LEGISLATIVE COUNCIL

Wednesday 21 September 2005

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

STATUTES AMENDMENT AND REPEAL (AGGRAVATED OFFENCES) BILL

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

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

Motion carried.

LEGISLATIVE REVIEW COMMITTEE

The Hon. J. GAZZOLA: I bring up the 26th report of the committee.

Report received.

The Hon. J. GAZZOLA: I bring up the 27th report of the committee.

Report received and read.

NATURAL RESOURCES COMMITTEE

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

That the members of the council appointed to the committee have permission to meet during the sitting of the council this day.

Motion carried.

DNA PROFILING

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I lay on the table a ministerial statement relating to DNA profiling made today by the Premier.

QUESTION TIME

BUS CONTRACTS

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make an explanation before asking the minister representing the Minister for Transport a question about negotiations in relation to the awarding of bus contracts.

Leave granted.

The Hon. R.I. LUCAS: Page 4 of the Auditor-General's Report, in relation to the negotiations on bus contracts, states:

Clarification sessions were conducted with four short listed tenderers notwithstanding that the Project Steering Committee considered that one of these short listed tenderers should not be considered further. Consequently, this tenderer may have incurred additional avoidable expense in preparing for and responding to the clarification session. In my view the decision to invite this tenderer to participate in the clarification session was not appropriate.

It is clear from page 20 of the report that the former minister for transport (Hon. Trish White MP) was responsible for this particular aspect of the process. In relation to a briefing note that had been provided to that minister on 21 December, the Auditor-General said:

When given an opportunity to comment on a draft of this report, the Hon. P. White MP noted as follows:

'The use of the words "endorsed DTUP finalising an outcome for the three shortlisted tenderers" in the recommendation of the Minute of 21 December 2004 created an impression that the Department meant to jump to finalising contracts with the tenderer chosen for each of the three contract areas (and I hadn't seen anything about which bids had been chosen). In other words, it appeared to me that the Department had got ahead of itself and had chosen three bids (one for each contract area) rather than just tenderers with whom to negotiate, and I was aware that there was a Cabinet process to be undertaken before [the] finalising of contract with preferred tenderers could take place. Hence I send a file back the clarification but also did not approve finalisation at the time (the [Chief Executive's] advice that nothing would be finalised before my return from annual leave was also influential here and I referred the Department to his note).

My questions to the minister are:

1. Has any tenderer—in particular, the 4th shortlisted tenderer referred to in these comments—expressed any concern about the minister's handling of this particular process, and, in particular, has any claim been forwarded in relation to what the Auditor-General refers to as 'avoidable expense in preparing for and responding to the clarification session'?

2. For how long was the former minister on annual leave and for how long was the process delayed awaiting the minister's return?

3. Will the government (through the current minister) obtain from the former minister (and provide copies) all documents that relate to this aspect of the minister's involvement in this particular decision?

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

MAGISTRATES

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Leader of the Government, representing the Attorney-General, a question about the magistracy.

Leave granted.

The Hon. R.D. LAWSON: South Australia has been well served by its magistracy over the years—and that position continues. The magistracy has, however, always contained a mixture of lawyers who have practised in the private legal profession and a number of lawyers from government service. Under this government, by far the preponderance of appointments have been made from government service.

Records show that the following magistrates have been appointed from the private profession, and the balance of those appointed have come from government service. Mr Clive Kitchin was appointed in January 2003 after a long and distinguished private practice. Ms Penelope Eldridge was appointed in 2003. She had been in the private profession for many years but was working in the Crown Solicitor's Office at the time of her appointment. Mr Paul Foley came from the commonwealth DPP's office. His service had been pretty well exclusively in the public sector. Maria Panagiotidis came from the Crown Solicitor's Office. Peter Snopek was appointed in 2004 from the Office of the Director of Public Prosecutions. Tony Schapel was appointed in April of this year, once again from government service. Mr Mark Johns was appointed on 1 September. Mr Johns has worked almost exclusively within government service, most recently as the chief executive of the Department of Justice but for a long time before that in the Crown Solicitor's Office. Mr Johns will also serve as state coroner. The most recent appointment made on 15 September is of Ms Teresa Anderson, who for the last four years has been a senior solicitor within the office of the DPP. Before that time, in the past, she has worked in

New Zealand in the Crown Solicitor's Office and for the DPP in Western Australia.

There have been widespread expressions of concern within the legal profession that this government seems to be focused on appointing persons from government service as a promotion, and that is a practice which, if it has been adopted, is to be deplored. My questions to the Attorney-General are:

1. What is the composition of the panel which recommends appointments to him?

2. Does the Attorney-General have a bias against members of the private legal profession?

3. What proportion of applicants for the position of magistrate come from the private sector and what from government service?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): The deputy leader listed a number of appointments that have been made by this government to the magistracy, and I think all of those appointments stand on their merits and I do not think this government need apologise for any of those appointments. But I will refer the question on to the Attorney and bring back a reply.

MENTAL HEALTH

The Hon. J.M.A. LENSINK: I seek leave to make a brief explanation before asking the Minister Assisting in Mental Health a question regarding repatriation protocols.

Leave granted.

The Hon. J.M.A. LENSINK: My colleague in another house yesterday released a letter from Dr Kenneth Ooi, Director of Emergency Medicine at the Queen Elizabeth Hospital, to David Norton, General Manager of the hospital, a letter which was accompanied by a memo from the Central Northern Adelaide Health Service to staff. This memo tells staff:

> A repatriation protocol has been implemented due to the cessation of the hospital support team at the Royal Adelaide Hospital in late August 2005. Repatriation is the transfer of out-of-area mental health presentations requiring admission back to their local area hospital.

Dr Ooi describes these changes as causing unnecessary stress, discomfort and disruption to vulnerable patients. The letter goes on to detail three examples of mental health patients taken from the Royal Adelaide Hospital to the Queen Elizabeth Hospital. They include a patient who arrived without escort who remained in the emergency department for four days, a patient who was detained by and arrived with a police escort but no transfer letter and no mental health report highlighting her condition, and a patient who had no transfer letter and no mental health report. Dr Ooi states that the patients went from a department where there is a psychiatry registrar 24 hours a day, a short-stay unit and showers, to a department where there is none of these. My questions are:

1. Was the minister aware of this repatriation protocol prior to it being made public by my colleague in another house? If so, when was she made aware of it?

2. Does the minister support the repatriation protocol?

3. Does the minister consider the interests of mentally ill patients are best served by removing them from a location with appropriate facilities to one with none?

4. Can the minister assure the council that no patients have suffered a worsening of their condition as a result of the implementation of this protocol?

5. What actions has she taken since becoming aware of this protocol?

The Hon. CARMEL ZOLLO (Minister Assisting in Mental Health): I thank the honourable member for her question. The issues that she raises are those which are operational, and I obviously will refer them to my colleague in the other place. I place on record this government's commitment to mental health since it has come to government. We did have eight years of inaction by the previous government and we have seen a substantial increase in this budget, some $45 million, and an increase since we have come to government of around $20 million per year, a massive capital works program and an injection of $25 million from a partnership with non-government organisations.

The Hon. J.M.A. LENSINK: I have a supplementary question arising from the answer. Has the minister discussed these matters with her department? Since she declares them operational matters, at what point would she consider intervening if she found them disturbing?

The Hon. CARMEL ZOLLO: The honourable member clearly does not understand the delegation as minister assisting. I am not the minister with the delegation. Clearly, I am aware of some briefings, but I am not the minister with the delegation. I work as a team with the Minister for Health.

The Hon. J.M.A. LENSINK: I have a further supplementary question. Has the minister discussed this matter with either her department or the senior minister at all?

The Hon. CARMEL ZOLLO: The honourable member clearly does not understand. I do not have a department—I am the minister assisting. It is a very common concept in the Westminster system.

Members interjecting:

The Hon. CARMEL ZOLLO: That is not terribly complex. Yes, of course I have discussions and briefings.

The Hon. J.M.A. Lensink: On this matter?

The Hon. CARMEL ZOLLO: On lots of matters, and some of them are confidential.

The Hon. J.M.A. LENSINK: I have a further supplementary question. Has the minister had any discussions with the mental health departmental staff or the minister for mental health on this matter at all? It is pretty simple.

The PRESIDENT: It is actually the same question.

The Hon. CARMEL ZOLLO: It is the same question and the response is very simple. Yes, I have discussions on many issues as the minister assisting, but I do not have the delegation.

The Hon. J.M.A. LENSINK: I have a further supplementary question. For the benefit of all members of the South Australian community, could the minister table in parliament exactly what it means to be the minister assisting the minister, because we seem to be confused every time we ask her a question about mental health?

Members interjecting:

The PRESIDENT: Order!

The Hon. CARMEL ZOLLO: Clearly, the honourable member is very confused and does not understand the operational issues.

VISITORS TO PARLIAMENT

The PRESIDENT: I draw honourable members' attention to the presence today of some very important young South

Australians from Our Lady of Sacred Heart. They are here today with their teacher Ms Helen Feasey, and they are hosted by Mr John Rau, the member for Enfield. We hope that they enjoy their stay and find it educational and interesting. On behalf of all members I make you welcome.

Honourable members: Hear, hear!

PROMINENT HILL

The Hon. G.E. GAGO: I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about the Prominent Hill project.

Leave granted.

The Hon. G.E. GAGO: In 2005, Minotaur Resources discovered the Prominent Hill prospect in the north of the state. Since then, it has sold the project to Oxiana who has been conducting a pre-feasibility study. My question to the minister is: what was the result of the pre-feasibility study?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): I thank the honourable member for her question. I am very pleased to be able to report to the council that Oxiana's pre-feasibility study on the Prominent Hill project in South Australia is now complete. The study has confirmed that Prominent Hill is a highly competitive copper-gold project. The orebody boasts relatively high copper and gold grades. The ore is amenable to conventional treatment methods and will produce a high-quality concentrate. Estimated cash costs are in the bottom half of global copper production, and production can commence within three years.

The project's location in South Australia offers a secure and supportive regulatory environment and access to world-class infrastructure and technical resources. The main findings of the study have concluded that the Prominent Hill deposit could be successfully developed via an open pit for the first nine years of mine life at a rate of 8 million tonnes per annum. Production would be 90 000 to 100 000 tonnes per annum of copper and 110 000 to 130 000 ounces per annum of gold contained in concentrates from a conventional copper gold flotation plant. Further additions to the resource at depth and along strike of the open pit would be expected to result in further expansion of the open pit or subsequent or concurrent underground mining. The Oxiana Board has approved progressing to a full feasibility study at a cost of approximately $15 million.

The Prominent Hill deposit is an iron oxide copper gold deposit, similar to Olympic Dam in South Australia, Ernest Henry and Osborne in Queensland and La Candelaria in Chile. The deposit is located at the northern edge of the Gawler Craton under 100 metres of sedimentary cover. The copper-gold mineralisation has thus far been defined over a 1 000-metre strike and to a depth of 500 metres, hosted in a large haematite breccia complex. The ore body is open to both the east and west and at depth. Based on a study of the currently outlined resources, the Prominent Hill mine would comprise an 8 million tonne per annum open pit with an initial mine life of nine years. The ultimate pit would be 1.2 kilometres wide, 1.4 kilometres long on the surface and 500 metres deep.

The mining would employ conventional open pit drill, blast, load and truck haul. Capital cost estimates for plant and on-site infrastructure include the open pit mine, the concentrator, site infrastructure, services, accommodation village, access and site roads, pre-operations and tailings storage facility. Off-site facilities include items such as high voltage power supply line, water supply and railway access and port upgrades. Contingency and EPCM costs have also been built into these estimates. With off-site items included, capital costs at this stage are expected to be in excess of half a billion dollars. Options to offset some of these off-site infrastructure costs are being pursued.

The study assumed concentrates would be railed to a port in the Spencer Gulf for export. Smelters in Asia and Australia have been identified as ready markets. Initial specifications presented to smelters have attracted strong interest due to high concentrate quality and expected continuing tight concentrate supply in the world market. Working closely with South Australia and commonwealth agencies, a permitting schedule has been developed which will enable the issue of a mining lease in mid-2006. Environmental investigations and negotiations with traditional landowners on a native title production agreement have commenced.

Resource delineation drilling at Prominent Hill is ongoing and the limits of the Prominent Hill system are yet to be defined. Good potential also exists to discover satellite deposits at Prominent Hill and other deposits in the wider tenement package. Priority areas for the Prominent Hill deposit are bringing the gold-only mineralised zone on the eastern end of the deposit into the resource and continuing to test and to find extensions to the copper gold breccia in the Prominent Hill shear zone to the west and at depth. Other priorities are progressing permitting, to ensure time lines are met, further water bore delineation and defining transport solutions.

Work on the bankable feasibility study will commence immediately, and it is anticipated that this study will be completed by mid-2006. The bankable feasibility study will include more detailed assessment of mining methods, plant design and engineering, detailed metallurgical characterisation of the ore body and infrastructure plans. It is estimated that construction would be completed in 24 months from decision to mine and finalisation of permitting. I thank the honourable member for her question and for giving me the opportunity to update the council on this important project.

EYRE PENINSULA PIPELINE

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for the River Murray, a question about the Eyre Peninsula pipeline upgrade.

Leave granted.

The Hon. SANDRA KANCK: In the state budget the Rann government announced its intention to upgrade and extend the Whyalla to Kimba pipeline at a total cost of $8 million, or $4 000 for each person in the community. Obviously the project will redirect more River Murray water to Eyre Peninsula, yet in the State Strategic Plan the Rann government has committed to reducing the amount of water taken from the Murray. The target is for increased environmental flows of 1 500 gigalitres per annum by 2018. This is recognised as the minimum amount of extra flow that will be needed to give the Murray any chance of returning to a healthy condition. Consequently the Rann government is committed to extending a pipeline from a water resource that is already dangerously over-allocated. Further, as global warming intensifies, there will be even greater pressure on the Murray as a water resource for South Australia.

The contradiction in the government's pledges have been recognised by the Eyre Peninsula's Think Tank Task Force. The task force is advocating alternatives. These include reversing the Tod Reservoir salinity by revegetating parts of the catchment, particularly the Toolillie Gully section, subsidising the installation of rainwater tanks, the treatment of waste water, the collection of stormwater and greater emphasis on water conservation methods. The think tank task force believes that these alternatives are more ecologically viable than either extending the pipeline or desalination plants. My questions are:

1. How much water has been saved on Eyre Peninsula as a consequence of the government's statewide water conservation measures?

2. Has the minister investigated the option of revegetation in the Tod Reservoir catchment to reduce salinity; if not, will she do so now?

3. Before announcing the pipeline upgrade, did the minister look at alternatives such as subsidies for installing rainwater tasks, dual flush toilets and water-saving shower heads; if so, what did those studies show in terms of economic relativities?

4. How much extra water will be diverted from the River Murray as a consequence of the government's plan to extend the pipeline?

5. What other savings in the use of River Murray water will be made in order to allow the diversion of this amount of water to Eyre Peninsula?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will refer that question to the Minister for the River Murray in another place, and perhaps to the minister responsible for SA Water.

SCHOOLS, INSURANCE

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Minister for Emergency Services, representing the Minister for Education and Children's Services, questions about the provision of insurance through the South Australian Association of State School Organisations, generally known as SAASSO.

Leave granted.

The Hon. NICK XENOPHON: SAASSO is an organisation that is partly funded by the Minister for Education and Children's Services. It is an entity which is responsible for organising insurance at state schools' property and matters not covered by the government insurance fund SAICORP. Such coverage includes canteens, computers, cameras, projectors, musical instruments, stock in uniform shops, cash on premises, as well as the no-claim and excess recovery insurance for vehicles at school properties; and it can also encompass personal accident policies for volunteers and students.

SAASSO has an arrangement with Jardine Lloyd Thompson, insurance brokers, to provide such insurance. It has had such an arrangement for a number of years. Ultimately, parents through school councils pay for the cost of insurance. Information in documents recently provided to me point to an extraordinarily high so-called management fee being retained by SAASSO. I understand that the management fees can be as high as 70 per cent of the total premium charged and, on average, are some 50 per cent of the total premium. This contrasts with an accepted fee in such circumstances of 5 per cent to 8 per cent.

I understand that the management fee charged in recent years has been well in excess of $100 000 per annum. The association reports annually to the minister, so the extent of these exorbitant management fees should be self-evident. The minister, in effect, instructs state schools through the Administrative Instructions and guidelines she issues for state schools to purchase insurance through SAASSO. The Education Department web site and the *Gold Book*—the guidelines for schools—under the heading 'Insurance of physical assets', states:

> A special policy is available through the South Australian Association of State School Organisations (SAASSO) to cover all the insurable risks that a governing council is liable for in relation to the school canteen. Advice with regard to this policy can be obtained by contacting the SAASSO office.

It goes onto give contact details for SAASSO. I understand that this statement is in clear conflict with the financial services reform legislation in that it directs schools to seek advice from SAASSO when SAASSO is not the holder of any relevant financial services licence. My questions are:

1. Is the minister aware of this extraordinary rip-off by SAASSO of insurance premiums for which parents ultimately have to pay? Further, has the minister ever sought an explanation as to why the financial records of SAASSO show insurance profits, rather than receipts on the income side, without showing the expenditure on the other side of the ledger? Is this an acceptable accounting practice for an organisation that receives taxpayer funds?

2. Will the minister advise for the financial years 2000-01 up to and including the 2004-05 year what insurance premiums were collected by SAASSO, what was retained and what was forwarded to the insurance brokers for each financial year referred to?

3. Will the minister immediately instruct the department to remove the references to SAASSO as a source of advice with regard to insurance in order to comply with financial services reform legislation?

4. Will the minister instruct SAASSO as a matter of urgency to reduce its exorbitant so-called management fees to an amount that would be reasonable and consistent with other similar organisations, being in the 5 per cent to 8 per cent range rather than an amount some 10 times more than that?

5. As such policies are currently in the process of being renewed, with renewal notices being sent out to schools, will the minister intervene immediately to warn schools of the exorbitant fees being charged and demand that SAASSO withdraw current invoices to reflect a more reasonable management fee?

6. Why is such insurance not being covered by SAICORP, or has the government a new-found enthusiasm to outsource to the private sector something that the government sector seems very capable of dealing with effectively?

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

BUS ROUTES

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Industry and Trade, representing the Minister for Transport, a question about bus routes.

Leave granted.

The Hon. J.S.L. DAWKINS: Members will be well aware of the significant community concern about the recent bus route changes across metropolitan Adelaide. Much of this concern is derived from the fact that communication about these changes by the public transport division of the Department of Transport, Energy and Infrastructure was negligible. This lack of communication by the division has not altered since the introduction of the new routes.

In Golden Grove, bus stop 60 on John Road, which is the closest to the Golden Way, was removed under the changes, forcing residents to walk up a steep section of John Road to access a bus stop. Following considerable community opposition to this change, it would seem that the former bus stop has now been restored in the guise of a school bus stop. This is despite the fact that there has not been a school bus stop in that position over the past 12 years, and the fact that local schools advise parents that school buses do not use this route and travel along Bicentennial Drive instead. My questions are:

1. Will the minister indicate the reason for this change?

2. Will the minister also indicate why the change was made in the aftermath of community concern about bus route changes?

3. Will the minister instruct the public transport division to restore bus stop 60 as a regular stop for public buses?

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

STATUTORY OFFICERS, DIRECTIVES

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister for Industry and Trade, representing the Premier, a question about the directives issued to statutory officers.

Leave granted.

The Hon. J.F. STEFANI: On 4 May 2004 I asked a question about the directive issued to the Office of the Valuer-General in relation to queries raised about property valuations by members of parliament on behalf of their constituents. In a reply dated 22 July 2004, the Minister for Administrative Services advised me that the Valuer-General and other statutory officers were required to provide information to the minister, who would respond on their behalf. I now wish to refer to the Valuation of Land Act 1971, in particular part 2, clause 6A, which provides:

> The Valuer-General will, in valuing any land or performing any statutory function as Valuer-General, exercise an independent judgment and not be subject to direction from any person.

I have been reliably informed that the Premier, through Mr Warren McCann, Chief Executive Officer of the Department of the Premier and Cabinet, issued a directive to all statutory officers and chief executive officers in the various government departments that, when correspondence is received by any member of parliament in relation to a problem or issues relating to their constituency, they must refer the matter for a response by the minister. In view of my experience with the Valuer-General and the information that I have received, my questions are:

1. Will the Premier confirm or deny that he has given such a directive to Mr Warren McCann and, if so, will the Premier advise parliament when Mr McCann issued the directive to the various department heads and statutory officers?

2. Will the Premier table a copy of the directive?

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

CADELL TRAINING CENTRE

The Hon. R.K. SNEATH: I seek leave to make a brief explanation before asking the Minister for Correctional Services a question about the CFS unit at the Cadell Training Centre.

Leave granted.

The Hon. R.K. SNEATH: I understand that members of the Cadell CFS unit, both prisoners and staff, have recently undertaken some training to improve their skills as firefighters. Can the minister explain how this unique Country Fire Service unit is helping to protect the Riverland communities as well as helping in the rehabilitation of offenders?

The Hon. T.G. ROBERTS (Minister for Correctional Services): Hear, hear! The honourable member has that right. I thank the honourable member for his question and for his continuing interest in the bush in relation to Cadell; it gives me an opportunity to acknowledge the fine work of the Cadell Training Centre's CFS unit. Historically, the Cadell CFS unit was raised to provide firefighting services to the training centre which, members will appreciate, is located some distance from a major town and, therefore, some distance from civilian firefighting services. The original Cadell CFS unit was basic, but in recent times it has become increasingly more operational, and it is now a vital part of the CFS infrastructure plan in the region.

As my colleague, the Minister for Emergency Services is well aware, all our volunteer emergency services face a continuing struggle to recruit, train and retain sufficient numbers of volunteers. Of course, recruitment is not an issue at Cadell where, honourable members will understand (and pardon the pun), we have a captive resource. Given this, I hasten to point out that we do not have to press-gang prisoners to join; there are enough volunteers to staff the CFS unit. In fact, it is to the contrary—all the Cadell CFS unit members are willing volunteers and are proud to participate. Like all CFS volunteers, they are happy and proud to be part of their organisation and they do so for the highest motives—to help their community.

With such a resource available to the local Riverland community it is incumbent upon the government to provide the Cadell volunteers with the equipment and training they need to operate safely and effectively. To that end, the Cadell CFS unit recently underwent three days' training in breathing apparatus skills, which included a day of practical experience in the smoke-rooms at the CFS training facility at Brukunga in the Adelaide Hills. I am told that this training was unique in the sense that special arrangements had to be made to allow for the fact that most members of the Cadell CFS crew are prisoners—albeit prisoners with a low security rating, but prisoners nevertheless. Normally all this training is conducted at Brukunga; however, in this case CFS trainers travelled to Cadell to conduct as much of the training as possible within the confines of the prison.

Given the nature and skills necessary to successfully use breathing apparatus in highly dangerous real life situations, all CFS personnel who undertake this course must experience true-to-life training in the Brukunga smoke-rooms and, therefore, the Department for Correctional Services approved

a special dispensation so that prison members of the Cadell unit could attend the Brukunga facility.

The training was an outstanding success and the Cadell CFS unit is now regarded as one of the most highly trained and best-equipped breathing apparatus specialist CFS units in the Riverland. Of course, the CFS unit is also used in road accidents and for other emergencies, given that it is on the Sturt Highway and quite close to the Victorian border. I am advised that the offenders involved have taken to it well, and they are very protective of the training they receive. Let us hope that they do not have to use it in real life situations, but they are ready, able and well-equipped to handle the emergencies for which they are trained.

RADIO 5AA

The Hon. IAN GILFILLAN: I seek leave to make an explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question relating to a radio broadcast over Radio 5AA, which was described as inciting hatred and vilification against Aboriginal people.

Leave granted.

The Hon. IAN GILFILLAN: It was reported in some detail in the background briefing in the *Friends of the ABC Newsletter* of September 2005, as follows:

> The Australian Broadcasting Authority has made a formal finding that commercial broadcaster Festival City Broadcasters (Radio 5AA in Adelaide) broadcast a program, in the *Bob Francis show*, 'which was likely to have incited or perpetuated hatred against or vilified Aboriginal people on the basis of their race.'

It also stated:

> The program in question related to a riot by Aboriginal people in Redfern following the death, in controversial circumstances, of Aboriginal teenager TJ Hickey, 17.

According to the ABA report, Bob Francis introduced the issue in this way:

> The Aboriginal elders—have a listen to this; listen; listen, sit and listen; put your ears close to the radio—the Aboriginal elders in Sydney have called the riots in Sydney a 'display of grief'. [Blows a raspberry] How dare you call it a display of grief. You're dirty, rotten bastards. Getting out there and fighting the police in a situation like that, and calling that a 'display of grief'.
>
> It was a display of the worst type of behaviour I've ever seen occurring in Australia here. If you're a member of an Aboriginal community, give me a call and let's have an argument about it.

Firing firearms into the police is discussed, and it then states:

> ANTON: These hapless, useless, lazy people, if they don't like the system which supports them, which gives them medical health, which gives them education, which gives them housing, gives them all the facilities all we taxpayers take for granted, if they don't bloody like it why don't they go back to the bloody bush?
>
> FRANCIS: Well, you see, that would be classified as being very—ah—racist, but I've allowed you to say it because I know that the majority of people in Australia think exactly the way you do. And I'm sick of people being so bloody kind and nice and pleasant and being, you know, politically correct about the whole situation.

The ABA found:

- The presenter deduced from the Redfern riot a generalised disgrace pertaining to Aboriginal people.
- The broadcast suggested that laziness was characteristic of all Aboriginal people.
- The broadcast suggested that Aboriginal people were undeserving of sympathy. For example, Francis repeatedly said that he did not care what happened to Aboriginal people if their Redfern homes were demolished.
- The use of pejorative terms and coarse language, while the language in itself may not have offended the program's intended audience, contributed to a highly-charged emotional atmosphere and was a factor contributing to the likely effect of inciting hatred against Aboriginal people.

The ABA found that the station not only broadcast material that was likely to have incited racial hatred but that it also failed to respond to a written complaint from a listener who wrote to the station. The determination of the ABA was to take no action, except to find that there were two breaches of the code of practice and to note that Bob Francis and others will be given 'training and assistance' by radio station 5AA and that the station will monitor its program output. My questions to the minister are:

1. Did he consider having Bob Francis and Festival City Broadcasters charged under the Racial Vilification Act 1996 in South Australia? If not, why not?

2. Does he believe that the so-called punishment or conditions imposed by the ABA were adequate for the offence?

3. Has he offered to give Bob Francis the training and assistance recommended by the ABA?

4. Does he consider it appropriate for the Attorney-General and Minister for Multicultural Affairs (Hon. Michael Atkinson) to continue to make himself available for participation in the Bob Francis program under the circumstances I have just outlined and the apparent nature of the program as identified by the ABA?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I am a great listener to radio, although I tend to listen to the ABC more than other talkback radio stations. It appears to me that, when the ABA makes a decision that finds a radio station guilty of any act against any law, the justice meted out tends not to match the potential damage done by the shock jocks, particularly those interstate, when they broadcast their comments throughout the community. I think the ABA is somewhat of a toothless tiger in what it metes out when dealing with these issues. I did not hear this particular program, and I have not heard any reports of it; this is the first I have heard of the report to which the honourable member refers. I will avail myself of the Friends of the ABC news sheet. I am a non-financial member of that organisation, so I will have to renew my subscription.

As to whether the punishment that is meted out to broadcasters will change the attitude of announcers (particularly night-time announcers), I do not think it will have much impact on them. I am not sure whether any training or other services have been offered, but I will make some inquiries about that. Regarding the Attorney-General's appearance on the program, I would be disappointed if he appeared on any program which contained racial vilification. I am sure that Bob Francis would tone down his program to suit the Attorney and not embarrass him, but the decision of the Attorney to appear on the Bob Francis program is one for him.

Again, this is one of those questions where it appears that commercial radio believes that, if you have programs that shock, you are more likely to build up an audience at that end of the market to maximise advertising revenue at that point in the day. There is nothing that the honourable member or I can do about that; that is a commercial decision made by commercial radio. I would certainly prefer other subject matter to be canvassed. If they are going to canvass issues such as race, it would make good sense to provide some balance with interviews that reveal both sides of the story, because the issues relating to the development of Redfern and the riots are not connected in any way.

Redfern is in close proximity to the city business centre. It is valuable real estate, and historically it has been an area where low income housing is available. It is the only inner

metropolitan area of Sydney where unemployed Aboriginal people can afford to live, but that is starting to change. I will make some inquiries. I will talk to the honourable member himself about the issue and give him a reply at a personal level.

The Hon. IAN GILFILLAN: I ask a supplementary question. Will the minister bring to the notice of the Attorney-General the material in this article so that he is made fully aware of it, and will the minister, having made himself aware of this material, make the opinion of the government known to 5AA?

The Hon. T.G. ROBERTS: I will take those two questions on notice and bring back a reply for the honourable member.

SPEED CAMERAS

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the minister representing the Minister for Police questions about speed cameras.

Leave granted.

The Hon. T.G. CAMERON: A recent *Advertiser* article reported that, according to a secret Victoria Police document, speed camera readings can be distorted by metal signs, fences, walls and even Australia Post letterboxes. The Hon. Julian Stefani could advise them that they also are affected by telegraph poles. The camera flaws are detailed in a confidential Victoria Police rulebook entitled 'The speed camera policy and operations manual', which says that locations of fixed speed cameras are chosen to maximise the number of people who can be caught speeding, and that police fine so many people to reinforce the message that it is not worth the risk to speed. It also tells operators not to set up cameras on road bends, to avoid using them on downhill stretches, and refrain from hiding them from motorists in what they term as 'sly operations'.

A former speed camera operator, Mr Graeme Marr, recently gave evidence in a Melbourne court that motorists have lost their licences because of wrongly issued speeding fines. This is not the first time in this place that claims of inaccuracies of speed cameras have been reported, but it is the first time I can recall that an Australian police document has confirmed such allegations. My questions to the minister therefore are:

1. Are you aware of the claims stated in the confidential Victorian police report that speed camera readings can be distorted by metal signs, fences, walls and Australia Post letterboxes and, if so, can you assure the South Australian public that they can have confidence in the way local speed cameras are used, as well as the accuracy of their readings?

2. Have the South Australian police undertaken any recent studies on the way speed cameras are used here to determine whether readings can be distorted by metal signs, fences, walls, etc.?

3. Do local speed camera operators follow their Victorian counterparts' advice of not setting up cameras on road bends, avoid using them on downhill stretches, and to refrain from hiding them from motorists in 'sly operations'? If not, why not?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): In relation to the latter question, I know that I have supplied the honourable member, on behalf of the Minister for Police, with information about the guidelines in relation to the operation of speed cameras; but I will refer the question to the Minister for Police and bring back a reply.

PORT STANVAC OIL REFINERY

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking the Minister for Industry and Trade, representing the Treasurer, a question about the Port Stanvac Mobil site.

Leave granted.

The Hon. A.J. REDFORD: I recently received a response to my freedom of information application, which I issued in May this year, seeking documents relating to the Port Stanvac Mobil site. The answer comprised page after page after page of documents headed, 'Refused in full'. However, I did receive two documents of some interest. One document was a draft press release dated 18 November, headed 'State government forces deadline on Port Stanvac', which on subsequent reading brought—and this will become obvious to you—some wry amusement to my face. In that draft press release it said this:

> In just over two and a half years (by July 1, 2006) Mobil will announce whether it intends to reopen the refinery or permanently cease operations.

The draft press release goes on and says:

> If by 2006 Mobil believes economic and industry circumstances are too uncertain to make a final decision on reopening or closure, the company—

the company, not anyone else—

> can decide to extend the mothballing period of the refinery for a maximum of a further three years (until July 2009).

The draft press release then goes on and says:

> If Mobil fails to remediate the entire site within 10 years of a permanent—

and I emphasise 'permanent'—

> close, the state government can have the work done and send the bill to the company.

The other interesting document that I received was the actual press release that was sent out and, surprise, surprise, neither the three-year extension nor the subsequent 10-year extension are mentioned in that specific press release. The effect, however, of this document, is to give Mobil at least until 2019 to clean up or leave the site. That was described at the time by the Treasurer as 'a tough deal'. Indeed, I suppose a deadline of 2019 is, in fact, a deadline. Today, before question time, the Treasurer when asked whether he had given Mobil until 2019 to leave the site, simply said, 'That is wrong.' It is time for the Treasurer to come clean on what precisely was the deal done in November 2003 with Mobil. On the face of it, it has at least until 2016 on one interpretation, or 2019 on another, to clean up the site. My questions are:

1. Why did the Treasurer delete the reference in the press release to the probable three-year extension beyond 2006?

2. Why did the Treasurer delete the reference in the press release to a further 10-year period to clean up the site?

3. Is it not the case that, while the Treasurer talks tough about Mobil, he basically got rolled over by Mobil?

4. Will the Treasurer apologise for giving Mobil the deal of the 21st century, saving it big dollars in its responsibility to clean up the site?

5. Why did the Treasurer mislead the media at today's press conference when he denied that he had given Mobil until 2019 to leave the site?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): How extraordinary that the Hon. Angus Redford should be talking about the deal of the 21st century. Surely, the Hon. Angus Redford has not forgotten the bill that this council debated in November 2001 when Rob Lucas was handling it as treasurer. It was supported by the then opposition. The Democrats certainly opposed that bill. The then treasurer, the now Leader of the Opposition, in answer to some questions in relation to that bill made the following points:

> . . . what I am saying is that, if you do take a decision that it is important strategically for the state to have an oil refinery, then I believe—and it is the government's position. . . that the proposed changes in this bill are required to support that policy position. That is, it is strategically important for this state to ensure, to the extent that we can, that we have an oil refinery in South Australia.

He went on to say:

> . . . there is no guarantee in the legislation and I cannot give you a guarantee that Mobil will ensure that the refinery is here in 10 years, 20 years.

That bill was put forward by the previous government just before the election. I do not know whether or not the former treasurer knew what would happen in relation to this, but he was supported at the time by the then opposition (our government) because—

An honourable member interjecting:

The Hon. P. HOLLOWAY: Yes; we did have to do everything to try to keep that operation here. I think that it ill behoves the Hon. Angus Redford to start talking about deals of the century and so on when that is the record of the treatment which the company generously received. I am not saying that that was inappropriate, but it was generously treated by the government in an attempt to try to keep those operations open. Obviously, this government, on coming to office, tried to keep its options open in terms of restoring the operations at that refinery, and that is still the wish of this government.

I pointed out to the honourable member the other day in answer to his question that the government is considering legislative options to require Mobil to clean up the site and to make it available. Whether or not we like it, that land at Port Stanvac is owned by Mobil, and it has been for many years. As I said, the previous government endeavoured to keep those operations going by providing economic incentives in relation to that operation by reducing some of the costs. However, as I indicated the other day, we now have a situation where the refining margin in this country is at a record high, and it is about time that Mobil explained to the community and the people of this state that, if it cannot get the operation going under the current climate, it should make the decision to allow others to have the opportunity of doing that. That is an option that this government is now considering, and that is the point that the Treasurer has made. That is the current position. The honourable member can go back to as many draft press releases as he likes and ask questions on those, but what is far more important is the position of the government and the previous government in relation to the situation that we have with Mobil.

As Minister for Industry and Trade, if we are dealing with these large multinational corporations, one has to ensure that in dealing with those companies we do not set precedents in relation to that which would compromise the long-term interests of the state. If, for example, one were to use compulsory acquisition, and other sorts of legal devices, one needs to be fully aware of what consequences might be spread across the entire industry spectrum. The government will act responsibly in relation to those matters, but the government has made it clear in relation to the Port Stanvac refinery that it is time for Mobil to make up its mind. It has until July 2006; that was the agreement. As I have indicated, the government will look at the options and, if a decision is not made by then, we will see what options we have available, and we will be prepared to use those if necessary.

The Hon. A.J. REDFORD: Will we see this so-called legislative option prior to the next election?

The Hon. P. HOLLOWAY: As I say, the government is investigating its options. One has to be extremely careful in relation to what action one would take. After all, Mobil is the legal owner of the property.

The Hon. A.J. Redford: Will we see it, or won't we?

The Hon. P. HOLLOWAY: I invite the Hon. Angus Redford to tell us now the Liberal policy. What is Liberal policy? Come on, you have attacked me. We have laid down what we are doing. Tell us what you are going to do. What is it? What are you going to do? What is your policy?

Members interjecting:

The Hon. P. HOLLOWAY: So you have not got anything. I will repeat that this government is investigating legislative options—

The Hon. A.J. Redford: Will we see it before the next election?

The Hon. P. HOLLOWAY: Well, we will just have to wait and see. The honourable member will just have to wait and see. But what I can say is that we are looking at legislative options. What options is the Hon. Angus Redford looking at? What would you do? No, they cannot say.

The Hon. A.J. REDFORD: Arising from the earlier answer, how can the minister suggest that the Leader of the Opposition gave Mobil until 2019 to clean up the site?

The Hon. P. HOLLOWAY: I did not say that. One should go back and read the debates, and I invite the member to do it, but certainly Mike Elliott of the Democrats accused Mr Lucas of giving them overly generous treatment in relation to that matter. I suggest that Mr Elliott's comments then are in the same vein as the comments of Mr Redford now.

The Hon. NICK XENOPHON: What information has the state government received about the impact of the closure of a large fuel storage facility, such as Port Stanvac's 500 million litre capacity, on fuel prices for South Australian consumers?

The Hon. A.J. Redford: You don't care about fuel prices, you are reaping in the GST.

The Hon. P. HOLLOWAY: We are not reaping in the GST. This is another one of the furphies that is going around. As the Treasurer has pointed out, what has happened is that, for a start, the GST came about as a result of the Australian Democrats combining with the Liberal Party federally to impose that particular tax. It is a federal tax but, as the Treasurer has pointed out, in relation to the GST take, I think the previous estimates might be somewhat exaggerated because there is a substitution effect. Because of the higher fuel prices, of which the GST is 10 per cent, people are instead substituting their expenditure from other goods which, of course, is reducing GST in those areas, so there is a suggestion that there is less GST.

In relation to the impact of storage prices, if one were to have, as has been suggested in the media recently, 500 megalitres—500 million litres—of petroleum product in storage, at a wholesale price of a dollar a litre, that is $500 million worth of storage which, if anything, could actually increase the price. If you have $500 million worth of oil just sitting there doing nothing, then that would have to be paid for in some way and so could actually increase the price. The economics of petroleum are far more complex than some of the simplistic arguments that are being thrown around at the moment would suggest.

MATTERS OF INTEREST

NATIONAL IDENTIFICATION CARD

The Hon. G.E. GAGO: I note with concern that the issue of the introduction of a national identification card, unfortunately, has been raised again recently. I would like to discuss what I believe are the federal government's motives behind such a proposal. Over recent months the Prime Minister has reignited the debate over the introduction of a national card. While the federal government itself has not taken a united position on its value, it is alarming that every Australian's private details may be at stake if this proposal were to take effect. An Australian ID card system may have some merit. However, I believe that its introduction is not viable if a strategy for the protection of human rights does not accompany its introduction. To introduce the ID card system without increasing the scope of people's protections would damage further already diminishing democratic freedoms in Australia.

The European Court on Human Rights has found that an ID card containing only a person's name, sex, date and place of birth, present address and the name of spouse is not an infringement on human rights; nor is it a breach to require that each person issued with such a card must carry it with them. However, the capacity for governments to misuse this information, gathered as part of the national ID system, raises a wide range of issues concerning human rights. The unauthorised disclosure of citizens' details, government and non-government agencies demanding to see a person's ID card or keeping on file information about citizens for long periods of time has been found to constitute breaches of human rights.

The opportunity for such misuse was demonstrated recently when the Australian Taxation Office was found to be selling information about individuals' businesses; and the Australian Electoral Commission gave the Australian Taxation Office details about voters for an Australian tax office mailout. If Australia is to adopt a national ID system, it is imperative that the rights of citizens are also assured. As the European Court on Human Rights asserts, the right to have one's private and family life, home and correspondence respected should be paramount.

Since the government has not presented a coherent position regarding the merit or preferred form of national ID system, let us consider the motives behind the issue's being raised. The Prime Minister raised the notion of a national ID card shortly after the London bombings and just days before the damning Palmer report was handed down in relation to the appalling treatment of Cornelia Rau and Vivian Solon. In terms of a terrorist attack, quite simply, an ID card is unlikely to stop terrorists from carrying out attacks. For example, in relation to the London terrorist attacks, if a national ID card system was established in Britain, it would have had no capability of preventing the recent attack. The four suicide bombers involved were British citizens. Therefore, they would be likely to have had a valid national ID card if the system was in place.

In relation to the human rights violations against Cornelia Rau and Vivian Solon, even the immigration minister (Hon. Amanda Vanstone) admitted that the national ID card would do little to prevent cases such as the wrongful detention of Cornelia Rau and the wrongful deportation of Vivian Solon. If a national ID card system has little value in preventing terrorism and overcoming human rights abuses, such as those that I have cited, why has the debate on a national ID card been raised at this time?

I would argue that the Prime Minister has strategically reignited the debate in order to distract us from the real issues at hand. Mr Howard likes to distract us from the disgraceful errors of his immigration minister and his government's lack of attention to security. Instead of focusing on second order issues, such as a national ID card, perhaps the federal government should focus more on imperative issues, such as port security, transport security, aviation security and fixing up our immigration system.

AURICHT HOUSE

The Hon. J. GAZZOLA: Today I want to talk about the good work the state government and Centacare Catholic Family Services are doing to support the disabled. On 28 July the Minister for Disability (Hon. J. Weatherill), together with Dale West, Director of Centacare, and Archbishop Philip Wilson, officially opened Auricht House in Elizabeth North—a respite centre for parents of children with intellectual disabilities.

Before I elaborate, I will briefly reflect on the Liberal Party's record on disability. This government inherited a system run down by neglect, a system which was not a priority for the Liberals. The Liberals boasted about record funding for disability when they left office, but an estimate of unmet need at that time for South Australia was at least $27 million. They also told South Australians that the privatisation of ETSA would deliver millions of dollars for the disability area. This never happened. I point out that the state Labor government has increased funding to disability by 32 per cent in three years

The respite care that this type of centre offers cannot be underestimated in the temporary relief it provides to parents, improving the quality of family life and helping to extend the caring capacity of families. For the individual with intellectual disabilities, respite offers the chance to grow and the opportunity to socialise. The need for a respite centre of this type in the north and north-east of Adelaide is reflected in its reach to over 100 families whose children range in age from 13 to 30 years.

This service previously operated out of temporary accommodation. The new centre is anything but temporary, with space to accommodate up to 12 clients and six staff; it has the capacity to offer overnight stays for children; it provides full access for wheelchairs, with kitchen and wet areas able to provide 24-hour care; and it is conveniently

close to transport and shops. The opening also expands and extends Centacare's general respite program.

The state government, through the minister, recognises the importance of community respite care in providing total funding of $370 000 for the building alone, which cost in total $375 000. The government also provides a further $220 000 a year towards the yearly operating cost of $300 000. Both contributions clearly show the government's positive support and responsibility in this area.

I also mention the efforts of many individuals who through abseiling down the Hilton International Hotel, trekking to Mount Everest base camp or walking the Kokoda Track in 2004-05 helped raise over $200 000 to assist in the day-to-day running costs of Auricht House. New Labor Senator Anne McEwen was one who fundraised to assist this worthy cause. I also note, begrudgingly, the fundraising contribution of Brenton Williamson, my personal assistant, in his successful participation in the 05 track trek. I wish the council to note that Auricht House is named in honour of the late Mark Auricht, a friend of Centacare and adventurer who died on Mount Everest, a person whose personal values and willingness to face challenges were inspirational to all who knew him.

STUDY TOUR, CANADA

The Hon. KATE REYNOLDS: I rise today to speak very briefly about the trip I was fortunate to make in August this year to four different provinces in Canada. I spent six days in the city of Winnipeg in Manitoba and a couple of days in Saskatchewan, Alberta and British Colombia looking at various aboriginal services in the areas of family and community services and correctional services to develop my skills and understanding, both as a member of the Aboriginal Lands Parliamentary Standing Committee and as Democrat spokesperson for Aboriginal affairs and a range of community portfolio areas as well.

I will briefly outline for members some of the people and organisations I visited, just to give members a bit of a taste of some of my areas of interest and hopefully stimulate some interest amongst members to talk to me about them later. I met with Harvey Bostrum, the deputy minister of aboriginal and northern affairs in Manitoba and had the opportunity to briefly tour the legislative building there. He was a very interesting man and I look forward to speaking more with our minister here about what he had to say. I visited Stony Mountain Institution, a federal prison, and met with the warden there, Dan Erikson. I also visited the aboriginal healing unit, the Ni-Miikana unit, inside the federal prison. This is an extraordinary place and I recommend that our correctional services minister visit there if ever he has the opportunity. When I get my two-hour meeting with him I shall outline my reasons for that in more detail.

I had a really interesting meeting with Grand Chief Ron Evans, who had just been elected as the Grand Chief of the Assembly of Manitoba Chiefs. He was formerly the chief of the Norway House Cree Nation, which has the largest on-reserve population of aboriginal people in Manitoba—I think there are just over 4 000 people living on that reserve. He presented me with a copy of his journal that covers his term of office as the chief of Norway House from 1998 to 2002 and it makes really interesting reading. It is a daily account of what he did, who he met and what some of the challenges were, and I think it is a tool to inspire Aboriginal people to leadership in this state and I strongly recommend it. I have a copy and am happy to make it available. I also met with the Assistant Deputy Minister for Family Services and Housing, who has been organising the hand-back of aboriginal services to aboriginal organisations, and that was very interesting. In fact, I have brought back a large suitcase worth of papers for honourable members to peruse if they wish.

Just whizzing through these (and I am not going to be able to get through them all), I also visited a really interesting place called Thunderbird House in Winnipeg, which is a community centre for aboriginal people and which also runs a healing lodge that has regular visitors from detox programs in the neighbourhood. I visited another healing lodge in Saskatchewan that is part of the federal prison system for women—and, again, I will go into greater detail when I meet with the minister, but that is doing some extraordinary work. I visited a terrific place called Head Smashed In Buffalo Jump, which has some interesting comparisons with the Head of the Bight tourist attraction here in South Australia that we are trying to develop.

I would like to thank the South Australian Parliament for the opportunity to visit, to learn and to develop my understanding, but I would also like to particularly place on record my thanks to Anne Nixon, a Canadian woman now living and working in Adelaide in our health services, for motivating me to go. I would also particularly like to thank Shirl Chartrand, who is working here in the Department of Aboriginal Affairs and Reconciliation, for her wisdom, her practical assistance and her willingness to provide so many introductions for me to her former colleagues and personal friends throughout Canada. It made my visit so much more meaningful and gave me so many opportunities that I would not have otherwise had. I strongly urge anyone who is thinking of visiting Canada to understand how we might better manage Aboriginal affairs in South Australia to make contact with Shirl.

Time expired.

EMERGENCY SERVICES MINISTER

The Hon. A.J. REDFORD: In question time in another place earlier today it was interesting to hear that, when the former minister for emergency services, the Minister for Energy and Minister for Transport, the Hon. Patrick Conlon, was asked a question about the Wangary bushfires that occurred earlier this year, he lamented the fact that he was being asked questions about this bushfire, because he was no longer the minister nor was he the acting minister. He also lamented the fact that questions were being asked of him as opposed to them being asked of the current minister. I thought I would use this time to explain just why we, in the opposition, ask questions of the Hon. Patrick Conlon, and why asking questions of the current minister in this place is about as useful as hitting a sheep on the head with a handpiece.

Yesterday I asked a series of questions of the current Minister for Emergency Services who has, this week, covered herself in glory with the release of two reports. The first report, entitled 'A Report of the Independent Review of Circumstances Surrounding Eyre Peninsula Bushfire: 10 and 11 January 2005', was conducted by Dr Bob Smith and was on the events leading up to the bushfire.

Yesterday, just when the heat was starting to build up (if I can use that pun), the minister released a report on how the government managed the crisis immediately following the bushfire. I will not say much about the second report, except that I think I join with everyone in saying that the govern-

ment's response to the disaster following that Tuesday was good, and I make no criticism of it.

It is interesting to note that what the government does in relation to how it deals with these issues is that it decides to undertake an investigation into itself. So, it appoints itself to do the investigation and, having conducted the investigation into itself, it discovers that it did not do a bad job. Last night, I was asked by the media whether I thought there were any surprises in the government's investigating itself on how it responded in the period after the disaster and whether I had any response about the outcome. I said that I thought the outcome was hardly surprising given that the government investigated itself.

In any event, let us look at what the minister said yesterday when she was asked a series of questions. We all know that these reports are given to the minister, who goes through the report and is briefed by her staff. If the minister has halfway sensible staff (and, fortunately, I think this minister has a couple of decent staff members), they run through with the minister whether or not there might be some difficult questions. I stood up yesterday thinking that I would ask a couple of difficult questions. A well-briefed minister would have batted them away, but this minister had a new technique. When she was asked a question about why a paid officer of the CFS failed to communicate a request for aerial bombing, what did the minister say? She said, 'I think volunteers are wonderful.' That is what she said.

The Hon. J. Gazzola: Don't you?

The Hon. A.J. REDFORD: I do. I think the sky is blue as well, but that has nothing to do with the question. In response to questions about what happened on the Monday, we got answers about what she did on the Tuesday. I love this minister! You talk about Monday, and she talks about Tuesday. I asked her whether she had confidence in the hierarchy of the CFS, and she looked at me as though it was a trick question. It required a simple yes or no answer, but this minister wanted to wait for the Coroner. She is not bad. In answer to a question regarding resourcing, she stated, 'Well, this isn't the final report.'

I close by saying this: we all think the minister is a joke, but a serious fire season is about to start, and we do not have any confidence that this government has learnt any lessons from the disaster that happened in January this year.

Time expired.

CHARLES STURT COUNCIL

The Hon. D.W. RIDGWAY: I rise to speak today on the state of the City of Charles Sturt Council in the western suburbs. The council is in the midst of a factional takeover by Labor elements.

The Hon. T.G. Cameron: Have you ever been there? Have you ever been to that side of town?

The Hon. D.W. RIDGWAY: Yes; I often go to that side of town—in fact, on Sunday evening, I was at a festival on Grange Road. Of the 20 councillors, a strong majority of members of the ALP 'machine', as Mark Latham called it, is pushing for changes within the council. Of the 20 councillors, seven work in government departments, three are current or former ministerial staffers, one is a personal assistant to the Hon. Jay Weatherill, one is the father-in-law of the member for Colton (Paul Caica) and another is the wife of the member for Enfield (John Rau). I respect the fact that all individuals have a right to freedom of association, but the power plays that are happening within the City of Charles Sturt Council are affecting the day-to-day workings of the council and are a clear attempt to oust non-Labor members and the mayor, Mr Harold Anderson.

A group of council members wants to get rid of the mayor because he is outspoken and well-respected in the community. These councillors are also acting to reduce the influence of council members in beachside suburbs. The council is required under section 12(4) of the Local Government Act 1999 to carry out an elector representation review every six years. In these reviews, councils must examine the size and composition of the wards as well as the representation of those wards and other associated issues.

In January 2002, the City of Charles Sturt conducted a review under the Local Government Act, so a further review does not need to be held until 2008, and implementation of any changes will not need to be carried out until 2010. Despite this, submissions in respect of another review close on 23 September this year. The ALP elements within the council are pushing for an immediate review of elector representation, despite there being no need to do so for a further 2½ years.

The Hon. T.G. Cameron: Who did the CEO work for?

The Hon. D.W. RIDGWAY: I have no idea. Perhaps the honourable member might like to tell me.

The Hon. T.G. Cameron: After you finish your speech, you'd better check.

The Hon. D.W. RIDGWAY: In addition, there are four other councils that have a higher councillor to elector ratio than the City of Charles Sturt, which makes the review entirely unnecessary at this point in time. If those council members with a leaning towards the ALP want to further politicise the council and remove non-Labor council members or those who have no political leanings, then there is an appropriate method to do so: they must take it to the electors at the next election and not abuse the council process.

As some council members are related to or work for certain state government members, one can only assume that those elected members have a hand in driving change within the council, as it would be to their benefit to have more influence within the western suburbs. The demographics of the western suburbs are changing, and state government members in this area will need to shore up more support to continue to remain in government.

As we get closer to the state election, I assume we will see further stories such as this emerging in local government in the western suburbs. The ALP is beginning to realise that unions are becoming redundant as a breeding ground for future MPs, and they are trying to open up other avenues to expand their base. The electors of the City of Charles Sturt are unfortunate pawns in another dirty Labor Party game, the goal being to increase their waning influence in the Colton electorate—in 2002, the member for Colton was elected with a 4.7 per cent margin. I hope the non-ALP members continue to work for the community and stand up to these transparent tactics and not allow themselves to be intimidated.

HOUSING, RENTAL

The Hon. T.G. CAMERON: I rise today to speak about the grave situation facing low income occupants of private housing in South Australia. Disturbing new research from the Flinders University and Anglicare shows that evictions, whilst unpopular with both landlords and tenants, are on the rise. The rate of evictions from private rental properties in South Australia is increasing significantly, according to

Flinders University academic, Ms Michele Slatter, one of the authors of a new study. According to Ms Slatter there is strong evidence that the growth in evictions is an indicator of the declining availability of low cost public housing. What a disgrace that more and more people are being evicted from their houses under a Labor government. Whatever happened to the Residential Tenancies Tribunal which was set up by the late Don Dunstan?

I believe the key findings from this research need to be put on the record in this parliament. On every working day, four families are forcibly evicted by bailiffs from their home in South Australia. It is estimated that 90 per cent of evictions in South Australia are instigated over unpaid rent; the average time between moving in and being evicted is seven months; 27 per cent of the private housing market is being underwritten by government guarantees in lieu of bonds; and 58 per cent of those evicted from private housing are receiving bond assistance.

The bond is usually enough to pay the unpaid rent but it is not enough to cover the unpaid rent for the period between the start of legal proceedings and the eviction. What appears to be happening is that people who might have expected to have state housing at only 25 per cent of their income are actually being decanted into the private rental market where none of the same help is available to them. They do not get subsidised rates of rent and, although they will get commonwealth rent assistance, many will be paying significant amounts, over 30 per cent of their income, on rent—in fact, most—and will have only haphazard access to support services.

The study also shows that tenants in eviction cases were falling foul of the system in a very short time, with the median length of tenancies being just seven months from moving in to being moved out by bailiffs. While the vast majority of tenancies end happily, with people moving out with everything up to date, 10 per cent of tenancies end up at the Residential Tenancies Tribunal. While clearly unpleasant for tenants, eviction is an unsatisfactory solution for landlords as well. The forfeited bond, four weeks worth of rent, is usually just adequate to cover the original arrears of rent but not the additional rent lost during the legal process. So, in effect, everybody loses.

The Housing Trust has relegated eviction to an absolute last resort and it has slashed the number of evictions by half. In addition, support services and the safety net of the public sector means that those in public housing are far better protected from the threat of eviction, which is good news, yet there are a significant number of people who are being forced into the private rental market, more and more all the time, who are paying relatively more in rent but receiving fewer services, except perhaps for a government guarantee in lieu of a bond. It seems ridiculous that the government is guaranteeing the bond for a majority of tenants and then leaving them to fend for themselves.

It is clear that more services are needed for low income earners who have been forced into the private housing market. Not only this, but people need to be better informed of their rights, responsibilities and what services are available. Evictions are bad for those renting and those leasing the property. Evictions are bad for the government as they suck up emergency housing resources that could be better used to support long-term security of tenure. They are the most undesirable outcome for all concerned and the pity is they can be so easily prevented.

If this Labor government is really serious and still cares about low income and homeless people, and if it is serious about cutting the number of homeless, it would address this problem immediately and give the battlers some security in their home lives. The South Australian Housing Trust has always been held up by the Australian Labor Party as something that it is proud of and that it provides low income housing for low income people, and it has for decades, but I am afraid we are emasculating the SA Housing Trust to the point where it cannot meet this need, and it is not. So, once again, I would like to see a little less rhetoric and a lot more action where homeless and low income people are concerned re their housing.

Time expired.

CAMPANIA SPORTS AND SOCIAL CLUB

The Hon. J.F. STEFANI: Today I wish to speak about the 30th anniversary celebrations of the Campania Sports and Social Club. As a life member of this association, I was privileged to be one of the guests invited to attend the special celebrations which were held on Saturday 18 June 2005 when more than 500 people attended the function. The Campania Sports and Social Club was founded in 1975 to cater for the cultural, social and recreational needs of the many Italians who migrated to South Australia from the Campania region. Migration from the Campania region to our state mostly occurred during the post-war period. Many young men and women left southern Italy to seek a new life and a better economic future for themselves and for their families. Australia had opened its doors to Italian migration, and South Australia became the destination for thousands of migrants from the Campania region who had strong and close family connections and friendships in their places of origin. These connections created the enduring bonds for a cohesive community which was able to provide support to each other as people faced the challenges of settlement in a new country.

The Campania Sports and Social Club was officially opened in 1980 by the then prime minister of Australia, the Hon. Malcolm Fraser MP. As I clearly recall, at that time, the club became the central focus for the southern Italy earthquake appeal with which I was involved as one of the organisers. The appeal was launched to assist the victims of this major earthquake that devastated the Campania region, causing many deaths and rendering thousands of people homeless. The appeal was strongly supported by the Tonkin Liberal government with a donation of $45 000. Since its inception, the Campania Sports and Social Club has achieved enormous success. The association has been able to establish very impressive freehold club rooms and recreational facilities at Modbury and has been an active participant in many community events such as the Italian Carnevale, the Bocce Tournaments and the Italian language student exchange with Italy.

During the evening, the sons and daughters of the seven past presidents of the club each introduced their parents who served the association with distinction as former presidents. The club is now under the leadership of its first female president, Ms Clementina Maione. I acknowledge the personal efforts and contributions of each of the presidents of the Campania Sports and Social Club who are as follows: John Di Fede, Aurelio De Ionno, Michele Rinaldi, Antonio Limongelli, Pierino Santucci, Antonio Merlino, Raffaele Barone and Clementina Maione. I also pay tribute to all the past and present committee members and, in particular, the

ladies' committees, for their hard work over the past 30 years of the life of the club. I take this opportunity to offer my congratulations for all the achievements that have been accomplished by the association, and I wish the Campania Sports and Social Club and all its members continued success for the future.

EYRE PENINSULA BUSHFIRES

Adjourned debate on motion of Hon. Ian Gilfillan:

That this council respectfully requests the South Australian Government, on behalf of the people of Eyre Peninsula, to make a substantial ex gratia payment to Kevin Warren of Eyreial Ag Services, to offset the expenses incurred providing his three crop duster aircraft to act as water bombers to fight the January bushfires on Lower Eyre Peninsula.

(Continued from 6 July. Page 2348.)

The Hon. A.J. REDFORD: It is my pleasure to support this motion, and I congratulate the Hon. Ian Gilfillan for moving it. I must say, by way of introduction, that we do not believe we have to be that respectful in this request to the government. It is our view that the work done by Mr Kevin Warren of Eyreial Ag Services in the disaster of the Eyre Peninsula bushfires was outstanding. Indeed, that was acknowledged in the report on the Wangary bushfire prepared by Dr Bob Smith, which was tabled in parliament on Monday. The work done by Mr Warren was acknowledged in a couple of places. Indeed, in response to the way in which the whole event unfolded, it is reflected in some of the recommendations made in the report.

I will not go through what the Hon. Ian Gilfillan mentioned in his contribution, but I do note that the report refers to some work done by Mr Warren on the Monday of the bushfires. The report states that on that Monday 'aerial surveillance and intelligence on the progression of the bushfire was provided to ground crews by Tony Warren of Eyreial Ag Services'. In addition, he opportunistically dropped water on the bushfire to dampen hot spots. The report notes that he was operating as a private unit. Indeed, it is disappointing that Mr Warren has not received any recompense in relation to the work that he did. I am told that he made further offers in the afternoon to continue some of the work that he was doing. Regrettably, those offers were not taken up during the course of the bushfires. The summary of the report at page 46 talks about the use of firefighting aircraft. The report acknowledged that the people of Eyre Peninsula were unanimous in the view that Lower Eyre Peninsula is not adequately serviced by the CFS contracted firefighting aircraft. One quote referred to there is as follows:

Without the initiative shown by the Warrens the LEP [Lower Eyre Peninsula] would not have any aerial support to manage bushfires, particularly in the initial stages.

The report also refers to the work done by the Warrens of Eyreial Ag Services in 2001 in the Tulka bushfire and the work they did there. The report in relation to the recommendations it makes is quite pointed about the use of firefighting aircraft, particularly the situation that arose that caused the need for the Warrens to provide this service. The recommendations at pages 79 and 80 of the report make interesting reading.

Clause 1 recommends that the CFS develop a contractual framework that could be used to engage regionally based air services, with a requirement for extensive local knowledge to provide bushfire surveillance and intelligence services during the bushfire season. We have in relation to this government report an acknowledgment of the importance of the sorts of services the Warrens provided. Later in the recommendations it says that the CFS should examine and communicate to the community the utility and practicality of entering into contracts for the provision of aerial bushfire surveillance and intelligence, with the aircraft concurrently performing water bombing activities as a private firefighting unit. This report vindicates the work done by the Warrens on Lower Eyre Peninsula during the course of this great tragedy. I note that the Hon. Ian Gilfillan in his contribution referred to a level of indifference to what the Warrens did, and that is disappointing.

My only comment in closing is that the Hon. Ian Gilfillan moved this motion on 6 July. As is normally the custom and the tradition of this place, the opposition waited for the government's contribution in response to this outstanding motion. We waited, and we waited, and we waited and we waited. It is really disappointing that we are still waiting. I note that the government is not listed to speak to this motion today. The Warrens spent and applied considerable personal resources to assist the citizens of this state in need way back in January. If I had thought of it myself I would have moved the motion earlier, and that is why I congratulate the Hon. Ian Gilfillan. Why cannot the minister come in here and put this motion to bed once and for all? Is she waiting for a favourable media opportunity? What is the holdup? It will be interesting to see when the minister does it.

At the end of the day you and I, Mr President, enjoy being paid on a monthly basis. I think the minister is on about $170 000 a year—a bit more than $3 000 a week. We receive this payment every week, whether or not we do our job, but the Warrens run a business and have to pay for fuel, labour, tax and all sorts of costs. One might think that people who have the luxury of being on $170 000 a year, with access to white cars and all sorts of things, would have at least some understanding of people in small business and what their requirements might be. But no; not this minister. It beggars belief that, when a motion such as this is not moved, the minister does not move with some degree of haste in at least responding to the request—but I am sad to say that I am not surprised with this minister. It is about time the minister showed a bit of compassion and a sense of urgency in the way she deals with things, because increasingly she is becoming an embarrassment to the government.

In closing, I congratulate the Hon. Ian Gilfillan for moving the motion. I am remiss in not having dealt with this earlier, and remiss as shadow spokesperson in not having come up with the idea in the first place. We are not dealing with rocket science here, and for the minister (who has been a minister for some time now) to sit there on a salary of $170 000 a year and a white car and not be in a position to deal with this relatively simple issue today—despite the fact that the Hon. Ian Gilfillan gave us notice two weeks ago that he wanted this motion dealt with today—mystifies me to the extent that it indicates her lack of compassion. It does not mystify me to the extent that this is typical of the way the minister treats her portfolio and these important issues.

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

SOCIAL DEVELOPMENT COMMITTEE: STATUTES AMENDMENT (RELATIONSHIPS) BILL

Adjourned debate on motion of Hon. G.E. Gago:

That the report of the committee on the Statutes Amendment (Relationships) Bill be noted.

(Continued from 6 July. Page 2351.)

The Hon. G.E. GAGO: In summing up, I would like to thank all members who have contributed to the debate in this chamber, and I would also like to thank the other committee members, the staff of the Social Development Committee and all those members of the public, organisations and groups who came in and gave evidence and/or provided submissions. It was clear that the issue of entitlements for same-sex couples raised a great deal of controversy, and it elicited a wide range of views—often very strongly felt views—both in respect of the evidence received by the committee and also the viewpoints of different members of parliament.

The report clearly identified that South Australia was the last state to extend a range of legal entitlements to same-sex couples. The report concluded that same-sex couples suffered unjustifiable discrimination and associated hardship and expense that cannot be remedied other than through legal change. The report, therefore, supported the relationships bill and recommended some amendments which, I am pleased to say, have largely been incorporated by the Attorney-General upon the reintroduction of the bill.

There were a couple of comments made during the debate by honourable members in this chamber to which I need to respond. I particularly want to address comments made in regard to the way in which the number of submissions to the Social Development Committee inquiry into this issue were counted and recorded. I certainly cannot be accused of having a glass chin when it comes to the cut and thrust of parliamentary debate; however, I have to put on record my strong objection to the statement made by the Hon. Andrew Evans in his response to the Social Development Committee's report on 29 June 2005. He said:

> . . . I am disappointed by the lack of integrity in the calculation of statistics and, more specifically, the calculation of the number of submissions. . .

This statement brings into question the performance of the staff members of the Social Development Committee, given that they are responsible for the recording and reporting of the number of submissions received by the committee. The Hon. Andrew Evans' statement suggests elements of dishonest behaviour to which I take strong objection and offence. His statements have also been seen as extremely offensive and upsetting by committee staff members. The staff members of the Social Development Committee are hardworking, honest and diligent, and I have every confidence in their behaviour and in the performance of their duties. The Hon. Andrew Evans goes on to say, in that same response and in terms of his complaint in relation to the submissions:

> —for example, one made by a husband and wife—were calculated as a single submission. . . On the other hand, joint submissions made in support of the bill—for example, where two or more persons signed a single letter—were calculated as multiple submissions, notwithstanding that they were recorded on the same document.

If the honourable member had found some discrepancy in the report figures, I would expect him to bring that discrepancy to my attention—he did not. At the very least, if he chooses to raise it in parliament, he should name the specific example; again, he has not done so.

I put on the record the fact that, as far as I know and am informed, the submissions received by the Social Development Committee in this inquiry were collected and reported in the standard way that all parliamentary committees record and report submissions; that is, each submission, be it a letter, email or comprehensive document, is counted and reported as one submission, irrespective of the number of signatories to the submission. In the appendix of the report, the author or authors are listed and named, and the number of other signatories is documented. This is standard practice and, as Presiding Member of the Social Development Committee, it has been my practice in all other inquiries. As far as I can determine from the records, the same practice has occurred for almost all other Social Development Committee reports. As yet, I have not found an exception. This is the same way in which the Hon. Caroline Schaefer reported when she was the presiding member of the same committee.

In response to the offensive and unfair remarks made by the Hon. Andrew Evans, requested that the secretary of the Social Development Committee check again all the evidence received, and her findings, dated 30 June, are as follows:

> With regard to the speech made by the Hon Andrew Evans MLC in the Legislative Council on Wednesday 29 June in which he made accusations that the counting of submissions favoured those 'in support' of the Bill. . . I provide the following:
>
> This accusation is incorrect and in good faith I submit:
>
> · Submissions received in support of the Statutes Amendments (Relationships) Bill were treated identically to submissions opposed to the Bill.
>
> · Submissions in support of the Bill have been reviewed in light of this accusation and I confirm that in those instances where there was more than one signatory, only ONE submission was counted. . .
>
> · This is consistent with submissions opposed to the Bill where a submission signed by two or more people was counted as a single submission. . .
>
> With regard to the general procedure for counting and listing submissions I have looked at random at a couple of reports (Gambling Inquiry, Prostitution, ADHD, PND) undertaken under the direction of three different Presiding Members I have worked under and found in these reports that lists of witnesses and submissions are listed in the same manner as in the Relationships Bill report.

As I reported previously, the inquiry did not seek to survey opinion on this issue. It was not a survey, poll, referendum or any other statistically rigorous analysis of opinion. I reported previously and feel the need to reiterate that, irrespective of the numbers reported for and against the bill, the outcome and recommendations of the majority report are unlikely to have been any different. Nowhere in the report was any significant reliance placed on the numbers in support of or, for that matter, in opposition to the bill; rather, the conclusions of the report are based on clear evidence of discrimination and associated unjustifiable hardship and expense and the fact that South Australia is the only state not to extend such entitlements to same-sex couples.

I remind members that it is the responsibility of parliamentary committees to consider a range of community views, including those of minority groups, in a balanced way and to make recommendations which are based on sound principle and which provide long-term future policy. I look forward to the committee stage of the bill.

Motion carried.

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

In committee.

Clause 1.

The Hon. NICK XENOPHON: Mr Chairman, I was not present in the chamber last night when this matter was being debated, so I did not have the opportunity—

The Hon. Sandra Kanck: I told Mr Holloway that you wanted to make a contribution.

The Hon. NICK XENOPHON: It's not an issue; I will make a brief contribution now. For a number of months I have been in regular contact with the Whyalla Red Dust Action Group, in particular, Mr Ted Kittel, and I share their concerns regarding the environmental impact of red dust on Whyalla. I also share the concern of the Hon. Sandra Kanck that the bill in its current form could take away the rights of Whyalla residents (particularly those affected by red dust) regarding the process that is already under way in relation to Environmental Protection Authority orders. So, my concern is that this bill in its current form will take away those rights.

I do not propose to repeat the concerns which the Hon. Sandra Kanck comprehensively put to the chamber last night, but I will make the point that the letter that Mr Mark Parnell of the Environmental Defender's Office, who has been representing the Whyalla Red Dust Action Group, received from solicitors representing OneSteel is quite disturbing. My fundamental concern with the bill in its current form is that it will take away the rights of residents to pursue the current process that is already under way with the EPA. I believe that taking away those rights would effectively be a retrograde step and that this bill will compromise the rights and interests of a number of residents of Whyalla.

The Hon. P. HOLLOWAY: My officers met with the Red Dust Action Group representatives last Friday (16 September). I understand that the action group currently has litigation on foot. I also understand that amongst the remedies they are seeking will be action by OneSteel to make good any damage caused by red dust at affected premises. I am advised the bill will have no impact on any remedies sought in that action that are to make restitution for damage already caused by red dust.

The Hon. SANDRA KANCK: The South Australian Democrats protest in the strongest terms the fact that we are in committee at this stage. I have informed the minister through his staff that I have amendments in train. I do not have those amendments at this stage. To push this bill into committee at this stage is an arrogant abuse of process and certainly does not follow the traditions of this place. As a consequence, I move:

That progress be reported.

The Hon. R.I. LUCAS: On a point of order, Mr Chairman, if the motion to report progress is unsuccessful, when can another motion to report progress be moved? Is it within 15 minutes?

The CHAIRMAN: Within 15 minutes, unless it is by the minister in charge of the bill.

The Hon. R.I. LUCAS: So, if this motion is unsuccessful, the Hon. Ms Kanck could move another motion to report progress after 15 minutes of discussion? Given that Ms Kanck has moved the motion, no-one else can speak at this stage. So, my other question is: can the Hon. Ms Kanck (if she is so minded) withdraw her motion, or is she required to proceed with it?

The CHAIRMAN: I am required to proceed with it, and there can be no debate. I point out to all members that under standing order 371 the motion:

> . . . shall be moved without discussion, and be immediately determined; but none of these motions shall be again entertained within the next fifteen minutes unless it be moved by the Member in charge of the Bill or other matter before the Committee; nor shall any Member, not being such Member in charge, move more than one of such Motions during the same sitting.

The Hon. R.I. LUCAS: So, Ms Kanck cannot move another motion to report progress but the Hon. Kate Reynolds could after 15 minutes?

The CHAIRMAN: Yes, but it cannot be done twice by the same member; only by the member in charge of the bill.

Motion negatived.

The Hon. R.I. LUCAS: I understand that we are required to follow the process that you have just outlined but, because the Hon. Sandra Kanck moved that progress be reported, I was unable to inquire of the government the nature of the discussions that have taken place between the government and its officers and the Australian Democrats. The opposition, on the first reporting of progress, did not support a reporting of progress but is reserving its position in relation to it in 15 minutes, subject to hearing further discussion on this particular issue.

I am concerned to hear that a number of members in this chamber have not had, in their view anyway, sufficient opportunity to have amendments drafted to the legislation. I am not sure what the reasons for that are. I ask the Hon. Sandra Kanck perhaps to explain whether parliamentary counsel have had difficulties and whether or not she believes that amendments will be available some time later today so that debate might be able to proceed tomorrow in relation to it, because the opposition's viewpoint, at least at this stage, is we are not prepared to unnecessarily delay the consideration of the legislation. We are prepared to consider or contemplate further debate tomorrow, which is our last sitting day for three weeks, as I understand it, to ensure that we have considered whatever matters the Hon. Sandra Kanck wants to outline. If we are not in a position to get an assurance from the Hon. Sandra Kanck that she will be in a position to proceed with the debate tomorrow, then we will need to further reflect on the discussion.

I understand that the government wants the bill through both houses by the end of this week which, frankly, I think is, for something as significant as this, almost unprecedented, and my first question is: can the government explain on what basis does the government and the company require the legislation to actually be passed through both houses by this week? Is there any particular date or decision that is being impacted upon by the passage of the legislation? My understanding is that the company is proceeding with the project and processes as we speak, and obviously requires the comfort of legislation to satisfy the board and management about the project and the proposal. But is there any particular drop-dead date? In other pieces of legislation the government has come to us and said, 'We require by 30 June to have passed certain legislation, otherwise the legislation lapses,' or whatever it might happen to be. So we are interested to know the reason for the urgency in relation to this week, from either the government's viewpoint or the company's viewpoint.

The Hon. P. HOLLOWAY: It is hardly a matter of urgency, given this bill was announced by the government earlier this year—

The Hon. R.I. Lucas: When did we see it? When did we see the legislation?

The Hon. P. HOLLOWAY: —and that we would be introducing—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: It was probably the time the Hon. Sandra Kanck was having pairs from this place to go on her singing lessons.

The Hon. Sandra Kanck interjecting:

The Hon. P. HOLLOWAY: So I think, Sandra, you should be very quiet.

Members interjecting:

The CHAIRMAN: Order!

The Hon. SANDRA KANCK: I seek leave to make a personal explanation.

Members interjecting:

The CHAIRMAN: Order! You can make a personal explanation, but unless there is a point of order the minister has the floor. You can make a personal explanation when he has concluded his debate. You cannot make a personal explanation halfway through his contribution.

The Hon. P. HOLLOWAY: It was announced during the latter part of the parliamentary session, long before we had the two-month break, that the government would be proceeding with an indenture. That was publicly announced at the time.

The Hon. R.I. Lucas: When did we see the bill, though?

The Hon. P. HOLLOWAY: The bill was circulated, the bill was available; the bill was drafted during the Winter break—lengthy negotiations. The government gave an undertaking to the company that we would use our best endeavours to get the bill passed as quickly as possible because obviously they made a commitment. They might be nervous that the bill may be amended or altered in some way, obviously given that they have proceeded with the development. So that is the reason why the government would like this bill to be passed, particularly through this place, as quickly as possible. There is no impediment other than that, but obviously if it appears—

The Hon. R.I. Lucas: Then there is not a problem.

The Hon. P. HOLLOWAY: Well, there is a problem, because if it appears that this bill is likely to be held up or otherwise amended then obviously the company will naturally be rather nervous, and rightfully so, in relation to the amendment, and I understand the company actually briefed the opposition, and I think the other parties, including the Hon. Sandra Kanck—she can confirm it or not—but I believe that OneSteel spoke to all the Independents before parliament resumed the week before last. The bill, of course, was given notice on the first day, and introduced more than one week ago. The Hon. Sandra Kanck talks about amendments, but my understanding is she has not yet given any instructions to parliamentary counsel; is that correct?

The Hon. Sandra Kanck: That is correct.

The Hon. P. HOLLOWAY: It is correct, so parliamentary counsel have not got any instructions.

The Hon. Sandra Kanck interjecting:

The Hon. P. HOLLOWAY: It was quite clear from the Hon. Sandra Kanck's speech yesterday that she is opposed to this bill. She wants it to lapse.

The Hon. Sandra Kanck interjecting:

The Hon. P. HOLLOWAY: Now, Sandra, you can vote against it, but that should not give you a right to damage the economy of this state by deliberately delaying things for political reasons.

The Hon. Sandra Kanck: You are a disgrace!

The Hon. P. HOLLOWAY: Well, Sandra, you're the disgrace; you've just been found out. That is your trouble—what, am I intimidating you?

The Hon. Sandra Kanck: You are a disgrace!

The Hon. P. HOLLOWAY: She's come in here—I mean, what a joke: a minister rings her up and she says she's being intimidated. Why should I talk to you, Sandra? Everyone who speaks to you, you come in here—

The Hon. Sandra Kanck: You are a disgrace!

The Hon. P. HOLLOWAY: Everyone who speaks to you—you come in here—

The Hon. Sandra Kanck interjecting:

The Hon. P. HOLLOWAY: So you're the disgrace, Sandra, and your own behaviour has done it.

The CHAIRMAN: Order! Minister, you must address all honourable members by their title. That goes for everybody in the chamber.

The Hon. P. HOLLOWAY: All right, okay, Mr Chairman.

The Hon. IAN GILFILLAN: Mr Chairman, I have a point of order. I ask you to rule that, in relation to the personal comments made directly at the Hon. Sandra Kanck, the minister apologises and withdraws the remarks. It is out of order for a speaker to address personally any member. Any comments must be made through the chair. The minister was not addressing comments through the chair. He was speaking directly to the Hon. Sandra Kanck and, in my view, I put to you they had a derogatory implication, and I ask that you rule that he apologises and withdraws those remarks.

The CHAIRMAN: I rule that all members should address their comments to the committee through the chair; indeed, that is correct. As to the question of whether or not it was unparliamentary or derogatory, it was warm but I do not know that it was unparliamentary. People have been called a disgrace and have been accused of being found out. I cannot really rule that way. However, the minister needs to address all honourable members by their title—it has a calming effect on the chamber—and through the chair.

The Hon. P. HOLLOWAY: I apologise for not addressing my remarks through the chair, but I think that one thing needs to be corrected. I was the one who was called a disgrace. I did not use the words. *Hansard* will record who used those words, and it will not be me. I think that, if there is an apology, it probably should come from someone else. I gave the facts. The public of this state, when they come to the next election, deserve to make a judgment on the facts. The fact is that the Hon. Sandra Kanck is obviously opposed to the bill. That is fair enough, and she has the right to make her argument.

The Democrats were briefed by OneSteel two weeks ago, and the bill was introduced more than a week ago. It is my understanding that—she can correct the record, but I think she would confirm it—she has not yet given any instructions for amendments. How long does this parliament have to have legislation before it when things are delayed? What did the Hon. Sandra Kanck say last night? During the debate last night, when we had to adjourn the development act, even though it has been around for three or four months, she apologised for not having time to draft the amendments because she had been working on the OneSteel indenture bill.

Where are the fruits of all this work? How long do members need to discuss these matters? What does this mean? If no instructions have even been given, how can we possibly go on with it? There has to be some sense of fair play in this, and there has to be some responsibility, collectively, when this parliament has to deal with the legislation before it. It should not be up to members to capriciously use the threat or the promise, or whatever, that they might be introducing amendments as a vehicle for delaying consideration of matters that they do not like.

If the Hon. Sandra Kanck had told my office that amendments were on the way or that there was some delay with drafting, or something like that, I think this parliament could have some consideration of that. Does this mean that this parliament runs out of business because other members, for whatever reason, are not ready because they have been doing other things and we just do not sit? There has to be some accountability to the people of South Australia for progress in relation to legislation. As I said, last night we had the Hon. Sandra Kanck saying that she could not proceed with the development act because she had given priority to this. Where is the evidence of that?

The Hon. SANDRA KANCK: I draw honourable members' attention to the letter that came from the Hon. Paul Holloway to all members on 16 September. It states:

> The following bills are priorities for debate in the Legislative Council for the parliamentary sitting week commencing Monday 12th of September:

It then lists five bills that are priority bills, and it includes this bill that we are dealing with at the moment. I made it a priority for debate. I spoke to it extensively yesterday. The notice does not say that the government wants it through all stages before the end of the week. Perhaps the minister can give us all some sort of translation in the future. When he sends out a memo such as this, is the minister telling the opposition, the Democrats, the minor parties and the Independents that all five of these bills, in this case, are to go through the second reading and committee stage in that week? Is that what we are to take that to mean in the future? If that is what the minister wants it to mean, he should spell it out. I read that he wanted it to be a priority for debate, and I made it a priority for debate.

I have cooperated, and I have found what the minister has had to say today to be absolutely insulting. I have given a great deal of cooperation to this government in the past, but I do not think I will be inclined to do so in the future, if this is the sort of treatment I get. To suggest that the reason that I did not have amendments drafted was that I had paired out to go singing is an absolute nonsense, and I defy the minister to find any such pair request from me to that effect.

The Hon. P. Holloway: I'll table it in five minutes.

The Hon. SANDRA KANCK: Thank you very much. I will look at it when it arrives. It breaks precedent to go through all these stages like this without giving us any prior notification that this is a bill, for instance, of special importance. When that happens, usually an agreement will go through, but there is nothing in the memo to that effect. The government is simply making rules on the run at the present time.

In answer to the minister's question, no, I do not have instructions with parliamentary counsel at the moment. It might be beyond his understanding. However, I am dealing with groups that are staffed by volunteers—groups like the People's EPA. When this bill was introduced five working days ago, I could not get an electronic copy of it because it was not my bill. That is not available through parliamentary counsel when it is not your own bill, so I had to wait until I could get copies run off and posted out to the groups' volunteers, who then, in their own time, in their own lounge rooms, at night time and on weekends, have to go through pieces of legislation like this to work out what they think would be their advice to me about what would be suitable amendments. I am negotiating with at least three such community groups and one expert in environmental health, seeking their advice on amendments. So, at this point, five working days after having this bill introduced into the parliament, I am still consulting with those groups. They are volunteers, Mr Holloway. They do not have departmental resources behind them.

The Hon. Kate Reynolds: And your government supposedly values volunteers.

The Hon. SANDRA KANCK: Clearly they do not.

The Hon. KATE REYNOLDS: I would like to put on the record that I have not heard any reason from the government about the haste that is required to have this bill pushed through, so if the government does have some reason at some point it might want to share it with us. I would like to put on the record that I held discussions with myself—

The Hon. T.J. Stephens: Did you get an intelligent answer or not?

The Hon. KATE REYNOLDS: I have to say in response to the honourable member's interjection that there was some mumbling with myself after I held discussions with minister Holloway, who is the Leader of the Government, just prior to debate starting on this bill, when he approached me and asked whether the Hon. Sandra Kanck would be ready to proceed. In fact, I think there was some discussion with my colleague the Hon. Ian Gilfillan, too, and I jumped into that discussion and explained that the minister was fully aware that the Hon. Sandra Kanck was not ready to proceed. She had put on the record that discussions had been held and that she was having further amendments drawn up by parliamentary counsel, so the minister was fully aware of that. The minister and I had what could be described as a robust exchange and I sought clarification and I was able to confirm that the Hon. Sandra Kanck was not yet ready to proceed and she would be ready as soon as those amendments were prepared by parliamentary counsel.

In my discussion with the minister I suggested that it would be particularly helpful if, in his future letters, he could make it plain what 'priority' means. As we all know, in the last few months there have been bills listed as priority that have sat on the list for months and months and not progressed because the government has not wanted to progress them. If we look at the three bills listed in the letter dated 16 September, I will highlight one that I am responsible for, which is the Children's Protection (Keeping them Safe) Amendment Bill. On Monday morning I was approached by the minister's adviser and asked whether I would be ready to speak and I said yes, I was ready to give my second reading speech and I was ready for it to progress into committee as soon as the government was ready because I understood it was a priority bill. I was told by the adviser, 'Oh, no, that's not a priority bill for us.' I said, 'Well, it's listed as a priority bill.' He said he did not know anything about it. I said, 'Well, it would be helpful if you could talk to the Leader of the Government and to the whip because clearly they think it is a priority bill as it is on the list.'

I still have not been notified that this is no longer a priority bill for the government. How on earth are we supposed to

know when priority actually means priority and when debate means debate to second reading stage or debate through committee so that a bill can be concluded in this place and can move on to the other place? If the government could take a friendly suggestion and help make it possible for us all to understand what is going on, that would be great.

A copy of the day's *Notice Paper* is placed on members' desks by the two whips. Today, the government's version shows with an arrow that the Broken Hill Propriety Company's Steel Works Indenture (Environmental Authorisation) Amendment Bill will be going into committee. However, the running sheet from the opposition indicates that the matter is to be further adjourned, with a question mark. Its understanding is that this matter would not be proceeding. Clearly it had listened to the Hon. Sandra Kanck.

I would also like to put on the record my frustration and disgust at the haste with which this particular bill is being pushed through and some of the vitriol that is being thrown by the government. I also express my concern at the increasing—

The Hon. Sandra Kanck: Arrogance?

The Hon. KATE REYNOLDS: Arrogance, thank you, Sandra Kanck. Our state leader has just the right word just when I need it. I express my concern at the arrogance with which this government is trying to push through a whole lot of legislation. The government might want to reconsider the haste with which it wants to proceed with amendments to the Pitjantjatjara Land Rights Act, because just one hour ago on PY media one of the lawyers acting for the AP executive—a lawyer who I know is in close contact with government advisers—told Anangu that the bill was introduced into this place yesterday. She said that everyone said, 'Palya (all good), everyone is in agreement, it has been passed, gone through to the other house and is now being debated there.'

Clearly, there are strange messages going around about what the government's priorities are, what the formal processes are and what the traditions are about whether or not people can still consult and have amendments prepared within reasonable periods of time. I think the government needs to take a good hard look at how it communicates, not just with the parties and Independents in this place but also with the organisations, the businesses and the individuals with which it communicates outside this place in relation to its own legislation and amendments that other parties properly might be bringing into parliamentary debate—as is their right.

I think the treatment is disgraceful, and the haste is unseemly. It certainly makes us all extremely cynical. It is not good for democracy and we are hardly likely to get good legislative outcomes as a result of this sort of carry-on from the government. I move:

That progress be reported.

The committee divided on the motion:

AYES (13)

Cameron, T. G.	Dawkins, J. S. L.
Evans, A. L.	Gilfillan, I.
Kanck, S.M.(teller)	Lawson, R. D.
Lucas, R. I.	Redford, A. J.
Reynolds, K.	Ridgway, D. W.
Stefani, J. F.	Stephens, T. J.
Xenophon, N.	

NOES (4)

Gazzola, J.	Holloway, P. (teller)
Roberts, T. G.	Sneath, R. K.

PAIR(S)

Lensink, J. M. A.	Gago, G. E.
Schaefer, C. V.	Zollo, C.

Majority of 9 for the ayes.

Progress thus reported; committee to sit again.

COMMITTEE PROCEDURE

The PRESIDENT: Before we go on to Orders of the Day, I draw a matter of procedure to the attention of the council. During the committee stage on clause 1 it is the practice that there is an allowance for free ranging debate to cover some of the preliminary matters that need to be discussed between members of the committee, which generally helps with the speedy passage of the rest of the clauses. It is normally not a time for 'he said, she said' or what somebody said in the passage. Voters are not interested in procedural matters and private discussions between members, even if it is about the bill. They are interested in the bill and I ask honourable members in future—

The Hon. T.G. Cameron interjecting:

The PRESIDENT: Order! The Hon. Mr Cameron should take his place and cease to speak when I am addressing the council. I ask all members to reduce the amount of vitriol and yelling. The diversion of talking about other bills is certainly not part of the considerations.

The Hon. R.I. Lucas: What about personal views from the Leader?

The PRESIDENT: Personal views are covered in the debate. On no occasion did anybody mention the title of the bill, which is what clause 1 is about. There was an accusation that the minister makes up the rules as he goes along. As in all cases, the committee, as it demonstrated in its wisdom today, determines the procedures of the chamber. It normally works so that personal attacks really play no part in the proper consideration of legislation for the people of South Australia. I ask members to remember that when the committee next convenes.

WORKPLACE PRIVACY BILL

Adjourned debate on second reading.

(Continued from 4 May. Page 1772.)

The Hon. R.K. SNEATH: I would like this bill to be referred to the Occupational Safety, Rehabilitation and Compensation Committee and therefore move:

That the bill be withdrawn and referred to the Occupational Safety, Rehabilitation and Compensation Committee for its report and recommendations.

It is important to protect workers' privacy, while ensuring that inappropriate behaviour can be dealt with at the same time. There is a need to better understand stakeholders' views about the benefits of the proposal when considering the burden that might be involved. This bill has relevance to the workers compensation field in terms of detecting fraudulent behaviour or activities. We need to ensure that this bill does not stop us catching the very small minority who do the wrong thing. An appropriate forum to hear from the stakeholders firsthand, and to have their views analysed and summarised, is the parliamentary Occupational Safety, Rehabilitation and Compensation Committee. It is important that we hear from employers and trade unions and that the committee gets the opportunity to question those people before making a recommendation to the parliament.

I know that the Hon. Ian Gilfillan was strongly guided by the parliamentary Occupational Safety, Rehabilitation and Compensation Committee during the debate on the SafeWork SA Bill. I know all honourable members benefited from the committee's work and am confident that a report from the committee would assist honourable members in the consideration of this bill, so I think it is important that my motion gets up and that it is referred to the Occupational Safety, Rehabilitation and Compensation Committee. They are the experts and they will bring in experts for expert evidence, and I am sure they will be able to deal with it reasonably quickly. I would be very surprised if the Hon. Ian Gilfillan opposed this, knowing the Democrats' form for referring things to committees.

The Hon. A.J. REDFORD: I indicate that the opposition supports the second reading of this bill, albeit with some caveats. Work trends over recent years have resulted in employees spending longer hours in the workplace, making it necessary to use the telephone, email and internet to carry out personal tasks. At the same time, employers are using ever cheaper forms of technology to monitor employees' use of their time and facilities. This bill attempts to address the competing rights within the workplace: the right of an employer to carry out surveillance and to obtain evidence of illegal activities on the part of its employees, and the right of employees for privacy in the workplace. Indeed, there has been a significant increase in working hours by full-time employees in this country and I think we need to acknowledge that. Some might debate whether that is a good thing or a bad thing, but the reality is that that is the case.

This bill seeks to regulate covert surveillance of employees in the workplace by making it an offence for an employer to:

> . . . carry out, or cause to be carried out, covert surveillance of an employee of the employer (or of a related corporation of the employer) in the workplace unless—
>
> (a) it is carried out, or caused to be carried out, solely for the purpose of establishing whether or not the employee is involved in any unlawful activity in the workplace; and
>
> (b) it is authorised by a covert surveillance authority.

There are exceptions for law enforcement agencies, correctional centres and casinos. Another exception is when security of the workplace has been found to be in jeopardy. However, any evidence or information obtained that is unrelated to the security of the workplace is not to be admitted in evidence in any disciplinary or legal proceedings against an employee, unless the desirability to do so outweighs the undesirability of doing so. The bill also makes it an offence for information obtained as a consequence of covert surveillance of an employee in the workplace to be used for an irrelevant purpose—that is, when it is not directly or indirectly related to an unlawful activity.

The industrial relations committee of the Law Society submitted a report on the bill in which it noted that, whilst the bill protects employers and employees, there is no reference to third parties—in other words, customers and contractors—and that it protects employees only inside the workplace and not outside. The report concludes:

> However, notwithstanding these limitations, the bill does afford some enforceable right to privacy and protection from abuse where no such right currently exists.

The problem of invasion of privacy in the work force is increasing, and I draw members' attention to an article which appeared in *The Australian* of 1 September. The report is entitled 'Telstra admits snooping on staff, but denies dirt files'. The article reports that Telstra has admitted collecting sensitive information on its staff—indeed, it was required to assure workers that they were not being spied on. I note that the story came out after *The Australian* obtained internal documents which revealed that the company could keep files on sexual preferences as well as religious and political beliefs.

Telstra was forced to go into significant damage control, not only in the media but also in the context of its dealing with its own employees. The document found by *The Australian* outlines how staff emails, internet use and telephones can be monitored. It also sets out guidelines for video surveillance, including in toilets and change rooms, of staff suspected of acting illegally or in a way that is harmful to Telstra.

There are a couple of issues associated with this. The first is that commonsense dictates that employers should treat employees reasonably and that, generally, employers should trust employees. I have been in workplaces where there is a good camaraderie between the bosses and the workers, where everyone pitches in and helps, and everyone has a significantly good relationship. I have also been in work environments where there is a level of mistrust and employers would prefer to treat their employees like battery hens. My observation is that productivity is better in the former case and, in the latter, I think that there is a need for some level of protection.

I draw some issues to the attention of the Hon. Ian Gilfillan that I think might need some further teasing out, and I would certainly be happy to meet with him. The first issue to which I refer is the provision of a covert surveillance authority. Under part 3, a covert surveillance authority is issued to an employer, and the application must go to a magistrate. When we discussed this in the party room, it generated a degree of discussion as to whether it would make it too difficult and costly for employers who might want to embark on covert surveillance activity. In that respect, I have not sought any submissions from employer groups (but I will do so over the break) as to whether it is appropriate that an application be made to a court, or whether there is some other body that might well be more appropriate in the circumstances.

There was also some discussion in the party room about whether broader activities might be the subject of an application, and they might include whether or not an employer would be entitled to seek an application when an employee is reasonably suspected of acting in a way harmful to a company. There are a lot of things an employee can do to an employer or a company that might not necessarily be illegal but that are utterly and totally inconsistent with the employment contract. One might think that that might be the subject of this bill; again, I will be interested to hear the Hon. Ian Gilfillan's comments on this issue.

Finally, I understand that the Labor government wants to refer this bill to the Occupational Safety, Rehabilitation and Compensation Committee. The Hon. John Gazzola and I are members of the committee, as was the Hon. Ian Gilfillan until he recently stepped aside so that we could enjoy the considerable industrial and occupational health and safety experience of the Hon. Nick Xenophon. It is a good committee and comprises capable and well-meaning people. It is also the worst resourced permanent committee of the parliament, and it is badly resourced in a number of different ways I will not traverse now because I have done so on other occasions.

As we lead up to the close of the parliament before the next election, my understanding is that it is likely that this committee will sit in that period only once, or perhaps twice. What the government is trying to do is to bury the bill, and I know full well that it is doing so deliberately, because it is not that stupid.

The Hon. R.I. Lucas interjecting:

The Hon. A.J. REDFORD: No—they are friends of the workers until they have to do something.

The Hon. J. Gazzola: The next meeting is on the 17th.

The Hon. A.J. REDFORD: Yes, although I am not too sure that there will be too many meetings other than that one. I can see through members opposite. I can see through what the Hon. Bob Sneath is attempting to do—that is, despite his rhetoric that he knows the workers and that he cares for them and is their friend, he is trying to bury in a committee this bill which seeks to protect the interests of the ordinary hardworking worker. I am not surprised, but many would be. The Hon. Bob Sneath has now come out of the closet and aligned himself with the Labor government that says all these things and espouses all these principles but does not do anything.

So, to the great disappointment of the Hon. Bob Sneath, I say that we will not bury this bill in the Occupational Safety, Rehabilitation and Compensation Committee. We all have sufficient experience within this parliament to deal with this measure. I am sure that, in between making statements in the media on all sorts of things, such as dogs, cats, and so on, the government has the capacity to address the bill and deal with it one way or another so that we can get it through the parliament before we are prorogued.

The Hon. IAN GILFILLAN: I thank members for their contribution. The Hon. Angus Redford's contribution contains some relevant points which I will not be able to address in detail in my reply, but I look forward to having the opportunity to discuss them during the break and possibly in committee. I endorse the laudatory comments about the committee, having served as a member for some considerable time. I found the workload that was imposed on the members to be quite substantial. Now that I have retired from the committee, I think it is appropriate for me to observe that the members are all volunteers. During my time on the committee—I cannot speak for it now—I found it to be one of the hardest working committees with the lowest form of remuneration: zilch. You cannot get much lower than that unless you offer to pay to sit on the committee. So, the incentive for the committee to meet is certainly not financial.

Between now and the time parliament concludes its sittings before Christmas, it is most unlikely that the committee will have a chance to conclude any matters, let alone a substantial matter such as this, provide a report and have the parliament deal with it. That is a practical impossibility; it will not happen. I do not have any resentment of the committee looking at the issue. There is no reason why it cannot do so. It does not have to wait for a bill to be referred to it; it is perfectly within the committee's capacity, if it is bored and has nothing to do, to have one of its members move that the matter be placed on the agenda. However, that is no excuse for stalling the second reading and continuing the debate on this very important issue. I am stunned that the government does not see the value of this bill and thoroughly endorse it.

The Hon. R.K. Sneath: Why are you stunned? Is it because we want to consult the stakeholders?

The Hon. IAN GILFILLAN: I would have thought that most of the stakeholders would have made their opinion very clear. The Hon. Bob Sneath could perhaps find some stakeholders who are employees who are prepared to say publicly that they would like to be covertly snooped upon, who would like to be filmed by video cameras in particular locations, who would want that to happen. It is naive to expect that stakeholders would have any other view, if the Hon. Bob Sneath is talking about employees, not employers. They would be unanimous in saying they want this legislation.

Telstra, which has been given some publicity thanks to the Hon. Angus Redford's reference to an article, has been consistently in the news with regard to this matter. Telstra has been one of the spurs for the energy to get this legislation dealt with. Before the article of 5 September, to which the Hon. Angus Redford referred, there was another story in *The Australian*. Perhaps the stakeholders whom the Hon. Bob Sneath is so keen to consult on this would be delighted to hear the first paragraph of this article, which states:

> Telstra staff can be refused access to personal files—potentially containing references to their sexual preferences and political and religious beliefs—if opening the dossiers is considered by management to be possibly damaging to the company.

This is testimony of a company that really cares about the stakeholders whom the Hon. Bob Sneath is so concerned about! I do not think we need to consult them. I think we need to get this legislation passed and put into effect so that the stakeholders can feel that they are protected from the sort of policy which has been outlined. Let us not be too bashful about it: Telstra did not invent this. Telstra is not the only company that exercises these measures or would like to. The article continues:

> Telstra's policy authorises staff surveillance and the collection of sensitive personal information where it is considered reasonable—

who is going to determine 'reasonable'—

> to manage a business risk or investigate suspected misuse. . .

Anyone who reads the bill will realise that where there is justification of a suspicion of a criminal offence this legislation would not apply.

The other valuable contribution to which I will refer is from the Law Society. I wish to express my heartfelt thanks to the Law Society for the work it has done on these issues and for its well-thought out positions. I refer to a letter from Alex Ward, the President of the Law Society, dated 11 April this year, which states:

> The Bill has been considered by the Society's Industrial Relations Committee which has provided the attached response.

This is a six page response, so I will not read the whole of it into *Hansard*, but I will read the existing position of the Law Society and the conclusion, which makes some very constructive observations. The document is entitled 'Industrial Relations Committee—Workplace Privacy Bill 2004'. Under the heading 'The existing position' it states:

> 1. The general view is that there is no right to privacy generally afforded by common law in Australia.

I hope that those members who are vaguely interested in this can pick up the significance of 'there is no right to privacy'. It continues:

> 2. Further it seems impossible to infer a right to privacy (t least in the sense of freedom from surveillance)from the obligations of employer and employee that are either implied into the contract of employment or usually form the express terms of such contracts.
>
> 3. The Privacy Act 1988 (Commonwealth) affords some protection with respect to the collection and use of personal information of individuals. That provides limited assistance to the employee because the Commonwealth Privacy Act obtains exemp-

tion for employee records. That Act permits the employer to gather personal information concerning employees without their consent. It does not allow employees access to those personal employee records.

4. The Listening and Surveillance Devices Act (SA) now contains some significant limitations upon parties' rights to monitor and record the conversations of others. It applies to the use of electronic and other equipment used to listen to and record private conversations whether or not the equipment is capable of being used as a surveillance device. Obviously this Act applies to any video camera that is capable of recording sound as well as images. However, the provisions of Section 7, which effectively permit the recording of a party's conversations when a party has a duty to do so, where it is in the public interest or where it is undertaken for the protection of a lawful interest, would, in our view, extend to at least some of the likely monitoring of communications by employees in the workplace.

That is the summary of what the Law Society said is the existing position. Its conclusion, having analysed the bill in a bit more detail in the other pages, says:

This bill seeks to introduce measures that will provide some balance between the competing interests of the employer to undertake surveillance of its employees and the rights and expectations on the part of employees to privacy within the workplace. One might expect that many employers will view the applications for authority to undertake covert surveillance as cumbersome and expensive. No doubt, many well organised and well informed employers would ensure that all necessary processes of consent to surveillance are in place to ensure that the need for applications for authority are kept to a minimum.

Incidentally, it recommends that the magistrate to which it can be applied be a particular magistrate termed an industrial magistrate. It continues:

Generally, the bill has limited aims, namely the balancing of competing rights and interests of employers and employees within the workplace. Those are the very criticisms that can be made of it. The bill affords no protection to third parties, e.g. customers who may be affected by security measures. They are not afforded any protection by this bill. Further, the bill only seeks to protect the privacy of employees in the workplace. There is nothing to prohibit the surveillance overtly or covertly outside the workplace. The bill only imposes obligations upon an employer or its agent with respect to surveillance of their employees. It does not impose, generally, obligations upon occupiers of places in which employees work.

Thus third parties and contractors are afforded no protection by this bill. Further, employees of one employer are afforded no privacy from the surveillance carried out by another employer or entity where their own employer did not cause the surveillance to be carried out. To the extent to which this bill applies, there may be some tension between its obligations and those imposed by the Listening and Surveillance Devices Act 1972. However, notwithstanding these limitations, the bill does afford some enforceable right to privacy and protection from abuse where no such right currently exists.

The final paragraph gives the justification for proceeding with the second reading and, hopefully, the eventual passage of the bill.

I point out that the deficiencies which the Law Society has thoughtfully and constructively put forward really would add to the substance of the bill. The Democrats are not opposed to that, but it certainly would convert this simple bill into a much larger piece of legislation, and some areas that are indicated by this report could possibly have been the background for the government to move constructive amendments to it to look after the people for whom it believes this represents a significant protection. At least, I hope it believes that.

So I would like to indicate that, although there is the foreshadowed motion of referring the bill to the committee before the second reading, the Democrats will oppose that and, I hope, look forward to the passage of the second reading and then a constructive committee stage eventually in this parliament.

Motion negatived.

Bill read a second time.

GLENSIDE HOSPITAL

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I lay on the table a copy of a ministerial statement relating to a missing person from Glenside Campus made today in the other place by the Minister for Health.

CRIMINAL LAW CONSOLIDATION (INSTRUMENTS OF CRIME) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 20 September. Page 2604.)

The Hon. R.D. LAWSON: I rise to indicate that the Liberal opposition will be supporting the second reading of this bill and its passage. The bill relates to the crime of money laundering and it creates two new offences in the Criminal Law Consolidation Act. Firstly, the offence of knowingly and dishonestly dealing in instruments of crime, a serious offence carrying a penalty of 20 years' maximum or a fine of $600 000 for a corporation. Secondly, the offence of dealing dishonestly in instruments of crime in circumstances where the person ought reasonably to have known that they were, in fact, instruments of crime. The bill defines the expression 'instruments of crime' as follows:

(a) a property that has been used or is intended for use for or in connection with the commission of a crime; or

(b) property into which such property has been converted.

This bill has its origins in the agreement of the Prime Minister and the premiers at the Leaders Summit on Terrorism and Multijurisdictional Crime in April 2002. The agreement was that the commonwealth and the states would 'reform the laws relating to money laundering including a possible reference of powers to the commonwealth if necessary for effective offences'. The commonwealth claimed that, in order to enact fully comprehensive money laundering offences, it would be necessary for the states to formally refer law-making power to the commonwealth.

A working party of officers, with the states presumably, disagreed with the commonwealth and argued that individual state laws could achieve the same objective. Some states, but not all, have enacted their own laws. Although it is not immediately apparent, the present law relating to money laundering, namely section 138 of the Criminal Law Consolidation Act, which we only enacted in 2002, is deficient. Neither the second reading explanation nor the helpful briefing that I received from departmental officers provided factual situations or cases cited to justify this new provision. However, it is clear that officers agreed that the current laws contain a loophole and, if there is a loophole, it should be closed.

One's confidence in the efficacy of laws of this type is somewhat undermined when one reads the facts of the case of R v Beary—a Victorian Supreme Court decision handed down last year. In that case, a persistent shoplifter, who stole goods on a regular and systematic basis, was charged with money laundering. The court noted that the idea of a shoplifter being charged with money laundering was surprising, given the usual connotation of the offence. However, under the existing Victorian definition, it was held that that definition was sufficiently wide to cover the situation of a

shoplifter in the circumstances, and the court upheld the charge.

The Victorian definition is somewhat different to that which we have in the Criminal Law Consolidation Act, but it ought be noted, and I put it on the record, that this new provision may have similarly wide and perhaps unexpected applications in the future. From my point of view, the important protection for the integrity of the criminal law is that the new offence does require the prosecution to prove that the dealing in instruments of crime was dishonest. Accordingly, the Liberal Party is prepared to support the bill.

I note, with some regret, that, to date, the Law Society has not yet provided a response to the government and the parliament, as it usually does. I believe it is desirable that, on laws of this kind, we do have the response of the practising legal profession and, where appropriate, the judiciary. There are some technical drafting issues which I believe we should pursue in committee—and I propose to do that—in particular, the fact that the definition of crime includes offences against the laws of places outside Australia, but those offences, as far as I can see, are not defined. I look forward to the committee stage of the bill.

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

JUSTICES OF THE PEACE BILL

Adjourned debate on second reading.

(Continued from 19 September. Page 2582.)

The Hon. A.L. EVANS: I rise to make a brief contribution to this bill. The office of justice of the peace is an antique office, which was recognised from the time of the settlement of our continent. Traditionally playing a more significant role and possessing judicial functions, the office of justice of the peace in the past resembled the role given to magistrates today. However, as a result of the evolution of the office and the legal system generally, the main role undertaken by justices of the peace today is witnessing the signing of official documents such as affidavits and declarations. The Justices of the Peace Act 1991 does not sufficiently regulate the appointment, monitoring or management of the office of justice of the peace.

The criteria for appointing justices of the peace are currently contained in departmental policy documents. No legislative requirements are currently imposed on justices of the peace with respect to training or codes of conduct. Furthermore, the provisions relating to disciplining justices of the peace are limited and inflexible. This bill stipulates the specific criteria for the appointment of justices of the peace. I consider this to be a worthwhile measure that will increase the certainty and transparency of the appointment of justices of the peace by clearly stating the qualities and qualifications required of the office. The precise details of such appointment criteria may require some modification; however, that is a matter to be addressed by way of amendments to the bill.

It is interesting to note that the government has not closed the book on the criteria relating to the appointment of justices of the peace but has left it open for regulations to make additional criteria. The bill also makes provision for a code of conduct to be included in the law by way of regulations. The government says that such a code of conduct would advise justices of the peace of the nature of their responsibilities and the behaviour expected of them. I believe that clearly setting out standards of behaviour for people in office is an important matter. Not only is it important for people in office to exercise their duties and functions in a diligent and correct manner but they should also be seen to be upstanding citizens of this state. Accordingly, I support the move by the government to regulate the behaviour of justices of the peace.

At first glance it seemed sensible to me that the automatic deeming of local government councillors as justices of the peace be abolished. That is particularly where specific appointment criteria and standards of behaviour are now going to be imposed on the office. However, I wish to further research the community sentiments on this change to the law.

The bill adopts and extends the office of the special justice which has not been well defined or utilised under the present Justices of the Peace Act 1991. The bill states that special justices will have roles and functions in addition to those exercised by justices of the peace. The government states that special justices will exercise judicial powers conferred by various legislation. I will be interested to hear the views of other members on this matter. Clearly this will alleviate the often spoken about burdensome case load experienced by the Magistrates Court.

Having said that, one must ask whether it is prudent to allow persons without the requisite legal training to adjudicate legal matters. I note that the bill provides that special justices will be appointed to that office only after undertaking a course of training approved by the Attorney-General in consultation with the Chief Justice. Nevertheless, the adjudication of disputes is an extremely important role and this parliament should carefully consider extending such powers to persons who have not undertaken the traditional legal training required of those ordinarily occupying such a position.

I commend the government's efforts of tidying up various pieces of legislation which inappropriately granted judicial and quasi judicial powers to ordinary justices of the peace, notwithstanding that they are rarely used. The introduction of a five-year tenure is also appropriate in my view—that is, particularly if justices of the peace are given broader functions and powers. This provides a clear and dramatic accountability measure to regulate the office, in addition to all the other intended checks and balances. Again, I will further research the community's attitude regarding this amendment.

I have mixed feelings about the immunity the bill provides to justices of the peace. The immunity provided in the bill states that justices of the peace should not be held personally liable for an act or omission made in good faith. Whilst I can see the benefit of the provision for the innocent justice of the peace who honestly makes a mistake whilst carrying out his or her role, it can send a message out to justices of the peace that they will be protected in circumstances where they are honestly careless in carrying out their roles and duties. Justices of the peace are granted functions and powers under various legislation and this may now be extended. In my view they should be required to exercise those functions and powers with care and due diligence. I believe that my constituents would be supportive of the additional disciplinary provisions included in the bill. In light of the above, while I have certain concerns about aspects of the bill, I am, at this stage, supportive of the second reading.

The Hon. J.S.L. DAWKINS secured the adjournment of the debate.

CHILDREN'S PROTECTION (KEEPING THEM SAFE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 September. Page 2589.)

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank honourable members for their support of the second reading and for raising their concerns about some aspects of the bill so promptly. I understand we will be dealing with some amendments from the Hon. Kate Reynolds at a later date. As highlighted by members in their response to the bill, the starting point for the reform of the child protection system in South Australia was the Layton review, which the government initiated because of rising community concerns about the capacity of the child protection system to protect children.

These concerns were validated following the disturbing discovery that a bus driver was abusing vulnerable schoolchildren. As has been pointed out, the Layton review covered a comprehensive range of issues through extensive consultation with those concerned. The review made 206 recommendations across policy, service delivery systems and legislative reform. As with any review of this magnitude, the government had to decide which of these recommendations it accepted and the priorities for action, bearing in mind that the child protection system was in crisis.

'Keeping them safe'—the government's child protection reform program—was developed as a response to the Layton review. Launched in September 2004, 'Keeping them safe' publicly acknowledged that many vulnerable children were falling through service gaps and that the child protection system had lost the confidence of the community.

As mentioned in the second reading explanation, 'Keeping them safe' outlines the government's priorities for the first phase of reform—the beginning of a new way forward for the care and protection of children. It committed us to a much improved child protection system. This new way forward will take some time to achieve. The government has been balancing this reform agenda with a need to ensure that current services respond to vulnerable children and young people and keep them safe from harm in a way that is sustainable and assures their wellbeing.

Many of the Layton recommendations have been dealt with in 'Keeping them safe'. We have listened to children and young people, parents, foster parents and service providers across government, non-government and other sectors. We have looked overseas and interstate for the reviews and we have been informed by recent reports, such as 'The forgotten Australians' and the interim state care inquiry report.

The Layton review involved 12 months of extensive consultation, even before the consultation process began with this bill. The bill has been developed under the auspices of the government's senior officers group for the care and protection of children, which covers seven portfolios. We have received considerable assistance from the Children's Interest Bureau and the Children's Protection Advisory Panel, whose membership includes Dr Rosemary Crowley, well-known advocates for children Dr Diana Hetzel and Ms Linda Dore, and Dianne Gursansky from the University of South Australia. Members of the CREATE Foundation, the Youth Affairs Council of South Australia, Simon Schrapel (a leader in the peak body Child and Family Welfare Association) and Karen Fitzgerald (Director of Child Protection Services at Flinders Medical Centre) have also been consulted. In addition, Professor Dorothy Scott and Professor Freda Briggs provided comment during the bill's development. We have received advice from a significant number of others, including religious organisations, the Office for Volunteers, the Law Society, the Australian Association of Social Workers, the Guardian for Children and Young Persons, the chair of the Child Death and Serious Injury Review Committee and the Director of Foster Care Relations. The bill also has been discussed with commissioner Mullighan.

It is fair to say that the bill reflects much of the advice received, and to date most submissions support the broad aims of the bill. The government agrees that there is a need to respond appropriately to young people—that has brought about the proposed amendment to the title of the act—including those who are homeless and couch surfing. However, changing the title of the act brings with it a number of unintended consequences. For example, childhood is generally defined in legislation as the period from birth to 18 years. Any change to the title of the act would incorrectly represent its scope, as youth and young people are commonly referred to as aged between 12 and 25 years.

In relation to the proposed amendment, the objects of the bill have been redrafted to reflect the government's 'Keeping them safe' reform program of the child protection system. A more holistic view of the child and its development was seen as urgently required if community confidence in the child protection system was to be regained. In addition, it was considered that greater emphasis needed to be given to the protection of children in particular settings, for example, children and young people in state care.

The objects of the bill recognise the primary importance of family, for both children and young people, but also acknowledge that responsibility for their care and protection lies with many different individuals and organisations within the community. Children are safeguarded if the adults in the community in which they live (including schools, spiritual organisations, sporting clubs, and so on) take responsibility for them. Recognising the broadening arena of people who must assume responsibility for children can only be considered a positive and appropriate expansion of the objects, as they place the child as the focus of care and protection and the family as the unit that has primary responsibility for their care, but it allows for the movement of other significant care givers in and out of their lives.

Sharing responsibility for the care and protection of children helps families, especially those parents who have no extended family to whom to turn. It also helps to challenge the unrealistic expectation that one agency, namely, Children, Youth and Family Services, can respond effectively to all child protection concerns. This organisation has particular responsibilities to take action once it is suspected that a child has been harmed or is at risk of harm, and to pursue family and community support to protect the child. A stronger more child-focused community will help prevent harm to children.

The new objects will also promote a whole of community approach to the care and protection of children and young people to ensure that predators against children are more easily identified and prevented from seeking access to them. Too many instances of exploitation and abuse of children and young people are seen as isolated incidents, rather than a whole of community and organisation problem. This has challenged traditional notions of how and where child abuse occurs, and our new understanding of how child predators seek to access children needs to be reflected in this bill.

The objects emphasise the importance of a safe, nurturing and stable family life for all children and young people. This is especially the case for those children recovering from abuse. Consequently, section 3(d) of the objects emphasises the importance of the need for the government to support families to carry out their caring responsibilities. It is important to note here the onerous responsibilities held by child protection workers in determining how best to support struggling families so they can provide good care for their children and watch them grow and flourish.

In most of these families there is love and commitment to the child, but there are other difficulties that prevent adequate care and protection. We know only too well from inquiries into child deaths both here in Australia and overseas about the mistakes that have been made because the needs of children have taken second place to those of their parents. As mentioned yesterday, sadly, it is still the case that most abuse occurs in the home.

This government is taking a number of steps to improve relationships with all caregivers, be they parents, grandparents or foster carers, as well as to make sure that all decisions about a child are taken in a measured way and for the child's long-term future. This requires consideration of the different perspectives of what is the best interest of the child, as well as doing all we can to make sure these services that will help families are available.

The member has asked for clarification about the interpretation of 'alternative care', and in particular how it relates to children within commonwealth-operated detention facilities. The definition of 'alternative care' covers all children in the care of the Minister for Families and Communities, including those in residential care facilities, independent living arrangements and lawful detention. It does not cover children in immigration detention who are in the custody of the commonwealth Minister for Immigration, Multicultural and Indigenous Affairs.

That being said, the consequences of immigration detention on children's health and wellbeing are devastating and acknowledged by this government. Our consistent advocacy, together with the community campaign, has assisted the placement of these children in the community. The government will continue to advocate and negotiate for any children held in immigration detention in South Australia to live with their families in the community. A memorandum of understanding exists between the state and commonwealth governments which details how CYFS can receive and respond to children protection notifications concerning children in immigration detention. It is important to note that investigations are pursued at the discretion of the commonwealth Minister for Immigration, Multicultural and Indigenous Affairs.

As to proposed amendment principles, in section 52(1) of the Children's Protection Act, annual reviews are prescribed for children under guardianship orders. The Layton review reported that only 37 per cent of the annual reviews were conducted within Children, Youth and Family Services. Ms Layton noted that this demonstrates a marked divergence from the good practices in relation to vulnerable children, and that compliance with the act was urgently needed. I am pleased to report that the number of annual reviews undertaken within Children, Youth and Family Services is now 99 per cent and we are committed to maintaining this best practice standard.

The principles in the bill refer to the entitlement of children in care, custody or guardianship to regular reviews of their circumstances. This principle needs to be seen as part of a package of principles for children in alternative care. It is essential that these reviews are conducted as often as is required for the child's particular circumstances. Professional judgment needs to be exercised in consultation and partnership with the child and family and, where appropriate, caregivers. In response to the request for the council to see regulations for the Aboriginal child placement principle, I can provide the principles which guide current work in the Department for Families and Communities. It is not anticipated that the regulations will significantly depart from the general intention of these operational principles. This will depend on consultation with key Aboriginal representatives and other stakeholders once the bill has been passed.

Which individuals and organisations are required to undertake police checks? We expect the use of police checks is designed to prevent unsuitable employees and volunteers from working with children and to prevent predators against children who are in existing jobs or activities that allow them access to children or children's records. We know only too well of many incidents where people have deliberately used their position and status to seek greater access to children and to exploit children. These clauses provide for the Chief Executive of the Department for Families and Communities to obtain a report on the criminal history, if any, of existing employees and volunteers in prescribed positions who do not voluntarily undertake this when requested.

The bill applies to employees and volunteers in government organisations where a person has regular contact with children or is working in close proximity to children on a regular basis, supervisors or managers of those people or individuals with access to records relating to children. There is flexibility within the bill to include other categories as we learn more about the ways in which perpetrators harm or gain access to children. We are preparing an amendment to extend those provisions to private schools at the request of independent schools and the Catholic Education Office. These provisions also apply more broadly in organisations providing services on behalf of government, including contractors and subcontractors. The department is offering a briefing for the Hon. Andrew Evans on these requirements and can offer any further briefings to other members as required.

This is an important component of the child safe environment framework. The department is committed to providing information, guidance and support to assist organisations with screening and monitoring employees and volunteers in prescribed positions. In particular, the department will develop and issue standards as a matter of priority. In developing the necessary guidelines for child safe environments to assist the government, non-government and community sector, the department will pay particular attention to the needs of smaller organisations and volunteers. Consultations will also occur with the relevant organisations to determine the best way forward.

What are the cost implications for smaller voluntary organisations? The member has raised an important issue in relation to the cost implications of the child safe environment provisions for small voluntary organisations. I place on record that the government's intention is to support these organisations as much as possible to do what they can to support and protect children. The intention is to recognise and build on our community strengths and not to reduce them. The Parliamentary Secretary for Volunteers, the Office for Volunteers and the Office for Recreation and Sport are providing invaluable assistance in making appropriate

connections with these community organisations that are affected. Currently the cost of criminal history checks for volunteers is a total of $5 through the federal agency CrimTrak, plus a $23 administrative fee charged by SA Police.

Following the introduction of national police check systems, the South Australian government has introduced a free police check for volunteers working with incorporated non-government organisations who work with vulnerable groups, including children. To obtain this benefit, eligible organisations will need to apply for a volunteer organisation authorisation number, a VOAN, and must meet the following criteria: services provided by the organisation involve volunteers having personal contact with children; services provided by the organisation provide charity or community service; the organisation is non-government and has incorporated status; and the organisation is not a member or affiliated club or association of a larger organisation.

Similarly, the child safe environment policy framework that will implement the requirements of the bill will pay particular attention to the needs of small organisations. The framework will provide appropriate levels of guidance and staff development in the required child protection policies and child safe procedures specific to the organisation. The government will also ensure that information packages on child safe environments are developed for organisations.

In terms of the proposed amendment regarding the extension of mandatory reporting, the decision not to extend mandatory reporting requirements to information divulged during the course of confession is one that has been carefully considered. In fact, the government has deliberated upon whether there should be any exemption at all. The current wording of the bill reflects the legal advice given by the Crown Solicitor's Office regarding the most appropriate way to refer to and be inclusive of all religious leaders and the practice of confession. It also follows recommendation 54 in the Layton report and is consistent with the wording in the Children's Protection (Mandatory Reporting) Amendment Bill 2003, passed by the Legislative Council.

Concerns raised by the Christian Scientists in relation to this issue are acknowledged, but I would like to reiterate that the exemption placed in the legislation regarding the practice of confession was deliberately narrow. Even then, the government was prepared to support it only in the context of receiving assurances from those churches that have confessionals that protocols would have be put in place to ensure that they would not be abused. The department has held various discussions with religious and spiritual organisations to outline their responsibilities in relation to the reporting of suspected child abuse and neglect. We are committed to working together into the future to assist them in understanding the implications of the bill. Ensuring the care and protection of children is the responsibility of us all, and the commitment to reporting should come from recognition of a sense of duty and responsibility to protect children from harm.

In terms of the proposed amendments in respect of the minister's powers regarding the Guardian, the government has established the Guardian for Children and Young Persons (the Guardian) because of the need to urgently improve the care and protection of children and young people in the care of the Minister for Families and Communities. The Guardian is appointed by the Governor to advocate for, and look into the circumstances of, these children and to provide advice to the minister about them. The functions of the Guardian are intended to support the minister's role as legal guardian of the children, and the powers were developed with the direct involvement of the Guardian. It is important to note that while the minister can direct the Guardian to undertake certain activities, including investigating and reporting to the minister on particular matters, the Guardian is not subject to directions that prevent or restrict her from inquiries and investigations that the Guardian considers necessary. Further, the minister cannot influence the content of advice received and must provide the Guardian with appropriate staff and resources.

The appointed Guardian has already made considerable progress in supporting individual children and young people, and she is also creating new life opportunities for this population by facilitating children's access to recreation and play activities. She has also provided invaluable advice on the reform of the alternative care system. In terms of the proposed amendment regarding the Guardian's role with children with disabilities, the language used in this section of the bill is unfortunate, and the government supports the Democrat's proposed amendment.

Regarding the proposed amendment on the size of the membership of the Child Death and Serious Injury Review Committee, the committee currently has 14 members including the chair. These members are necessary if the committee is to have the depth and breadth of knowledge and expertise it needs to review cases of death and serious injury. The committee has representatives with knowledge and expertise in legal issues, Aboriginal issues, child psychology, public health, youth issues, paediatric and forensic medicine, rural issues, and family court processes and procedures. It also has government representatives from the Department of Families and Communities, the Department of Health, SAPOL and the Attorney General's Department. The current chair of the committee has advised the Minister for Families and Communities that the scope of knowledge of existing members provides a good breadth of expertise across the many areas of children's lives and vulnerabilities. Further, the chair advises that members are efficient with their time and have the capacity to grasp important issues effectively.

It is the committee's intention, once it becomes familiar with the process of reviewing deaths and serious injuries, to undertake case reviews in subcommittees using the expertise within the committee that is most appropriate to the case under review. The chair advises that a smaller core membership would limit the number of case reviews that could be completed.

At present, there is no way to predict whether this will be an adequate or appropriate number of members to undertake case reviews efficiently and effectively. Although the depth of knowledge represented by the committee is considerable, there are still noticeable gaps in the knowledge base represented. For example, the committee does not have a DECS representative, nor does it have a representative appointed with expertise in physical and intellectual disability. Allowing up to 20 members ensures that, with the support of the minister, the committee has the capacity to acquire the necessary expertise over the coming years.

In terms of the proposed amendment regarding how the Child Death and Serious Injury Review Committee must review guardianship children, section 52S(3)(d) provides that the committee should review a case of child death or serious injury if 'the child was, at the time of death or serious injury, in custody or detention or in the care of a government agency.' The clause allows residual discretion to cover those

situations where it may be inappropriate to review certain cases. For example, the committee does not need to review matters where it is clear that the child has died from natural causes. The State Coroner can request the committee to undertake a review, and the death of a child in state care would be of particular interest to that office. Similarly, and as anticipated, the Guardian for Children and Young Persons will also advocate for, and undertake investigations into, the serious injury or deaths of children in the minister's care.

In terms of the proposed amendment relating to the size of the committee for the Council for the Care of Children, as mentioned in our response regarding membership of the Child Death and Serious Injury Review Committee, there is similarly no requirement for this council to utilise the total number of positions provided for within the legislation. However, it is imperative that the council consists of the appropriate representatives who have the breadth and depth of knowledge and expertise required to fulfil the comprehensive functions of the council as well as the flexibility to expand or reduce the number of members as required.

Regarding the proposed amendment relating to the time for tabling reports to parliament, the reference within the bill to the minister providing periodic reports to the Guardian for Children and Young Persons, the Council for the Care of Children, and the Child Death and Serious Injury Review Committee to both houses of parliament within 12 sitting days is consistent with other reporting structures. In particular, the Public Sector Management Act also provides that ministers must take annual reports of their respective government departments to parliament within 12 sitting days after the minister has received them. This time frame is not unreasonable.

Regarding the proposed amendment relating to grandparents' rights, the amendment addressed within this bill correctly focuses on the best interests of the child as central to the decision-making and interventions within the child protection system. This emphasis on the child must remain as the primary intent of the legislation. Grandparents often play a central role in the lives of children and, for some children, they offer an essential lifeline that keeps these children out of the child protection system.

Until recently, the direct involvement of grandparents in the care and protection of children was invisible. Fortunately, this is no longer the case. There is increasing recognition of their importance in children's lives, as demonstrated by the increasing number of grandparents becoming the formal carers of children. They also have a role to play in family care meetings, as per section 30(1)(c)(d) of the Children's Protection Act. Sadly, in some families, the tensions and conflicts between grandparents and the parents of the child limit the opportunities for shared care and can cause children considerable stress. In these situations, professional judgment is required to assess and build those relationships most significant to the child.

Regarding the proposed amendment relating to strengthening the rights of foster parents, as with grandparents and relative carers, foster carers give children a home and family. The caring role makes demands on their life and is a significant responsibility. Recognition and support of foster carers is a commitment in the government's Keeping Them Safe child protection reform program. There have been some landmark steps, ensuring that foster carers receive the respect they deserve and the support they require. For example, the recently launched Foster Carers Charter contains principles and commitments that will, in turn, guide alternative care policies and procedures, as well as child protection staff development. A Director, Foster Care Relations, has also been appointed to improve and strengthen relationships between carers and government and non-government agencies.

As to the proposed amendment relating to a children's commissioner as per the Layton review, the establishment of an office of the commissioner for children and young persons was considered when the government received the Layton review. However, at that point, it was not supported as the first priority. Instead, the government responded to a number of issues within the child protection system that limited the capacity to deliver direct services to children. This was particularly the case in relation to infants living in families demonstrating many known risk factors (for example, severe drug abuse, domestic violence, etc.) and the urgent need to expand care options for children under the guardianship of the minister. Measures such as the establishment of the Guardian for Children and Young Persons and the Child Death and Serious Injury Review Committee were seen as essential in the monitoring of and advocating for system change for particularly vulnerable child populations.

A Council for the Care of Children has also been included in the bill to have a mandate for all South Australian children across their life experience. All three bodies enjoy statutory independence. All these bodies will advocate for and respond to the voice of children and young people. In addition, the newly established Health and Community Complaints Commission will take up concerns from children, as will the state ombudsmen. The combination of the functions and responsibilities of all these bodies combine to keep a close eye on the reforms of the child protection system and to influence necessary changes to policy and services. We must remember that reform of the child protection system will take place over a number of years, and any changes that are made need to be sustainable. Therefore, a children's commissioner is not proposed at this time.

Regarding the proposed amendment to section 19, 'the minister must respond', any proposal to change the wording in section 19 of the Children's Protection Act from 'may' to 'must' raises a number of problems. The powers under the Children's Protection Act are not the only responses to protect children and ensure their safety. There are many risks associated with only pursuing a statutory intervention, as follows:

- it diverts resources we need to respond to those children at most serious risk;
- unnecessary statutory responses with families where abuse is unsubstantiated result in alienation and caution by the family and, consequently, a reluctance to seek support to care for and protect their children; and
- no statutory response within the child protection system does not equate to no response at all. It may be that services which are already working with the family provide the most effective response.

The balance between protecting children and supporting families to care and protect their children is fraught with difficulty, and there will always be a wide range of views about what is best and what is least detrimental to the child.

I note that an example has been given in support of the argument to compel investigation into those situations where young children exhibit sexualised behaviours. It is important to point out to the council that the majority of reports of suspected child abuse do not refer to the sexual abuse of children but to the neglect of children. Nevertheless, expres-

sions of sexualised behaviours are confronting for parents, carers and staff and volunteers in schools or preschools and can also be frightening for other children. However, it is important to distinguish between those children who are doing so because of harm endured but who are now safe and those who do so because they are at risk. The development of the child safe environment policy framework will give attention to dealing with both groups of children.

In relation to those children who may be at risk of harm, it is important for collaborative partnerships among those helping the child and, in particular, the need for relationship building between organisations and parents or carers to build a picture of the extent of that risk, as well as the extent of protective factors. Children recovering from abuse are not helped with repeated forensically based investigations. In fact, they can serve to perpetuate their distress. What is needed to help that group of children is information and guidance on how best to manage this behaviour, as well as therapeutic support so that the child can work through their experience.

As to the proposed amendment regarding student exchange, the issues raised by the honourable member about checking criminal history for exchange programs and international students do not require legislative change under the Children's Protection Act. I am advised that the Department for Education and Children's Services has required satisfactory completion of police checks for all members of a homestay family over 18 years of age for the past 4½ years for students in long-term homestays. Many short-term homestay families have also undergone police checks before hosting study tour students.

Following a review of the Homestay Program, DECS now requires police checks for all members of a household over 18 years of age before they host an international student. This includes all families hosting students on short-term study tours. DECS practice is that children under 10 years of age coming to South Australia in the study tour program must be accompanied by a parent or placed in alternative accommodation, with the agent, teacher or tour escort assuming responsibility for their care. New protective behaviour materials are being developed for use with outbound exchange students. This material will form the compulsory focus of the predeparture session run at the local school and backed up by any exchange organisation.

Regarding Family Court orders, the honourable member has asked for clarity about the relationship between the South Australian child protection system and the Family Court. It is fair to say that until recently some children fell between the gaps of the two jurisdictions, which each have a different basis for intervening in family life and different burdens of evidence. Thankfully, in recent times there has been a growing awareness of the need for the jurisdictions to work together more effectively, and there are a number of national fora which are addressing this and identifying what legislative changes are required.

The expanded definition of 'at risk' in the bill strengthens the existing provisions in the Children's Protection Act to take action to protect children. However, legislation alone cannot fix the many tensions that exist in this area. Family Court action is contentious by nature. In order to protect children, it is vital that the two jurisdictions work closely and collaboratively. We see a model of this in Project Magellan, a collaborative initiative between the department, the Family Court and other stakeholders to ensure that children's needs are at the centre of decision-making in these cases. This project provides for streamlined processes within the Family Court where allegations of sexual and physical abuse exist. It ensures appropriate communication and collaboration from the outset.

Bill read a second time.

PAIR APPLICATIONS

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I lay on the table two applications for a pair made by the Hon. Sandra Kanck, as referred to in a previous debate.

VICTIMS OF CRIME (LEGAL COSTS AND DISBURSEMENTS) AMENDMENT BILL

Received from the House of Assembly and read a first time.

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

That this bill be now read a second time.

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

Leave granted.

This Bill amends the *Victims of Crime Act 2001* on the topic of legal disbursements. These are the expenses incurred in making a claim for compensation. They include medical report costs.

First, the Bill proposes to add to the Act a schedule setting out the rules about disbursements that can be claimed from the Fund if the victim succeeds in the claim. At the moment, the rules about disbursements are found in the *Victims of Crime (Compensation) Regulations 2004*. These have proved controversial. Various earlier forms of the regulations have been disallowed. The repeated disallowance of regulations disrupts the management of these cases both for victims and for the Crown. Without regulations, victims do not know what documents they must submit to the Crown and what costs they can claim from the Fund. The Government wants to put a stop to this disruption by setting out the disbursement rules in the Act.

Two things can happen in a victim's claim. The claim may be settled by agreement of parties without the need for any application to the court, or it may be that the parties do not agree and an application to the court is required. In the latter case, of course, the court can decide what disbursements the victim can recover from the Fund. In the former case, however, as there has been no application to the court, the court is not seized of the matter and cannot rule on disbursements. Regulations under the predecessor Act, the *Criminal Injuries Compensation Act*, provided differently for these two situations. They said that if the matter settles without an application to the court, then the victim is entitled to recover reasonable disbursements as certified by the Crown Solicitor. If there were an application to the court, then the victim was entitled to reasonable disbursements as certified by the court (although, of course, the parties were often able to agree about what these should be). That same rule has always been the basis of the regulations made under this Act. It is hard to see what other approach there could be.

The regulations under this Act, however, sought also to make some specific rules about what expenses could be claimed from the Fund. These were designed to avoid needless expense. They included a rule that, in general, the Fund would not pay for a copy of a voluminous hospital record, but only for a report or summary of the record (for example, the discharge summary or a letter from the hospital registrar). Another, was the rule that, in general, the Fund would not pay for a report on the victim's injuries from a person without medical qualifications. A third was the rule that the Fund would not, generally, pay for a specialist's report incurred during the three month period for negotiation referred to in section 18(5) of the Act, but would pay for a general practitioner's report. A fourth, was the rule that the Fund would not normally pay for reports from more than one expert in the same specialty. All these rules were capable of waiver by consent of parties. They were meant to avoid unnecessary expense to the Fund, without detracting from the victim's ability to present his or her case for compensation.

The Government has always thought that its rules about disbursements were entirely reasonable. Just the same, it has made

various changes to the rules to try to accommodate the concerns expressed by a few legal practitioners and some Members. For example, it included in the present regulations a list of matters that the Crown Solicitor must consider if asked to approve the Fund's paying for an allied health report. This was to make the process more transparent.

This Bill would carry over these rules into the Act, but with two important changes. First, the Government has been persuaded that, even in the three month period for negotiation, the victim should be permitted to obtain, at Fund expense, a report from a psychiatrist, where it is reasonable to do so. Most of the claims on the Fund include a claim for a mental injury. The Bill enables a victim who alleges a mental injury to obtain a report from a psychiatrist from the outset of the case, knowing that, as long as the claim succeeds and the report charge was reasonably incurred, the Fund will pay.

Second, the Bill proposes to provide an avenue of review for decisions by the Crown Solicitor in cases where there is no application to the court. The Victims of Crime Co-ordinator is, under section 16, an officer appointed by the Governor to advise the Attorney-General on marshalling available government resources so they can be applied for the benefit of victims of crime in the most efficient and effective way. He also carries out other functions related to the objects of this Act as assigned by the Attorney-General. This office is presently held by Mr Michael O'Connell, a former police officer who holds the Australian Police Medal for his work for victims of crime. He was appointed under the former Liberal Government and so, I presume, enjoys the respect and confidence of Members opposite just as he does of the present Government. The Bill proposes that the Co-ordinator would, at the victim's request, review the Crown's decision about a disbursement. This would apply in cases where the claim is settled without an application to the court. The Co-ordinator would have no role in a case where there is an application to the court.

The Bill would not permit judicial review of a decision of the Victims of Crime Co-ordinator about a disbursement. The general rule that if the case settles without an application to the court, the disbursements are as certified by the Crown, was never controversial under the former Act. This is a modification of that rule to give the victim further recourse where the Crown and the victim cannot agree. It is not meant to set off a process of litigation over a disbursement.

The Bill proposes to carry over from the present Regulations the general rules about disbursements. The Fund would pay for a report from an allied health practitioner only if, in the case that settles without an application to the court, the Crown or the Victims of Crime Co-ordinator so agrees, and, in the case of an application to the court, the court is satisfied that a doctor or dentist could not have provided the necessary evidence. A good example of such a case is where a neuropsychological opinion is required about cognitive deficits caused by a head injury. The Bill proposes a list of factors to be considered by the Crown Solicitor in deciding whether the Fund should pay for an allied health report. It is quite similar to the list in the present Regulations.

Also, as now, the Fund would not usually pay for lengthy hospital records to be obtained, where a letter from the registrar or a discharge summary would do the job. It would not normally pay for reports from different experts in the same specialty. That only encourages shopping for a more favourable opinion. The victim is entitled to do that, but not at Fund expense. Further, the Fund would not normally pay for a report from a specialist, other than a psychiatrist, obtained before the end of the period for negotiation. Again, the parties can otherwise agree. As in the present regulations, it is necessary to seek the Crown's agreement before, rather than after, incurring the expense. No doubt victims will wish to do that in any case, to avoid the risk of having to pay the fee from their own pockets.

Some people seem to think that a victim should have a legal right to obtain a report from an allied health practitioner, and, in particular, a psychologist, at Fund expense. The Government still does not agree with that. The Government believes that, because these are claims about injuries, a medical practitioner will almost always be qualified to give an opinion. For the special case where the evidence needed is beyond the expertise of a medical practitioner, provision is made. Otherwise, if a victim insists on having a report from an allied health practitioner rather than a medical practitioner, just as a matter of preference, that is up to the victim, but the Fund should not have to pay for it.

The Bill deals only with disbursements. The scale of costs payable to legal practitioners who represent victims will continue to be fixed by regulation. That enables the scale to be readily adjusted from time to time. Likewise, the regulations would continue to prescribe the information and documents that must be submitted in support of a claim for compensation. These do not appear to be controversial. If this Bill passes, it will be necessary to vary the present regulations so that matters dealt with in the Act are removed from the regulations. The Government hopes that that will remove the contentious matters from the regulations, so that they will not be again disallowed.

In this Bill, the Government makes compromises in a good faith attempt to resolve this matter.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Victims of Crime Act 2001*

4—Amendment of section 25—Legal costs and disbursements

It is proposed to insert a new subsection that will provide that Schedule 2 applies to the determination and recovery of disbursements in proceedings under the Act.

5—Substitution of Schedule 2

Current Schedule 2 is obsolete and it is proposed to repeal that Schedule and substitute a new Schedule that will make provision for the recovery of disbursements in claims for statutory compensation under the Act.

Schedule 2—Disbursements

Clause 1 of the Schedule contains definitions of words and phrases for the purposes of the Schedule.

Clause 2 makes provision for the recovery of disbursements if an application for statutory compensation is made to the court. Subject to the listed exceptions, if an application for statutory compensation is made to the court, the claimant may recover disbursements certified by the court to have been reasonably incurred in connection with the application. The cost of obtaining a report of the kind listed in the exceptions may only be recovered if the Crown Solicitor gave prior approval, or the court is satisfied that the report was necessary for the proper determination of the matter.

Clause 3 makes provision for the recovery of disbursements if a claim for statutory compensation is agreed without an application being made to the court. In that situation, subject to the listed exceptions, the claimant may recover disbursements certified by the Crown Solicitor to have been reasonably incurred in connection with the application. The cost of obtaining a report of the kind listed in the exceptions may only be recovered if the Crown Solicitor gave prior approval.

However, a claimant who is aggrieved by a determination of the Crown Solicitor concerning the recovery of a disbursement, may apply to the Victims of Crime Co-ordinator for a review of that determination and the Victims of Crime Co-ordinator may confirm or vary the Crown Solicitor's determination. The determination of the Victims of Crime Co-ordinator is not subject to further review or appeal in any court.

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

ADJOURNMENT

At 6.29 p.m. the council adjourned until Thursday 22 September at 2.15 p.m.