majority of countries with whom South Australia has adoption programs.

The convention is overseen by a central authority in The Hague, Netherlands. Each signatory country has its own central authority. Central authorities are in place in the states and territories of Australia, including a Commonwealth central authority. The Australian central authorities meet on a six-monthly basis to ensure that Australian practices meet the requirements of the convention. Further, the Commonwealth central authority reports regularly to The Hague.

2. The Government will institute a review in 12 months time.

3. In the calendar year 2004, there were 8 child protection notifications on children placed from overseas where the adoption order has not yet been granted. These were investigated. In the worst case, a child was placed with another family. In the least concerning case, the parents were interviewed and the outcome was that the parents were counselled in relation to their parenting capacity. All the other cases indicated risks to children or concerns about parenting capacity and required considerable intervention. The families require ongoing support and intervention.

4. Given the level of assessment and scrutiny on parents applying to adopt a child through the inter-country adoption program the level of child protection notifications is often so low as to make statistical comparison difficult. Certainly, if there were any, they would be such a rare occurrence as to make statistical comparisons insignificant. However, in recent times, South Australia appears to be disproportionate in comparison with other major States on this indicator.

While other States are reluctant to release information that may tend to identify the State four major states provided information to us regarding the numbers of child protection notification received in 2003-2004 on children placed for adoption where the order has not yet been granted. In one state there were 2 notifications, in another State there was one notification and in the last 2 States there were no notifications. This compares to 8 notifications in S.A. in 2004.

#### SHOP TRADING HOURS

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

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

1. The government introduced a balanced package of reforms to shopping hours in this State in 2003 following extensive consultations with interested parties.

This included the Australian Retailers Association, the State Retailers Association, consumer representatives, a range of major and smaller retailers, the Shop Distributive and Allied Employees Association, Business SA, the Property Council of Australia and the Newsagents Association of SA. This package included amendments to the *Shop Trading Hours Act 1977* to clarify the arrangements for the Easter period.

There will be a further opportunity for interested parties, including all sectors of the retail industry, to make submissions on the State's shopping hours legislation next year when a three-year review will be held in accordance with the Act.

2. The government provides information and advice on shop trading hours to retailers and other interested parties on an ongoing basis. The Workplace Information Service within Workplace Services responds to numerous calls and correspondence from retailers regarding shop trading.

In the past, officers from Workplace Services have made presentations to groups of retailers about shop trading hours requirements. Inspectors continue to make themselves available for proactive visits to individual businesses as well as ensuring compliance with legislation.

In addition, general information regarding trading hours is accessible on the Workplace Services website – Employment

Relations Information Centre (ERIC). For example, the arrangements for Easter 2005 were posted on the website on 8 March 2005 following consultation with retailers.

3. The government is committed to the continuous improvement of the shop trading information and advisory service it provides to retailers and others.

4. The government through the Workplace Information Service provides an extensive advisory and information service to the retail sector. The ERIC website has been recently upgraded and special arrangements for Easter and Anzac Day 2005 were advertised on this site.

A general advice regarding public holiday trading is now also provided.

### STRATEGIC INFRASTRUCTURE PLAN

In reply to **Hon. A.J. REDFORD** (7 April).

In reply to **Hon. J.F. STEFANI** (7 April).

**The Hon. T.G. ROBERTS:** The Minister for Infrastructure has advised:

1. The Strategic Infrastructure Plan for South Australia lists initiatives for 14 infrastructure sectors. As explained clearly on page 34 of the Infrastructure Plan, all initiatives have been assessed according to their state-wide significance and assigned a preliminary ranking of one, two or three.

The rankings identify the relative importance of infrastructure initiatives, with Priority 1 projects having the greatest significance in addressing current infrastructure issues in South Australia.

The rankings do not reflect final Government commitment and should not be used for comparing the significance of projects between sectors or regions.

The Infrastructure Plan released on 6 April, 2005 is Stage 1 of a new approach to infrastructure planning and delivery. Stage 2 will involve developing, assessing and refining project proposals to address the identified issues and priorities.

Where the State Government has a funding role, Priority 1 projects will receive first consideration. Where another level of Government or the private sector has lead responsibility for developing project proposals, the ranking may be modified through this process.

Therefore, a Priority 2 ranking provides guidance as to the Government's position on that project, relative to other infrastructure initiatives.

I advise:

2. The Women's Prison is part of the "reconfiguration" of the prison system in South Australia.

The reconfiguration of the prison system is included as a priority 2 initiative of the Strategic Infrastructure Plan.

3. The Department for Correctional Services operates nine prison sites in South Australia, many of which have cell buildings that are very old and inefficient to operate.

The Department is examining the most effective way to use these buildings to house prisoners securely whilst still enabling them to access the rehabilitation and re-socialisation programs of the Department in a logical and planned progression. The Department's examination also provides for future demand.

The generic term "reconfigure the prison system" has been used to explain the current investigation.

4. and 5. The South Australian State Strategic Plan promotes the Government's focus to strengthen regional communities. It is not the Government's intention to close any regional prison.

In reply to the supplementary question asked by the Hon. J.F. Stefani I advise:

6. In the 2004-05 budget, \$700,000 was appropriated to investigate the future infrastructure needs for Correctional Services.

The investigations of the Department for Correctional Services will make recommendations on the total prison system and will be summarised in the business case.

### WORKCOVER

In reply to **Hon. A.J. REDFORD** (30 May).

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

1. The WorkCover Board is doing an excellent job of putting the building blocks in place to return WorkCover to a strong position, following the massive damage done to WorkCover under the former Liberal Government.

2. I am advised that the number of new claims reported fell by 446 in the March 2005 quarter compared to the March 2004 quarter, whilst the number of active claims increased by 820 claims when comparing successive March quarters. The increase of 820 claims relates to both income maintenance and non-income maintenance claims.

For every year that the Scheme exists, it will gain the liability of a certain number of 'difficult cases', long term claimants for whom it is difficult to achieve a return to work or other discontinuance.

Addressing the long term claims liability is one of WorkCover's greatest challenges and improving return to work outcomes is a critical component of WorkCover's Strategic Plan 2004-2007.

3. A survey was not conducted in 2004 because management believed the form and structure of the survey needed to be reviewed and that this should wait until a new Strategic Plan was developed.

4. Actuarial assessments of WorkCover's liabilities are conducted twice a year – one for the full financial year, and one for the half financial year. Unfunded liability ratios are based on that assessment and are therefore assessed and reported twice a year.

### REGIONAL FUNDING AND GRANTS REGISTER

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

**The Hon. T.G. ROBERTS:** The Minister for Regional Development has advised:

1. A summary of the current usage levels of the Regional Funding and Grants Register is as follows:

- there are currently 695 grants on the website;
- 1,105 organisations and individuals are registered on the Grants Register to receive the weekly newsletters;
- 54 individuals, located around South Australia, have registered to offer assistance with the preparation of funding submissions;
- there were 42,044 visitors to the website between June 2004 to May 2005.

2. The Office of Regional Affairs (ORA), continues to provide this valuable service to regional communities through funding and project management of the Regional Funding and Grants Register site. The Register has been enhanced during the past two years to ensure greater benefits to its users.

### KOALAS

In reply to the **Hon. T.G. CAMERON** (1 June).

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

Some background is necessary prior to answering the specific questions:

• Under the guidelines of the *National Koala Conservation Strategy* developed by the Australian and New Zealand Environment and Conservation Council (ANZECC) culling cannot be considered as a management option for koalas. The South Australian Government is a signatory to this strategy.

• The decision to manage koala populations and damage on Kangaroo Island via sterilisation and relocation was made in 1996 following the advice of an independent task force comprising several ecologists of international reputation who had been asked to consider all management options. The task force recommended sterilising koalas to reduce reproductive rate, and translocating koalas from those areas where trees were in critical condition to provide immediate relief to damaged trees.

With regard to the specific questions I am advised that:

1. The plan is based on data collected at approximately 40, 5-hectare monitoring sites that have been surveyed annually since 1996. At each site koala density and tree condition are assessed. At those sites where there has been intensive management, koala population density has decreased and tree condition has improved. There are about 750 hectares of habitat that comprise tree species that are highly preferred by koalas and have suffered significant damage. The increased funding level will allow management efforts to expand to include all this area.

2. Numerous studies on various aspects of the program have been undertaken since the program's inception in 1996. These have addressed questions related to koala genetics, koala home range, the effect of sterilisation on koala behaviour, the relationship between koala population density and habitat type, the population size on Kangaroo Island, the potential effectiveness of sterilisation and relocation, habitat suitability and condition in southeast SA, and the fate of sterilised and relocated koalas.

The majority of these studies were conducted by DEH scientists. Some of the home range studies were conducted by graduate research students in partnership with DEH. A logistic model to evaluate the potential effectiveness of sterilisation and relocation was developed in 2000 by Dr Peter Bayliss and Dr Dave Choquenot of the Marsupial CRC.

The ongoing habitat studies on Kangaroo Island undertaken by DEH scientists have indicated that tree condition declines when koala density exceeds 0.75 koalas/ha. They also indicate that koalas on Kangaroo Island have distinct habitat preferences with population densities highest in habitats dominated by Manna Gum, Red Gum, Swamp Gum or South Australian Blue Gum. Manna Gum has the most limited distribution of these species, occurring as the dominant species over less than 750 hectares. It has been the most affected by koala over-browsing and in some areas has become extinct. The preference of koalas to feed in Manna Gum dominated habitats means that management can primarily focus on a relatively small area (750 hectares or 1.5 per cent of Koala habitat). Additional management is also needed in neighbouring, less-preferred habitats to reduce immigration into highly-preferred habitats. Manna Gum is distributed primarily along watercourses, therefore, the additional area requiring management is likely to be about 3000 hectares (about 5 per cent of lesser-preferred habitat).

The population study in 2001 estimated approximately 27,000 + 2,800 koalas exist on the Island. Approximately 52 per cent of this number occur at low densities in less-preferred habitats (eg. stringybark woodlands) where they are not causing significant environmental damage, and management is not currently required.

The logistic model developed in 2000 was based on information collected during the first 3 years of the program and focussed on the Cygnet River Catchment where most Manna Gum occurs. It predicted:

- 70 per cent of females in an area need to be sterilised to result in a population decline.
- Management may need to continue in high priority habitat until 2008 to result in sustainable koala population densities (0.75 koalas/ha). Some management in lower priority habitat would also be needed to reduce immigration into high priority habitat.
- Management is not cost-effective in areas of less than 0.5 koalas/ha due to the increased search time to locate koalas.

It was recommended that the model predictions be used as a general guide for management decisions and determining outcomes, and that the model parameters and calculations be refined as the management program progressed to improve the predictive capabilities of the model.

Habitat mapping of the koala's previous range in southeast SA indicated that approximately 1,360 hectares of Manna Gum habitat is suitable for koalas. Tree condition and koala density assessments have been conducted in release sites since the beginning of the program. Results indicate that koalas released in the southeast have not had a negative impact on tree condition. The number of koalas relocated to the southeast as part of this extended program will be dependent on continued monitoring of sites in the southeast as well as private landholders' willingness to support the program.

Several studies involving radio-collared koalas have suggested that survival of relocated koalas is high with 100 per cent surviving the critical 4 weeks following translocation and about 90 per cent surviving at least 3 months which is consistent with normal mortality rates.

3. On the basis of all current information, the increased program will be effective in reducing koala population densities and browse pressure in all high-priority habitats and some lower priority habitats. It is expected that a reduced level of ongoing management will be required beyond the 4-year program to maintain the program's benefits.

4. There is no evidence to suggest that the koala population is growing by 5,400 each year. Population monitoring suggests that population density is fairly static at sustainable densities in habitats that are not highly preferred by koalas. Highest growth rates are observed in preferred habitats. By focussing management on highly-preferred habitats, it is expected that the program will be effective in reducing koala population densities and resulting in improved tree condition.

#### PRISONERS, EDUCATION

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

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

1. The Department for Correctional Services in South Australia has established a number of programs to ensure that prisoners will have the opportunity to obtain the necessary skills to fit back into society upon release from prison. In addition to the range of therapeutic programs that are specifically designed to address offending behaviour, prisoners also have access to numerous vocational education and training programs.

The Department is a Registered Training Organisation and provides, like its counterpart in Western Australia referred to by the Honourable Member, formal training leading to nationally recognised qualifications.

2. The principal programs available to prisoners are those concerned with addressing the low-level literacy and numeracy skills of the prisoner population. This is managed using nationally recognised educational courses.

The Certificate of General Education for Adults and the Certificate in Preparatory Education used in the South Australian prison system, and TAFE in most states of Australia, is a major vehicle for addressing these deficit areas. Literacy issues are also addressed through the use of the Employment Skills program that assists prisoners in seeking employment.

The Department for Correctional Services utilises computer systems to teach prisoners who are interested in learning computer skills, and is registered to use the Business Services Training package and the Information Technology range of courses.

Industry based training programs utilise the resources of prisoner industries or prisoner service areas such as the dairy in Cadell Training Centre, kitchens in most prisons and the industrial sewing and garment manufacturing workshop at the Adelaide Women's Prison. In addition, formal training leading to certification in building and construction, hospitality and horticulture is available at Port Augusta Prison, Mobilong Prison and in part at Port Lincoln Prison.

In addition to national Vocational Education & Training programs, the Department also arranges for suitably motivated and assessed prisoners to have access to Senior Secondary education leading to the award of the SA Certificate of Education (SACE) though the Department of Education and Children's Services Open Access College. Prisoners are also able to have access to higher education programs that are delivered by a range of Universities in Australia. Prisoners who are enrolled in these programs must meet their own costs associated with the Higher Education Contribution Scheme (HECS).

The Department has allocated \$1.2M to vocational education and training programs in prisons.

3. In the 2003-04 financial year 1030 prisoners were involved in education and training programs. Statistics for the current financial year are collated after 30 June.

4. The Department for Correctional Services has not undertaken specific research into the link between vocational education and training and the likelihood of re-offending. Empirical evidence from other jurisdictions, national and international, shows that there is a significant positive impact on the rate of recidivism for offenders who have taken part in vocational education and training during their period of imprisonment.

5. The figures I provide represent the percentage of prisoners whose contact with state prisons ceased two years prior to the relevant counting period, and who have returned to prison during that relevant period. The statistics provided have been taken from the annual Productivity Council Reports.

Whilst all the rates have risen across all jurisdictions in the current period, South Australia still has one of the lowest recidivism rates in Australia. In fact, for the two previous periods, South Australia retained the lowest rate.

The Productivity Council Report for 2003-2004 shows that the return to prison rate by prisoners within 2 years was:

Western Australia	44.9 per cent of total prison population
New South Wales	44.7 per cent of total prison population
Northern Territory	36 per cent of total prison population
Tasmania	33.7 per cent of total prison population
South Australia	29.7 per cent of total prison population
Queensland	27.7 per cent of total prison population
Victoria	Not available
ACT	Not available



The return to prison rate by prisoners for the 2002-2003 Productivity Council Report was:

New South Wales	45.4 per cent of total prison population
Western Australia	42.1 per cent of total prison population
Tasmania	35.4 per cent of total prison population
Northern Territory	33.1 per cent of total prison population
Queensland	32 per cent of total prison population
Victoria	31.3 per cent of total prison population
South Australia	25.5 per cent of total prison population
ACT	Not available

The return to prison rate for the 2001-2002 Productivity Council Report was:

Western Australia	46.2 per cent of total prison population
New South Wales	45.4 per cent of total prison population
Tasmania	37.5 per cent of total prison population
Victoria	33.4 per cent of total prison population
Northern Territory	32.5 per cent of total prison population
Queensland	31.6 per cent of total prison population
South Australia	22.1 per cent of total prison population
ACT	Not available

#### CHILD PROSTITUTION

In reply to **Hon. KATE REYNOLDS** (2 June).

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

The Minister for Families and Communities first became aware of the specific allegations on 2 June 2005 when the issue was raised in Parliament by the Hon Kate Reynolds MLC.

When the Department for Families and Communities (DFC) has been made aware of other incidents of a similar nature, the Special Investigation Unit (SIU) has undertaken action in accordance with Departmental policy and procedure.

A notification to Child Abuse Report Line was recorded, and a Special Investigation Report was generated and passed to the Special Investigation Unit (SIU). SIU have notified the South Australian Police Sexual Crimes Investigation Branch (SCIB), who are undertaking an assessment of the allegations.

Contact has been made with the organisation involved to ensure that the direct care workers mentioned are not caring for children and young people under the Guardianship of the Minister until the investigation has been completed.

SIU met with SCIB on 9 June 2005 to determine the most appropriate course of action. SIU have advised that SCIB are undertaking their assessment.

A review of the practices of these and similar care agencies has commenced.

DFC regards the care and protection of all children in its care as the highest priority. Keeping them Safe has injected a further \$210 million into the system to continue this important work.

#### ABORIGINAL LANDS TASK FORCE

In reply to **Hon. R.D. LAWSON** (8 November 2004).

In reply to **Hon. KATE REYNOLDS** (8 November 2004).

**The Hon. P. HOLLOWAY:** The Acting Minister for Aboriginal Affairs and Reconciliation advises:

The Premier has provided the following information:

1. To ensure that relevant Ministers are kept informed about the important work to implement much needed services on the Anangu Pitjantjatjara Yankunytjatjara lands, papers prepared by the Aboriginal Lands Taskforce and its subcommittees are provided to the Social Development Cabinet Committee (SDCC).

2. It is appropriate that the SDCC receive this information because its terms of reference include:

Monitoring the work programs of high level working groups or committees addressing significant social development issues

The Committee monitors the work of the Aboriginal Lands Taskforce and its subcommittees. This includes receiving reports prepared by the Taskforce and the subcommittees.

3. The request to refer documents prepared by the Aboriginal Lands Taskforce and its subcommittees to the SDCC originated in the Premier's Office.

In reply to the supplementary Question asked by the Hon. KATE REYNOLDS.

There are 12 Indigenous people on the Taskforce and its subcommittees.

Six members of the Taskforce are Indigenous. All the subcommittees except for the Infrastructure subcommittee has at least one member who is Indigenous.

There are four committee members who have either lived or are living on the Lands.

#### CHARITY COLLECTIONS

In reply to **Hon. NICK XENOPHON** (9 February).

**The Hon. P. HOLLOWAY:** The Acting Minister for Aboriginal Affairs and Reconciliation advises:

The Minister for Gambling has provided the following information:

1. The *Collections for Charitable Purposes Act 1939* provides that any person or body conducting any entertainment to which a charge for admission is made, or selling tickets to any entertainment from which any part of the proceeds are to be devoted to a charitable purpose must hold a section 7 licence or be authorised by the holder of a section 7 licence. These are annual licences and they are not issued on an event-by-event basis. The Children's Cancer Institute Australia, the acknowledged beneficiary of the "Cherie Blair event", is the holder of a section 7 licence. Their current annual licence was granted on 1 January 2005.

2. The licence granted to the Children's Cancer Institute Australia authorises collections to be made, money to be obtained, or entertainments to be conducted for a period of one year from 1 January to 31 December 2005. Applicants for licences are not required to advise the Minister of the fundraising activities they are planning.

The licence does not relate to specific events and there were no conditions attached to the licence relating to specific events.

Section 12(4) of the *Collections for Charitable Purposes Act 1939* allows the Minister to revoke a licence under certain conditions – one being that excessive remuneration has been, or is to be, paid out of the proceeds of any collection of donations. The Minister determined that the remuneration paid to Mr Markson's company and Mrs Blair did not warrant that the licence of the Children's Cancer Institute Australia be revoked.

3. Licensees under the *Collections for Charitable Purposes Act 1939* must lodge financial statements on an annual basis. The financial information lodged by licensees concerns all fundraising conducted under the respective licences and does not provide details on specific events. Compliance matters, including the provision of financial statements are currently assessed as part of the annual licensing process. These financial statements are not publicly available. The Act does not provide for specific inspectorate powers. This matter is the subject of review and further consideration in conjunction with other potential amendments.

4. This is a matter currently under consideration. It is certainly appropriate that persons attending or considering purchasing tickets for these types of functions are able to make informed decisions and have an understanding of the benefit to the charity. A Bill to amend the *Collections for Charitable Purposes Act 1939* will be introduced in the near future dealing with disclosure under this Act.

#### WORKCOVER

In reply to **Hon. A.J. REDFORD** (14 February).

**The Hon. P. HOLLOWAY:** The Acting Minister for Aboriginal Affairs and Reconciliation advises:

The Minister for Industrial Relations has provided the following information:

1. I am advised that a closed tender process was conducted.
2. The role of JLT is to act as claims adviser to WorkCover and as such I am advised that no regulatory change was required.

3. I am advised that the amount to be paid is consistent with normal commercial rates for the provision of this type of service.

The performance of JLT, as an adviser to WorkCover, will be regularly reviewed.

As I have advised, JLT is not performing work as a claims agent like the four current claims agents.

4. WorkCover continually monitors and scrutinises the conduct and performance of contracted claims agents.

5. I am advised that the average total cost of each of these long-term claims, some of which have been on the WorkCover scheme for over 17 years, is approximately \$320,000, as at the end of December 2004.

6. Yes

#### HOUSING, GRADUATE LOAN

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

**The Hon. P. HOLLOWAY:** The Acting Minister for Correctional Services advises:

The Minister for Housing has provided the following information:

Buyer Status	No.	%
First Home Buyer (FHB)	366	87.8 per cent
Non-FHB	51	12.2 per cent

2. HomeStart does not record specific statistics on this matter.

Graduates must have been employed continuously for at least 12 months (and completed any probationary period of employment). If graduates attained a degree or diploma more than 10 years ago they have been working in the field of their qualification or have completed post-graduate studies.

HomeStart has lending eligibility criteria that require applicants to meet the eligibility criteria for Standard HomeStart loan qualifying requirements. They must also have a clear credit report of any delinquencies, plus have proof of a degree or diploma, provided in the form of an official academic transcript or parchment. Police officers and enrolled nurses provide a certificate of successful completion of training and/or a letter from the employer stating that any probationary period has been completed.

3. South Australia is the only State or Territory government that provides a product that specifically targets, and provides assistance to, graduates. The HomeStart Graduate Loan helps both degree and diploma qualified graduates into home ownership sooner by allowing the customer to borrow up to 100 per cent of the purchase price.

Commercial products aimed at graduates tend to be aimed at low risk and high income earning potential professions who are already borrowing more than \$150,000. These products help affordability to certain groups through the interest rate discount.

#### WOMEN'S PRISON

In reply to **Hon. J.F. STEFANI** (31 May 2004).

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

I advise:

The Adelaide Women's Prison can normally lodge 99 women prisoners. This number includes 11 additional beds that were commissioned in February 2003.

The fire that occurred in A Wing on the 28 March 2004 temporarily removed

16 rooms/17 beds from the prison's holding capacity. These beds became available again in August 2004.

As at 26 May 2005, 84 women were lodged at the prison.

Port Augusta Prison is the only other prison in the South Australian system used to lodge women. The prison can lodge up to eight women and, as at the 26 May 2005, lodging for six women was being provided.

#### HISTORY TRUST

In reply to **Hon. J.M.A. LENSINK** (23 May).

**The Hon. P. HOLLOWAY:** The Acting Minister for Aboriginal Affairs and Reconciliation advises:

The Minister Assisting the Premier in the Arts has advised:

In the state budget, announced on 26 May 2005, the History Trust received an additional \$100,000 per annum for its operations and \$50,000 for repairs to the ketch *Nelcebee* at the Maritime Museum.

In the past two years the History Trust has been in receipt of additional funding for building maintenance and building projects: \$69,000 in 2003-04 for Migration Museum security and Maritime

Museum air conditioning repairs, and \$150,000 in 2004-05 for structural work at the National Motor Museum, air conditioning upgrade at the Maritime Museum and a building audit for the Migration Museum.

#### PUBLIC SERVICE CODE OF CONDUCT

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

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

Recent changes to legislation make the Public Service Code of Conduct legally binding on all public sector employees and it is the responsibility of every employee to read and be familiar with its contents.

Copies of the code have been issued to all staff of the Department for Correctional Services and, although there is an acknowledgment of receipt issued with each book, there is no requirement for that receipt to be signed and returned.

The Code of Conduct was issued to staff some weeks before the Tribunal's handing down its finding in Ms Les's case.

Consistent with the requirements of the Public Sector Management Act, the Department or Minister does not comment on the outcome of disciplinary processes against members of staff. Therefore it would be improper to make any comments to staff about Tribunal decisions.

Ms Les is a tenured public servant and as such entitled to apply for any position within the South Australian Public Service. Applications will be considered on merit, consistent with legislative requirements. It would be unlawful to impose any restrictions on Ms Les's entitlement to apply for other positions within the South Australian Public Service.

#### BROKEN HILL PROPRIETARY COMPANY'S STEEL WORKS INDENTURE (ENVIRONMENTAL AUTHORISATION) AMENDMENT BILL

**The Hon. P. HOLLOWAY (Minister for Industry and Trade)** obtained leave and introduced a bill for an act to amend the Broken Hill Proprietary Company's Steel Works Indenture Act 1958. Read a first time.

**The Hon. P. HOLLOWAY:** I move:

That this bill be now read a second time.

The purpose of the bill is to amend the Broken Hill Proprietary Company's Steel Works Indenture Act 1958 to ensure that an effective EPA environmental authorisation is granted for the Whyalla operations of OneSteel Limited for a period of 10 years. The bill stipulates the terms of an authorisation to be issued under the Environment Protection Act 1993 in relation to OneSteel's operations at its Whyalla Steelworks and associated transport infrastructure.

The bill aims to provide an acceptable level of environmental regulatory certainty for OneSteel to make a \$325 million capital investment in Project Magnet while ensuring that high levels of regulatory scrutiny are maintained by the EPA over the operations and that impacts on the community and the environment are properly managed. It also puts the responsibility of identifying environmental risks and remediation on OneSteel with absolute oversight by the government. This investment in Project Magnet will extend the life of the steel-making operations near Whyalla from the current planning horizon of 2020 to beyond 2027.

Implementation of Project Magnet by OneSteel, coupled with ongoing environmental protection regulation, will ensure that there is a substantial improvement with regard to the red dust issue, one of the main environmental protection issues in the Whyalla area. Investment in Whyalla from Project Magnet is vital to ensure not only that environmental impacts are reduced by reducing emissions of red dust but also that

the jobs and livelihoods of many thousands of people in the Whyalla region are safeguarded for the next two decades.

Implementation of Project Magnet will ensure that OneSteel, the biggest employer in the region and the second largest employer in South Australia, will be able to employ more people and will be able to continue operation further into the future. Current levels of steel production will be maintained while the direct export of iron ore will increase to around 4 million tonnes per annum (value in excess of \$150 million) from the current rate, which is less than half a million tonnes per annum, for a period of at least 10 years.

As well as that, Project Magnet will also deliver increases in mineral royalty revenue of around \$3.75 million per year for 10 years from 2006-07, a not insubstantial benefit to the broader community of this state. The EPA licence to be granted to OneSteel incorporates the vast majority of the EPA licence conditions under which the site has been operating since 2000, as well as those put in place in January this year. Other conditions have been added to make sure that the environmental improvements that are associated with the project proceed as planned, thus reducing environmental impacts such as red dust emissions. In summary, the approach outlined will:

- Lead to better environmental outcomes
- Protect the community
- Ensure that economic development is sustained in the region.

I commend the Bill to members. I seek leave to have the explanation of clauses incorporated in *Hansard* without my reading it.

Leave granted.

**EXPLANATION OF CLAUSES**

**Part 1—Preliminary**

**1—Short title**

**2—Commencement**

**3—Amendment provisions**

These clauses are formal. Clause 2 includes provision to prevent the automatic commencement of the measure after 2 years under section 7(5) of the *Acts Interpretation Act 1915*.

**Part 2—Amendment of Broken Hill Proprietary Company's Steel Works Indenture Act 1958**

**4—Substitution of section 1**

The short title of the principal Act is changed to the *Whyalla Steel Works Act 1958*.

**5—Repeal of section 7A**

The subject matter of section 7A is now addressed in clause 17 below.

**6—Insertion of sections 14 to 19**

**14—Interpretation**

Terms are defined for the purposes of the following provisions.

**15—Company granted environmental authorisation under *Environment Protection Act 1993***

This clause provides for the document set out in Schedule 3 (and if it is varied under this clause, the document as so varied) to be taken to be an environmental authorisation granted to the Company under Part 6 of the *Environment Protection Act 1993*.

The Minister is empowered to vary the environmental authorisation, including by adding a further form of authorisation such as an exemption or works approval if the need arises. Any variation of the authorisation may only be made after consultation between the Minister and the Company and must be laid before both Houses of Parliament. The Environment Protection Authority is precluded from varying the authorisation.

The authorisation will expire on the 10th anniversary of the date of commencement of this clause.

Various provisions of the *Environment Protection Act 1993* are not to apply to the authorisation:

section 43 (Term and renewal of environmental authorisations)

section 45(1) to (4) (inclusive) (Power of Environment Protection Authority to impose or vary conditions of authorisations)

section 49 (Transfer of authorisations)

section 55 (Suspension or cancellation of authorisations)

section 106(1)(a) and (c) (Appeal relating to term or conditions).

**16—Revocation of other environmental authorisations**

The Minister is empowered to revoke an environmental authorisation that has been granted to the Company by the Environment Protection Authority (action that might be taken in conjunction with variation by the Minister of the clause 15 authorisation).

**17—Period of operation of environmental exemptions**

An environmental exemption may be granted or renewed by the Environment Protection Authority in relation to relevant Company operations or developments, or proposed relevant Company operations or developments, for such period as the Authority thinks fit. This provision is currently contained in section 7A of the principal Act.

An environmental exemption that forms part of the clause 15 authorisation is also allowed to operate for such period as is specified in the authorisation.

Both provisions override the usual 2 year time limit for environmental exemptions fixed by regulation under the *Environment Protection Act 1993*.

**18—Minister to perform functions under *Development Act 1993***

The Minister having the administration of the principal Act will replace the Environment Protection Authority in the performance of the Environment Protection Authority's functions under the *Development Act 1993*. This provision is limited in its application to a proposed development associated with the Company's Whyalla operations.

**19—Making of environment protection policies that affect Company operations or developments**

This clause applies when a draft environment protection policy is being considered for approval under the *Environment Protection Act 1993*. If the draft policy would, if approved, affect relevant Company operations or developments, the Minister must consult with the Company and take into account clause 15 and the purpose and effect of the environmental authorisation under that clause and not derogate from the authorisation.

**7—Insertion of Schedule 3**

Schedule 3 sets out the initial environmental authorisation referred to in clause 15.

**Schedule 1—Transitional provisions**

Under this provision the licence granted to the Company under Part 6 of the *Environment Protection Act 1993* in relation to the Company's Whyalla operations will expire on the date of commencement of clauses 6 and 7.

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

**STATUTES AMENDMENT (INTERVENTION PROGRAMS AND SENTENCING PROCEDURES) BILL**

Adjourned debate on second reading.  
(Continued from 14 April. Page 1709.)

**The Hon. P. HOLLOWAY (Minister for Industry and Trade):** This bill has had a long history. An identical bill, save for the schedule, was introduced in 2003 and passed by both houses of parliament with multiparty support. When the opposition introduced an amendment in the council inserting a schedule requiring a consultant to review the services to intervention programs, the bill went into deadlock. It was laid aside in June 2004 when the deadlock conference failed to resolve the differences between the houses.

On 17 February 2005, I introduced a new bill with the same clauses as those in the 2003 bill except for a new form of schedule suggested by the Hon. Nick Xenophon. The Hon. R.D. Lawson has not agreed to the new form of schedule and has moved an amendment that proposes the same kind of schedule that deadlocked the bill last year. The Attorney has written to the Hon. Mr Lawson proposing an alternative that does not involve private consultants which the Hon. Mr Lawson proposed or the Ombudsman model suggested by the Hon. Mr Xenophon. I will later move that alternative as an amendment to the bill.

The alternative form of schedule would work like this: although programs are already evaluated and the results publicly available through the Attorney's office or online through the Office of Crime Statistics' web site, there is no separate evaluation of program services. That is because the data about those services cannot be extracted from court records and because the government has assumed that if a particular service is deficient this will show up as a defect in the program itself. For example, an interrogation of court records cannot show why people are denied access to intervention or whether access was denied because the services for the program are not available or became unavailable.

The new form of schedule would require a review by which the minister responsible for the acts under which a court may direct a person for assessment for intervention (in each case the Attorney-General) is to report to parliament each year on how the courts have used the provision in the act about intervention programs. The minister's report must include the following information which can be supplied through the interrogation of court records for intervention programs:

1. The number of people who apply to or are referred to a court to undertake an intervention program.
2. Of these, in total and by program, the number of people directed by the court for assessment for intervention.
3. The number of people assessed as eligible to undertake a program in total and by program.
4. Of these, in total and by program, the number of people who were directed to undertake an intervention program.
5. The number of cases in which participation in a program was taken into account in the sentence.

From the information provided to parliament, together with information published about the departmental evaluation of individual programs, a person should be able to draw conclusions about the value and effectiveness of a particular program and about the way in which the courts use the authority given to them by the act.

The bill provides much needed formal statutory backing for two practices that have developed in the courts. One is the practice of directing defendants to undertake programs of intervention that help them take responsibility for the underlying causes of their criminal behaviour. The other is the use of sentencing conferences in sentencing Aboriginal defendants. As I said in introducing the bill, giving legislative backing to these programs and procedures recognises their value to criminal justice and to the public. Intervention programs help people learn to take responsibility for their behaviour and to live in a law-abiding way. Sentence conferencing helps to reduce the alienation of Aboriginal offenders that so often impedes their rehabilitation and compliance with court orders. I commend the bill to the council.

Bill read a second time.

## DEVELOPMENT (SUSTAINABLE DEVELOPMENT) AMENDMENT BILL

In committee.

**The Hon. P. HOLLOWAY:** I move:

That it be an instruction of the Committee of the Whole Council on the bill to have power to divide the bill into two bills: one bill to be referred to as the Development Sustainable Development) (No. 1) Amendment Bill, comprising clauses Nos 1 to 3, and clauses Nos 11, 14, 34 and 35, 48, 56 and 57, 59, 61, 64, 68, 71 and 72, and Schedule 1, Parts 1, 4 and 7; and the second bill to be referred to as the Development (Sustainable Development) (No. 2) Amendment Bill, comprising clauses Nos 4 to 10, 12 and 13, 15 to 33, 36 to 47, 49 to 55, 58, 60, 62 and 63, 65 to 67, 69 and 70, 73 to 75, and Schedule 1, Parts 2 and 3, 5 and 6 and parts 8 and 9; and that it be an instruction to the Committee of the Whole Council on the Development (Sustainable Development) (No. 2) Amendment Bill that it have power to insert the words of enactment.

On 7 April 2005, I introduced the Development (Sustainable Development) Amendment Bill into parliament for debate. This bill is one part of a wide range of initiatives being undertaken by the government to improve the state's planning and development system. The intent of these initiatives is to ensure that the system is more efficient in terms of timeliness and procedural certainty. On 4 July 2005, after concerns that the amendments proposed during debate on the bill had the potential to undermine the spirit of the government's initiatives around timeliness and efficiency, I informed this council that I would adjourn the debate in order to discuss a compromise approach with all parties.

It was recognised by all parties that significant steps have already been achieved through non-legislative means since the government's proposals for legislative change were outlined for consultation. It is also important to note that councils and state government agencies are more cognisant of their performance and that new mechanisms for collecting data on performance measures are currently being implemented. In this context, the government proposes to move a motion to divide (as I have just done) the Development (Sustainable Development) Amendment Bill 2005. This will enable some key provisions relating to performance and procedures to proceed without changing the fundamental way in which development decisions are made in councils.

The proposed divided bill, which will be referred to as the Development (Sustainable Development Bill) (No. 1) Amendment Bill 2005, will include the following proposals:

- A single code of conduct prepared by the minister for all development assessment panels in the state and professional staff acting under delegation. This will provide the community and applicants with certainty for procedures and will support impartial and transparent decision making.
- Actions in relation to the key findings of the Coronial Inquest into the Deaths at the Riverside Golf Club which are related to provisions for improving the accountability of component designers and manufacturers for the performance of their products incorporated into building work; the auditing of councils and private certifiers to ensure proper processes are followed for the complete assessment of applications; the strengthening of requirements for council inspection policies to ensure greater consistency with building and planning rules; and the introduction of expiation fees for some breaches of the act to encourage a higher degree of compliance.
- Land management agreement provisions relating to development applications to improve clarity within the

legislation when applied to development applications and procedures.

- Appeal rights for overdue development assessment decisions.
- Amendments to the open space contribution provisions to allow small rural towns to have a different contribution level to those of large urban areas.
- Amendments to the Natural Resources Management Act to clarify that councils or the Minister for Urban Development and Planning are responsible for initiating amendments to development plans relating to NRM issues.
- Provisions to remove uncertainty for councils in the processing of applications that are either incomplete in terms of their provision of required information or are inconsistent with another relevant consent.

All of the provisions included in this 'split' version of the bill had the support of other parties, or at least there was no stated opposition during the second reading debate on the bill or they are amendments requested by the parties during debate on the original bill. I have met with the LGA in relation to the provisions put forward in the 'split' bill.

I wish to emphasise that, while the bill is being divided, the government will not give up on its efforts to improve the timeliness and performance of the development assessment process. The government, the LGA and other interested parties wish to continue discussions on the propositions that have not been included for progression at this time. It is, however, important that these discussions are based on a detailed analysis of the data that both state and local governments will be required to collect and report on in the coming months.

In order to formalise this data collection task, the government will shortly commence amendments to the development regulations through the stage 1 system performance indicator amendments which are intended to come into effect on 1 January 2006. The stage 1 indicators relate to the number of statutory policy and development assessment actions and decisions undertaken and have been based on the work of a joint state-local government working party. I have invited the LGA to work with Planning SA on preparing recommendations on the stage 2 indicators relating to the timeliness of statutory actions and decisions as a matter of priority. I consider that the introduction of these indicator regulations propose an appropriate benchmarking approach. I note that benchmarking of council DAP processing is in the spirit of the amendments filed by the opposition during debate on the original bill.

In concluding, I reiterate to members that in splitting the bill the government intends to progress the items that improve clarity or remove any existing ambiguities within the legislation. They are items that all parties have broad agreement on or they implement the clauses contained within the bill that will contribute to the implementation of the Coroner's recommendations in relation to the Riverside Golf Club roof collapse. I commend the splitting of the bill to the council.

**The Hon. CAROLINE SCHAEFER:** I have held discussions with the minister and my understanding is that the minister has spoken to the shadow minister. We will be briefed on these new bills and, as such, I do not object to the splitting of the bill.

**The Hon. SANDRA KANCK:** I indicate Democrat support for this move. Quite clearly, with the way things were

going with the bill in its original form, there was potential for this to become severely bogged down in the remaining six weeks of sitting of this parliament. Some important parts of it would not have been able to be dealt with because of the stalemate that I think, in all probability, would have developed. The issues at stake were the independents on development assessment panels and so on, and it seems a pity to allow those sorts of issues to bog us down and prevent us from dealing with, for instance, the recommendations of the Coroner into some of the builder's licensing and practices that were involved in the golf club disaster a few years ago. I think that this is a sensible move which will allow us to deal with those things that are important. I am not saying that the composition of development assessment panels is not important, but it is not something that we should allow to stop progress of the bill occurring.

Motion carried.

### CHILDREN'S PROTECTION (KEEPING THEM SAFE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 12 September. Page 2472.)

**The Hon. R.D. LAWSON:** I rise to indicate the Liberal Party's support for the second reading of this bill. The bill was introduced into this place yesterday, and I remind the council of the convention that bills are not ordinarily debated immediately: they normally lay on the table for one week before being debated. However, the opposition is anxious to assist the government in getting this bill through expeditiously, and we bear in mind that, as a result of the government's organisation of its legislative program, there is very little on the *Notice Paper* in the council this week. Accordingly, it is for that reason that I indicate our position today rather than next week.

The bill was originally introduced in another place on 24 May this year. It takes up a number of the recommendations made in the Layton report, which was tabled in March 2003 and which was entitled 'Our best investment: a state plan to protect and advance the interests of children'. The report was prepared by Robyn Layton QC as she then was; Ms Layton has subsequently been appointed to the Supreme Court bench. As a professional colleague of Justice Layton and a former classmate at law school, I commend her for the very thorough job that she did in preparing the report which carries her name.

It is a report of some hundreds of pages, very detailed in its reasoning, which also contains 206 separate recommendations. Not all of those recommendations have been taken up by the government. As I mentioned, we have been critical of the fact that the report was tabled in March 2003 but not actioned for quite some time. We are critical of the delays that have occurred, but it is better late than never in respect of a number of the proposals that are now contained in this bill.

The bill will amend the Children's Protection Act 1993, and it will make a related amendment to the Family and Community Services Act 1972. It is quite a detailed report. The minister's second reading explanation, which was incorporated in *Hansard*, occupies some six pages in *Hansard*. In another place, the shadow spokeswoman for family and community services, the member for Heysen, Ms Isobel Redmond, gave a detailed speech on behalf of the opposition, indicating our position in relation to most of the

clauses. I commend to members Ms Redmond's contribution for the complete Liberal position and the reasons for it.

However, I ought in deference to this council and its members indicate in my own words where we stand on the principal issues involved in this bill. The bill firstly inserts new objects, and the Liberal opposition is not convinced that the new objects are more acceptable or necessary than the current objects. The objects of the current legislation are as follows, and they are contained in two subsections within section 3 of that act:

3 (1) The object of this act is to provide for the care and protection of children and to do so in a manner that maximises a child's opportunity to grow up in a safe and stable environment and to reach his or her full potential.

(2) The administration of this act is to be founded on the principles that the primary responsibility for a child's care and protection lies with the child's family and that a high priority should therefore be accorded to supporting and assisting the family to carry out that responsibility.

According to this government, the reason why it wants to change from those particular provisions to those proposed in the bill, and to which I will come shortly, is that there has been a lack of clarity as to whether or not family reunification or keeping the child safe is the paramount consideration. This bill will insert the following objects. I perhaps ought read them because there are now four and the order of them is important:

- (a) to ensure that all children are safe from harm.
- (b) to ensure that as far as practicable all children are cared for in a way that allows them to reach their full potential.
- (c) 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, risks to a child's wellbeing are quickly identified, and necessary support, protection or care is promptly provided.
- (d) 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.

We believe that the changes sought to be wrought by this bill do have the effect of diminishing the interests of the family and recognition of the importance of the family in a child's life and existence. We certainly agree that the first object ought be that all children are safe from harm, but there are many cases, and the shadow minister mentioned some of them in her contribution in another place, where there is a tension between the family and a child and there are many issues which have arisen in relation to children who leave perfectly good homes for reasons that are not satisfactorily explained, and even when an objective analysis is brought to bear the interests of the family are subordinated to those which are perceived to be the interests of the child.

Quite often, very young children are put in conditions where they are more exposed to danger but nevertheless the department and departmental officers do become complicit, in our view, in keeping those children away from their parents instead of becoming the means by which the children are brought back to their parents. We do recognise, of course, that there are difficulties in making children stay at home. It is interesting to note that there was a very recently tabled report of the Select Committee on Juvenile Justice to which the member for Heysen referred in her contribution, and the member was herself a member of that select committee which brought down a unanimous report. It was under the chairmanship of the Hon. Dr Bob Such, and many of its recommendations are relevant to the debate on this bill. Pages 84 and 85 of that report contain a number of statements which are

pertinent, and I will try to reduce my quotation of those passages to the minimum. From page 84:

The select committee were keen to ensure that there was due emphasis given to the rights of parents to support, guide and protect their children.

On the following page the report went on:

Emphasis should be given to parental rights, responsibilities, family reunification and safety of all members of a family, including children and young people. The committee felt that in the absence of abuse and neglect, children and young people should be encouraged to remain in their family settings and the state should not assist children or young people to live away from the family home. The state has responsibility to support parents to maintain the integrity of the family unit and should assist young people to modify their at-risk behaviour enough to remain in the parental home.

The committee's findings were, eventually, as follows:

Parental authority should not be asserted at the expense of harm to young children. However, it should not be ignored.

We are concerned that the objects of the legislation are being not so subtly changed by the redefinition of those objects. As I mentioned at the beginning of this part of my contribution, we are not convinced that the new objects are superior to the old. Our concern is that, by relegating the recognition of the family to a place well down the list, we are indicating that the pendulum should swing further in the direction of children's rights and interests, and interventions which take a child away from home rather than maintaining them in the home. It is for those reasons, and others stated by the shadow minister, that we do have concerns about those objects, concerns which we will be exploring during the committee stage.

The next issue which I wish to pursue is the fact that this bill will contain a provision which will empower a court to make an order for the assessment or examination of a parent. Presently the act provides that a court can make an assessment or examination of a child but there is no power to assess a parent. Clause 11 of the bill will insert a new power to make an order authorising the assessment by a social worker or other expert. We are concerned that this very important and significant increase in powers will be accorded to not only experts acknowledged by the court but also a social worker. As in another place, we will here be moving an amendment to remove that important power from persons who are social workers but leave in the power for the court to choose an appropriate expert.

In seeking to have that amendment made, we are not seeking to denigrate the profession of social workers at all. We just believe it is appropriate that the court make a selection of an expert, and we remain to be convinced that every social worker is an expert for these purposes. We accept that it is appropriate for the court to have power to assess someone's parenting ability and that there should be a power in the court to take appropriate action and make appropriate orders in light of the assessment which has been made. I think it is now widely recognised that, whilst there are very many able, capable and good parents in our community, there are some who lack parenting abilities and do require our support, assistance and help.

The next issue to which I wish to make brief reference is the Aboriginal child placement principles, which will be adopted in regulations. I ask the minister to indicate when those regulations will be made. Can they be tabled here in this place before the conclusion of the debate on this bill, or in some other way circulated to the council to enable us to form some view of the appropriateness of the particular principles?

We agree that it is appropriate to have Aboriginal child placement principles, and we recognise that those principles ought deal with the issue of recognising kinship relationships and the like. The last thing we wish to foster is another generation that might be deemed to be a stolen generation. We believe that Aboriginal child placement does involve special issues which ought be addressed through these principles. However, I indicate that we will wish to see more details of the principles before the conclusion of the committee stage.

There is a series of provisions which propose to insert new sections 8A, 8B and 8C. The first deals with the general functions of the chief executive; the second with the powers and obligations of the chief executive in respect of criminal history; and the third with the obligations of certain organisations. I want to speak specifically of proposed new section 8B which will require the chief executive to ensure that a police check is done on all persons who are already occupying prescribed positions and prior to the appointment of any new person who will be appointed to a prescribed position.

The bill defines a prescribed position as meaning anyone in a government department, agency or instrumentality who has a position requiring regular contact with children or working in close proximity with children, supervision of those people, or access to records relating to children. We do not have any difficulty with this proposal, given that it relates to people who are in government departments and the like. In contrast with the matters dealt with in the following section, these are large well-resourced organisations as opposed to many small volunteer organisations which may be affected by proposed new section 8C.

Proposed new section 8C has far-reaching consequences for the community because in its terms it affects all organisations that provide health, welfare, education, sporting or recreational, religious or spiritual child care or residential services wholly or partly for children. In other words, this is a clause of very wide operation. It will require these organisations to have in place certain policies and procedures in relation to child protection issues. These are very onerous and important responsibilities, and we fear that they may adversely affect many volunteer organisations. I refer, in particular, to the requirement for police checks and the like.

When on 6 July this year the member for Heysen was speaking on behalf of the opposition on this matter, she indicated that we were yet to receive feedback from volunteer organisations as to how they proposed to meet their new responsibilities under this legislation. The minister in his second reading explanation said that something like \$210 million was being put in by the government over five years. That is an indication of the cost to government of this measure, but we want more details of the cost to volunteer organisations of complying with their obligations under these new provisions.

The bill will provide some specifics in relation to the office of guardian for children and young persons. We support these provisions, and of course the guardian has already been appointed. There is some question about the role of the guardian and, in particular, the power of the minister to give directions to the guardian, and I will pursue those matters with the minister in committee.

I glossed over a couple of issues that I should have specifically mentioned earlier. The bill will extend the meaning of 'alternative care' to cover all children in the custody of the Minister for Families and Communities. The particular provision is in clause 6 of the bill under the

interpretation clause. The clause provides that 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'.

The second reading explanation describes the matter in somewhat different terms. During the committee stage I will be asking the minister to explain the precise extent of the operation of this new definition, particularly in relation to commonwealth operated detention facilities containing children who may not be under the minister's guardianship. Of course, all members would be aware that the commonwealth government has more recently adopted a policy of not holding children in immigration detention facilities, and it is obviously a matter of public importance to know the application of this provision in relation to that matter should the commonwealth change its policies.

A new definition of 'child at risk' is contained in the definition clause. This part of the bill appears to derive from the Layton report, which discussed the need for a broader definition of risks rather than one based on incidents that had already occurred, namely, that an assessment of risk should not necessarily be based upon what has occurred but what is likely or possible to occur given the situation in which a particular child is at a particular time. We think it is important that that change be made.

The question of abuse and neglect is also addressed in the bill, although the definition of that concept has not been altered. There are changes to the provisions specifically relating to the notification of abuse and neglect, and we support a widening of the range of people required to notify of suspected child abuse. We support that widening of the class of persons to include 'a minister of religion, an employee or volunteer in an organisation formed for religious or spiritual purposes or an employee or volunteer in a government department or agency, local government or non-government agency providing sporting or recreational services wholly or partly for children'. The bill will specifically exempt priests or ministers from notifying information based on information communicated in the confessional.

When the bill was in another place the shadow minister had received a communication from the Christian Science Committee on Publication for South Australia. So far as I have been able to see, the concerns that were raised by that organisation through the shadow minister were not adequately addressed by the minister. I have now received a letter from the Christian Science Committee on Publication for South Australia. The letter is dated 8 September and it states:

We seek your urgent assistance and support to have an amendment to the above bill [namely, this bill presently before us]. We believe this bill is likely to be discussed in the Legislative Council on September 12th. For some time we have been communicating with the Minister, Jay Weatherill, on the need for this small clarification preferably by way of an amendment to new subsection 11(4) of the . . . bill. The amendment or clarification is needed to clarify that not only priests and ministers of religion, but also Christian Science practitioners, are not required to 'divulge information communicated in the course of a confession'—or in other sacred communications 'made in the course of the rules and usages of the relevant religion'.

We first raised this with the minister, more than a year ago now, (May 2004) at the time of the earlier Private Member's Children's Protection (Mandatory Reporting) Amendment Bill 2004 (presented by Nick Xenophon). Despite several briefing papers and other informative information substantiating the need for this amendment, numerous lengthy telephone communications with officers in the division handling this area in the Ministry, to date the Minister still has not confirmed his willingness to support the amendment.

Since the July 7, 2005 Second Reading speech in the Assembly, numerous requests for a meeting have been declined, although all questions raised or misunderstandings evident in that speech concerning our request, have been carefully answered in further written documents, as well as with his officers in the Department. We also supplied appropriate language for the small amendment needed, and we attach this for your consideration too which we see as a simple solution to the matter. A significant Exhibit is also attached with examples of legislative citations in place in many jurisdictions in the USA where similar child abuse matters have required as much care and consideration as has been given in South Australia.

Child abuse in any form is intolerable and Churches of Christ scientists everywhere totally support the principal object of the Bill and related arrangements for religious institutions to ensure that 'all children are safe from harm'.

We commend the government and other parties for their general support of this bill to date. We are sure you will agree that no government will want to require a Christian Science practitioner to break church law, nor would any government wish to establish a position where a law causes religious discrimination to any member of the community, even if unintentionally. It would be helpful to you in understanding this request to consider carefully the more detailed information on the pages following.

The letter is signed by Margaret Clark, a consultant to the Christian Science Committee on Publication for South Australia. I had a meeting with Ms Clark and other representatives of the church when the Hon. Nick Xenophon's bill was under consideration. I think it unfortunate that this organisation has not received, according to it, a courteous and prompt response to its concerns.

Like most members, I suspect, I am not greatly familiar with the operations of the Church of Christ Scientist. We are all aware that it has premises on the corner of North Terrace and Frome Street in the city and that it is a religious organisation established in the United States of America. It is worth placing on the record some of the information furnished with the material to which I am referring. The church says of itself:

The Church of Christ Scientist was founded 'to commemorate the word and works of our master, which should reinstate primitive Christianity and its lost element of healing'.

This is from the manual of the mother church by Mary Baker Eddy, who is generally recognised as the founder of the Church of Christ Scientist. The First Church of Christ Scientist is not related to new age thinking or Scientology. As members would be aware, the First Church of Christ Scientist publishes the Christian Science Monitor, a highly respected American newspaper. We are informed that the first Christian Science branch churches in Australia were established as early as 1898. Individuals who join the First Church of Christ Scientist and its worldwide branch churches are completely free to choose whatever health care system they think appropriate for their needs, free choice being a basic part of Christian Science.

We are advised that in 33 states of the United States legislation acknowledges the sacred communications which are a part of the operations of the First Church of Christ Scientist. It is claimed that a majority of states in the United States accommodate sacred communications in their child abuse and neglect laws that include clergy as mandated reporters (and I think this relates to not only those who do but to those who have pending legislation). There are 10 states and the District of Columbia which do not presently require members of the clergy to report child abuse and neglect and they are indicated. There are seven states in the United States of America that require clergy to report child abuse and neglect and do not provide accommodation for sacred

communications, they being Mississippi, New Hampshire, North Carolina, Oklahoma, Rhode Island, Texas and West Virginia.

The amendment suggested by the First Church of Christ Scientist is simple, perhaps deceptively simple. Proposed section 11 will presently say, 'This section 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.' What is suggested is that those words be changed to read as follows:

This section does not require a priest or other minister of religion, a rabbi, an imam or a Christian Science practitioner to divulge information communicated in the course of a confession or sacred communication made in accordance with the rules and usages of the relevant religion.

I ask the minister in his second reading response to indicate the government's position in relation to these proposals, whether they have been examined and considered, whether they will be supported and, if not, why not.

The bill formally establishes a council for the care of children. It will consist of up to 10 members, plus the chief executives of all government departments closely involved in issues relating to children and the protection of children. We query the size of the committee. We would like to be assured that it will be an effective and functioning committee and not simply a committee that comprises a large number of people with few responsibilities and will simply not achieve its objective.

The bill will also establish, in accordance with the recommendations of the Layton committee, the Child Death and Serious Injury Review Committee. This committee will consist of up to 20 members. We are somewhat concerned that a committee of this size is being contemplated. True it is that the legislation provides for up to 20 members, so it is possible that the government will appoint fewer than that number. However, we believe that, if it were fully complemented, the committee would be too large. I ask the minister to indicate precisely why a committee of that size is contemplated, who is envisaged will be appointed to it and what their functions will be. However, we do accept the thrust of the Layton report recommendation in relation to this matter, namely, that there be a Child Death and Serious Injury Review Committee with the functions outlined in the legislation.

I indicate Liberal Party support for the second reading. At the moment the only amendment proposed is to remove the words 'social worker' from the provision in relation to parental assessment. However, in committee we will examine other possible amendments which, in due course, we will flag with the government.

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

#### **OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION COMMITTEE**

The House of Assembly appointed the Hon. D.C. Kotz to fill the vacancy on the committee caused by the resignation of Mrs Isobel Redmond.

#### **ADJOURNMENT**

At 5.45 p.m. the council adjourned until Wednesday 14 September at 2.15 p.m.



