LEGISLATIVE COUNCIL

Wednesday 19 October 2005

The PRESIDENT (Hon. R.R. Roberts) took the chair at 2.18 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.

VISITORS TO PARLIAMENT

The PRESIDENT: I draw honourable members' attention to some very important young South Australians from the Yankalilla Area School who are hosted here today by their local member, the Hon. Dean Brown. They are here as part of their political studies. We hope that you find your visit to our parliament both enjoyable and educational.

Honourable members: Hear, hear!

PAPERS TABLED

The following papers were laid on the table:

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

South Australian Superannuation Scheme Actuarial Report as at 30 June 2004

Reports, 2004-05—
- Adelaide Festival Corporation
- Art Gallery of South Australia
- Director of Public Prosecutions
- Jam Factory Contemporary Craft and Design Inc
- South Australian Rail Regulation
- Tarcoola-Darwin Rail Regulation

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

Reports, 2004-05—
- Environment Protection Authority
- Environment Protection Authority on the Administration of the Radiation Protection and Control Act 1982.

LEGISLATIVE REVIEW COMMITTEE

The Hon. J. GAZZOLA: I bring up the 28th report of the committee.

Report received.

NATURAL RESOURCES COMMITTEE

The Hon. R.K. SNEATH I move:

That members of this council appointed to the committee under the Parliamentary Committees Act 1991 have permission to meet during the sitting of the council this day.

Motion carried.

SMALL BUSINESS WEEK

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I lay on the table a copy of a ministerial statement relating to Small Business Week made by the Hon. Karlene Maywald on 18 October.

COMMONWEALTH HUMAN RIGHTS AND EQUAL OPPORTUNITY COMMISSION

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I seek leave to make a ministerial statement.

Leave granted.

The Hon. CARMEL ZOLLO: Today the Commonwealth Human Rights and Equal Opportunity Commission released its national inquiry into mental health services in Australia. The stated goal of the report was to determine the key concerns of those mental health consumers who have recently sought primary care or specialist health services. I welcome the report as a contribution to our national understanding of the experiences of mental health consumers. The report highlights the views of many individual consumers in their own words.

As the report identifies, the South Australian government, unlike many other states, has acknowledged that poor health and limited access to services for mental health consumers is a human rights issue. The Human Rights Commissioner's report ranks South Australia as third out of the eight states and territories in spending per capita on mental health services. However, the report also argues for new models of community-based care.

This government has always acknowledged that there is a lot of work to do. This is because, as outlined in the report, South Australia did not move away from the institutional based care as other states did in the decade to 2002. This government is not shirking this challenge. We are moving to ensure that mental health is no longer the isolated poor cousin in the health system that it was.

Members interjecting:

The PRESIDENT: They may be closing down Glenside, but they are not moving it in here.

The Hon. CARMEL ZOLLO: We never said that it was going to be easy and we are prepared to take on this task because it is important for South Australians. It will need everyone's involvement. That is why the Premier has charged the Social Inclusion Board, under the leadership of Monsignor David Cappo, to oversee the transformation of the current mental health system. Monsignor Cappo and the Minister for Health, the Hon. Lea Stevens, have written to Dr Sev Ozdowski AOM, the Human Rights and Equal Opportunity Commissioner, requesting his nominee to be part of a high level reference group established by the board to undertake this work. This year this government has significantly increased the funding for mental health, particularly in the non-government sector.

The Rann government is injecting significantly more resources into rebuilding the mental health system in South Australia. The upgrade of our physical facilities and support services are being undertaken at a magnitude never tackled by any previous government. There is a $110 million construction program for specialist mental health services on top of the $20 million per annum we are already investing above the previous government's spend. This year there is a new allocation of around $65 million over four years; $25 million of the money allocated this year went straight to the non-government agencies and GPs to provide extra community support services for people with mental illnesses.

We already have many new services and programs; for example, there is a 24-hour/seven day assessment and crisis

intervention service, a new dual diagnosis service to treat people with a mental illness and who also suffer from substance abuse, and group based day rehabilitation programs that focus on relapse prevention, illness and medication management. Our commitment is real. We are getting on with the job. Everyone acknowledges that it is not just about money. It is also about community attitudes and having an integrated system that is innovative and respects the rights of people with mental illness living in our community.

QUESTION TIME

URANIUM MINING

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

Leave granted.

The Hon. R.I. LUCAS: On Monday this week the leader, in response to a question on uranium mining, said:

> No; it was not rolled at all—which has been the Labor Party platform since 1985 and which is subject to federal rules, was rolled over because the real debate on the future of uranium mines will take place in a little over 12 months at the national conference of the ALP. My view, and that of the Premier and Deputy Premier, is that it will be addressed at that time. There are really two reasons why debate at the state convention this year would have had little effect: one is that the federal policy of the party overrides. . .

One assumes the minister was going to say 'state policy'. I draw the Leader's attention to a story in yesterday's *Australian* under the heading 'ALP will allow for uranium growth'. The article states:

> Kim Beazley has cleared the way for an expansion of uranium mining, claiming federal Labor would not shut any new mines approved by state or federal governments before it comes to power. The opposition leader, whose party is deeply divided on the issue of uranium mining and nuclear power, said yesterday he did not support new uranium mines beyond the three currently operating in Australia.
>
> But he said to protect and encourage investment in the mining industry, a federal Labor government would not close any new uranium mines opened before it won office.

Industry observers have pointed out to me the ludicrous nature of the situation that confronts the industry at present. The state minister (Hon. Mr Holloway) and the state government are saying that they do not have to change the state policy because it is the federal policy that will need to be changed in 2007; yet the federal leader is making it clear that there will be no change in the federal policy. But, if state governments make changes in relation to new uranium mines, he will allow those as a future federal leader—should he ever be in that position. The question of industry observers is: where does that leave the industry in South Australia? They are caught between the devil and the deep blue sea as they would—

The Hon. A.J. Redford: Hot rocks!

The Hon. R.I. LUCAS: Yes; to quote the leader of the government's favourite excuse for anything—hot rocks. Given what the minister said on Monday—that is, the industry could wait for a federal policy change—and the clear position of the federal leader of his own party that that is not the case—he says that state governments have to make these particular decisions—can he now provide advice to those people currently investing in the uranium industry, in terms of exploration activity at present, whether or not it is just a waste of time continuing to operate in South Australia, given the position of the state Labor government and a future federal Labor government on this critical issue?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I have some doubts about the accuracy of the reported comments if it states that the federal leader said that there were three mines. Everyone knows that the Labor policy has been changed to 'no new mines' because, in fact, there are three approved uranium mines in this state alone—two operating but three approved; that is, Olympic Dam and Beverley, and Honeymoon which is not operating but which has been issued with licences. That was done the day before the last state election. Also, of course, there are mines in the Northern Territory. The fact that it has that comment in it makes me doubt the accuracy of that report.

Certainly, I intend, when we get out of this place next week, to clarify what the federal leader did say in relation to the matter. Either way, his vote as a delegate will be the same as any other delegate at the conference. There are 12 months to go. I am sure that the debate on the uranium issue will continue until that time. I am aware that Mr Martin Ferguson, the federal shadow minister for resources, has expressed his view also that he believes there should be a change. I do not know whether or not Mr Beazley was correctly and accurately quoted on that occasion. In relation to the position of this government, the policy is exactly as I set it out the other day. We will be seeking to change it there.

WORTLEY, Mr R.

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

Leave granted.

The Hon. R.D. LAWSON: Mr Wortley is a well-known and, indeed, some might say notorious union official.

The Hon. R.I. Lucas: He is a friend of Terry Roberts.

The Hon. T.G. Cameron: No; he is with Don Farrell's lot. He is in bed with Carmel these days.

The Hon. CARMEL ZOLLO: I rise on point of order, sir.

The PRESIDENT: Order! Is this a denial? The denial is accepted.

The Hon. R.D. LAWSON: He is well known as the Secretary of the gas industry sub-branch of the Transport Workers' Union. He is reported as being a candidate for endorsement by the Australian Labor Party for the Legislative Council election in 2006, and he is in the happy circumstance of being the spouse of the new Labor senator Dana Wortley. Last year—

Members interjecting:

The PRESIDENT: Order! I am having difficulty hearing the deputy leader.

The Hon. R.D. LAWSON: —Mr Wortley was described in the minister's own ministerial directory as a 'senior ministerial adviser' in his office, and more recently he has been shown as a senior ministerial adviser in the office of the Attorney-General. The opposition has information and evidence that, whilst he was holding those appointments, Mr Wortley was engaged during business hours in various union activities. My questions to the minister are:

1. Is Mr Wortley currently engaged in the service of any minister of the Rann Labor government, either in a full-time or part-time basis, and, if so, in what capacity is he engaged?

2. During the term of Mr Wortley's service as the senior ministerial adviser to the minister, did his terms of engage-

ment allow him to engage in any activities during ordinary business hours on behalf of any union?

3. Is the minister aware of the fact that Mr Wortley was engaged in union activities during business hours whilst on the public payroll being paid by the South Australian taxpayer and, if so, when did the minister become aware of that fact?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): My understanding in relation to Russell Wortley's employment in my office as an adviser is that it was for less than 12 months. It was around 12 months. He was assigned to industrial relations issues associated with my portfolio—

An honourable member: Aboriginal affairs?

The Hon. T.G. ROBERTS: No, correctional services. With respect to the second question, my understanding is that he is not currently engaged in any capacity with any minister of the Crown. His duties with me were full time. I am not aware of any activities in which he is involved, although, being an active member of the Federated Gas Employees' Union, he may have, during his lunch time or on breaks, visited his colleagues. His office, I think, is in the Transport Workers' Union premises. From time to time union officials have carryover duties with other responsibilities.

I am aware that retired and ex-union officials have come into this place and, as members of parliament, have had carryover responsibilities back to their own organisations for a short time. I am sure that, from time to time, people who come from private practices but who work in this place carry out some of their duties as partners in businesses that are a part of their responsibility. The answer to the question is: to my understanding, no, he is not currently engaged by any other minister or any other member of parliament. He is back employed with the Transport Workers Union. He is currently full-time in that capacity, and that is about as much information as I can supply.

DROUGHT RELIEF

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the minister representing the Minister for Agriculture, Food and Fisheries a question about drought relief funding.

Leave granted.

The Hon. CAROLINE SCHAEFER: Earlier this year the then federal minister Mr Truss announced changes to exceptional circumstances drought funding and other drought funding measures provided by the federal government, outlining more generous criteria, therefore making it easier for more people to be eligible for exceptional circumstances drought funding. Although we all know that many parts of the state this year have had very good rains which are continuing, we also all know that the aftermath of a drought usually lasts for some two years after the drought has broken. The more generous criteria were dependent on agreement to changes of funding from the states. My understanding is that New South Wales accepted those criteria and brought them into legislation and has been operating under those conditions since August this year. What has this government done or what is it doing to bring South Australia into line with the new national policy?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for her question in relation to drought relief funding. I will refer her question to the Minister for Agriculture, Food and Fisheries in the other place and bring back a response.

The Hon. CAROLINE SCHAEFER: I have a supplementary question. Will the minister confirm that this policy was taken to cabinet and discussed very recently, and will the minister confirm or deny that cabinet refused this request?

The Hon. CARMEL ZOLLO: Cabinet discussions are confidential, but I will refer that question to the minister as well.

SEA RESCUE, EDITHBURGH FLOTILLA

The Hon. G.E. GAGO: I seek leave to make a brief explanation before asking the Minister for Emergency Services a question regarding the new radio base for the Edithburgh Flotilla of the SA Sea Rescue Squadron.

Leave granted.

The Hon. G.E. GAGO: I am aware that a new radio base is being built at Edithburgh for the flotilla there. Will the minister please advise the council whether construction on the new base has commenced and provide details about the new base?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for her question. In the past, the Edithburgh Flotilla with approximately 40 members has used private homes or the small office at the Edithburgh police station for meetings or for marine operations. A local building company from nearby Minlaton, DR Constructions, has been contracted to build the new radio operations room at a cost of $85 357. Work on site commenced on 25 July with an 18-week building program. This new initiative provides support to the Edithburgh Flotilla to enable the group to function with a higher level of efficiency and offers additional volunteer comforts in the radio base. The new base will provide volunteers with appropriate infrastructure to assist in the roles they perform. It will also assist the government in meeting its target under the strategic plan of increasing the level of volunteerism in South Australia from 38 per cent to 50 per cent within 10 years.

The Hon. John Gazzola seems to know a little bit about Edithburgh. Is it a good fishing spot? In the planning phase, ongoing consultation was undertaken with the Edithburgh Progress Association, adjacent caravan park operators and the District Council of Yorke Peninsula. This served to ensure that the new radio base was positioned not only to service the recreational boating community but also to add aesthetically to the area. An additional benefit is that a viewing platform has been incorporated on the roof of the radio base which will also provide a facility for tourists and those visiting the caravan park.

Easy access to the radio base means that local fishermen and recreational boaters can obtain up-to-date weather and boating conditions from members of the Edithburgh Flotilla who perform duties every weekend and public holiday. An additional marine safety service will be provided to the new radio base, whereby boaters will be encouraged to log on and off using their marine radio. The marine radio coverage of the new radio base will clearly improve water safety at Edithburgh and in surrounding waters. The new base will be positioned adjacent to the Edithburgh boat ramp and will provide a facility for members to operate a local marine radio safety service. It will also provide a location for meetings during non-operational times. I also take this opportunity to thank the members of the Edithburgh Flotilla for their

commitment to marine safety on Yorke Peninsula. The radio operations room is due for completion prior to the peak summer recreational boating season.

HANSON BAY

The Hon. IAN GILFILLAN: I seek leave to make an explanation before asking the Minister for Urban Development and Planning a question about the Hanson Bay proposal on Kangaroo Island.

Leave granted.

The Hon. IAN GILFILLAN: I am sure that many members—and, certainly, everyone on Kangaroo Island—would know that Dick Smith's daughter and son-in-law visited Kangaroo Island and had the experience thousands of people have had worldwide of this remarkable wilderness on the south coast of the island. In their own terms, they experienced the 'wow' factor, which has prompted them to propose a multi-million dollar development. The following are a few comments about that development. The proposal does not comply with the KI Development Plan. With more than 25 units, if you include staff accommodation units in the landscape zone, it will have a significant environmental impact, especially on the coastal amenity. The development does not comply with the tourism policy for the island, nor the tourism character that we have all agreed is appropriate, that is, one nature-based development in the south-west of the island and development in and around towns. We already have the failed Kangaroo Island Wilderness Resort.

The proposal will have a significant impact, that is, clearance of habitat; and the development is not sustainable in terms of that impact, especially considering the amount of water needed and to be disposed of, as well as effluent. There is also the clearance for and access to the development, as well as for fire protection, power supply, and diesel generators; and also its impact on the coast. Therefore, the proposal does not fit with the current government's own sustainability agenda. I ask the minister: how on earth can the government support these gross violations of ambience and planning in this world famous pristine wilderness on Kangaroo Island?

The PRESIDENT: There is a little bit of opinion amongst some of that.

The Hon. P. HOLLOWAY (Minister for Urban Development and Planning): It is a pity that the honourable member did not go back and read the original statement where I declared the project a major development. If he had done so, he would have understood that one of the reasons why projects are declared major is so that there can be a proper environmental assessment of those projects. Indeed, its being declared a major project does not imply consent: it is quite different from that. The major development declaration for the Southern Ocean Lodge at Hanson Bay was gazetted on 23 June this year. A declaration enables the highest level of assessment to be applied under the Development Act. This particular project is for a nature-based tourism development, which will include 25 contiguous accommodation suites. It is within an area of contiguous native vegetation of intact stratum, and the land is zoned coastal landscape in the development plan. The Major Development Panel has recently considered development application—

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: Will the honourable member be quiet? I know that he finds it almost impossible to shut up, but I am trying to answer someone else's question. I know he wants to get out of this place as quickly as he can, and I think he probably will. But can't the honourable member wait the next 13 days, or whatever it is we have left in this place before the election, when he leaves here forever, one way or the other?

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: The honourable member is the one who is arrogant. The Major Development Panel has recently considered development application documentation and released an issues paper on 15 September for consultation with both the public and relevant government agencies. Following that consultation period, the panel will reconvene to prepare guidelines and determine the level of assessment. There are a number of key issues associated with this proposal which the honourable member referred to including vegetation clearance, bushfire protection and impacts on native flora, and it has been declared a major project in order to enable all that to take place. The only other comment I would like make in relation to the matter is that the need for ecotourism accommodation (which appeals to overseas visitors) on Kangaroo Island is outlined in the document 'Responsible Nature-based Tourism Strategy 2004-2009', authored by the South Australian Tourism Commission and the Department for Environment and Heritage.

I am sure that the honourable member, as a resident of Kangaroo Island, is well aware that the agricultural sector is an increasingly small proportion of the economy of the island and that the tourism-based area is, in fact, the major contributor to the island's economy. I should also point out that the commonwealth has declared the project a controlled action under the Environment Protection and Biodiversity Conservation Act (the EPBC act). As a result, assessment will also be required by the commonwealth. So, for the Hon. Angus Redford's benefit, his commonwealth colleagues have concurred that that is an appropriate level of assessment for that.

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: What is your policy? You interject all day, so should it go ahead?

The Hon. A.J. Redford: Wait and see.

The Hon. P. HOLLOWAY: What a joke these people are. He is interjecting all the way through and when you ask him he says, 'Wait and see.' Well, I am pleased that the honourable member will wait and see, because there is a proper assessment being made, and I can assure the—

The Hon. T.G. Cameron: Don't let him get under your skin.

The Hon. P. HOLLOWAY: He certainly does not do that.

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: The Hon. Angus Redford is the person who, when we had a select committee on electricity last week, came out and made a comment although he was not there at all during any of the committee. Of course, he got it all wrong and out of context—clearly, he got it all from the Hon. Rob Lucas. I do not know who wrote it, whether Robert Lucas wrote it for him, but it is not bad is it? And here he is again giving commentary on the select committee. Since he refers to the select committee this morning, I think it is worth pointing out that for 1½ hours we had the Leader of the Opposition, Mr Kerin, down in that committee.

The PRESIDENT: Order! No member should be referring to it.

The Hon. P. HOLLOWAY: Is it any wonder that this man is in trouble; is it any wonder that people are saying that if those are his priorities, if he can go and listen to a bit of internal party gossip for 1½ hours with all the issues of the day, is it any wonder that he is in trouble? If anyone wants to know what is wrong with the Liberal Party, they only have to look at their lack of policies and at their priorities. They are way off beam and the public knows it. The public knows that there is no leadership and that there are no policies. The Liberal Party is floating around in the ether. But I will get back to the question. We, in the meanwhile, are getting on with our job—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: We are doing it properly, and when developments come before us we will assess them in the proper way, we will make decisions and we will do it in an orderly, structured and appropriate manner.

Members interjecting:

The PRESIDENT: Order!

The Hon. IAN GILFILLAN: I have a supplementary question. Does the minister believe that there is any possible way this development can enhance the wilderness or environmental character of Kangaroo Island?

Members interjecting:

The Hon. P. HOLLOWAY: I thank the honourable member for his question, but it is a pity that those opposite keep interjecting on serious matters. Obviously, they have a lack of real issues.

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: As I said, the tourism plan has stated that people appreciate the wilderness and eco areas of Kangaroo Island. The question is whether it is compatible to have such a development in that location to enable people to witness it. I know that something like 40 per cent of Kangaroo Island is already in parks, and this proposal is on private land, but Kangaroo Island is one of the great jewels of this state and I do not think anyone would want any development that threatened that. At the same time, if people are to appreciate it, and if they are to come from overseas to see the wonders of the island and sustain its economy, we clearly need some accommodation for them to stay in. That is why any decisions on these matters need very careful consideration.

SCHOOLS, EXAMINATIONS

The Hon. T.G. CAMERON: 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 moves to scrap state exams in favour of a national assessment scheme.

Leave granted.

The Hon. T.G. CAMERON: It was recently reported in *The Advertiser* that federal government plans to remove education and training inconsistencies between the states now appear unlikely to go as far as scrapping state exams in favour of a national assessment scheme. The Prime Minister said that any overhaul of the education system should not include uniformity for uniformity's sake. However, he reiterated support for removing barriers for students crossing states. In the article, he was quoted as saying:

> I am in favour of having a situation that, if you are going to get a qualification in one part of Australia, you should be able to ply your trade or win admission to a university or a higher education institution in another part of Australia.

He went on to say:

> I am negotiating with the premiers at the moment to get rid of all these barriers, and I think we will make some progress on that very soon.

Those comments came as the Australian Council of Educational Research (ACER) raised the idea of a national year 12 certificate to replace existing state exams for the whole country. ACER has been commissioned by the government to investigate options for a new Australian certificate of education that would allow universities, parents and employers to compare student performance. It has received a number of submissions advocating the replacement of state exams altogether. My questions to the minister are:

1. What is the South Australian government's position on the proposal by ACER to abolish state exams in favour of a year 12 national assessment in order to remove education and training inconsistencies between states as well as to make it easier for those students who move from one state to another?

2. Would the government support such a move? If not, why not?

3. In reference to the Prime Minister's statement that the federal government was 'negotiating with the premiers at the moment to get rid of all these barriers', can she report what progress has been made so far and when we are likely to see an outcome?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for his questions in relation to moves to scrap state exams in favour of a national assessment scheme. I will refer them to the Minister for Education in another place and bring back a response.

ELECTRICITY, LOAD SHEDDING

The Hon. A.J. REDFORD: I seek leave to make an explanation before asking the Minister for Industry and Trade a question about load shedding.

Leave granted.

The Hon. A.J. REDFORD: Last week, the Electricity Supply Industry Planning Council repeated a series of warnings made in June this year regarding looming power shortages over the summer. This follows warnings by the national body NEMMCO that South Australia and Victoria face electricity constraints in February and March next year. I remind members that this is at a time when the eyes of the world will be upon Victoria during the Commonwealth Games.

I am told that load shedding is now a priority for this government in the absence of any other response to this looming power shortage, given its lack of investment in generation capacity in this state since the election of the Rann-Conlon government. Last week, the opposition learned that last summer NEMMCO attempted to negotiate with the industry and others to make up the shortfall by paying companies to turn off electricity, with poor success. I understand that it could buy back only half the electricity capacity it was seeking to purchase. That leads us to the inevitable position that, if there is hot weather, South Australia is facing a series of brownouts and blackouts during the summer. Obviously, the Premier's office and Parliament House will be immune from these blackouts and brownouts. However, there are those responsible for determining where

and when the brownouts and blackouts will occur, ensuring that hospitals and other essential services are exempt.

In that respect, the Electricity Supply Industry Planning Council annual report states that South Australia and Victoria will be 152 megawatts below the target reserve margin and that South Australia's share of that is 76 megawatts (nearly half the shortfall), despite South Australia's having only a third of Victoria's population. It is important for the hundreds of small businesses and mums and dads of Adelaide and South Australia to know in advance the priorities and places when it comes to electricity load shedding in the event of brownouts and blackouts. In the light of that, my questions to the minister are:

1. What are the priorities in relation to industries and/or small business that will be required to load shed this forthcoming summer?

2. Will the government table a schedule of those suburbs and/or industries that were required to load shed last year or, indeed, were paid to load shed last year, including the time and duration of that load shedding?

3. Will the government table a schedule of those suburbs and/or industries that will be required or asked to load-shed, including priorities and rosters and the time and duration of brownouts or blackouts, should they be required this forthcoming summer?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): The honourable member is, of course, talking about the Select Committee on the Electricity Industry in South Australia, which he was not at last week. The meeting went for two hours. There was a very lengthy discussion where he will see that many of the points that he made in his preamble are totally out of order and totally incorrect.

The Hon. A.J. REDFORD: I rise on a point of order. You are not allowed to refer to evidence of a select committee. I was not referring to that evidence. I am conscious, unlike the Leader of the Government, of standing orders. I was referring to publicly available reports and annual reports that have been tabled in this parliament.

The PRESIDENT: The point of order is upheld. I was about to remind the minister that we should not refer to the evidence but, as you have said that the evidence that you are referring to is public, the minister can refer to all of that information that he has in the public arena.

The Hon. P. HOLLOWAY: If the Hon. Mr Redford is really seriously trying to suggest that he has not done so, I can only say that it came out the day after he used it. He is really being totally disingenuous. How dishonest can the Liberals be? The fact is that he was using this information. I suggest that, if he has not, as he has quite dishonestly suggested, he should go away and borrow a copy of it.

The Hon. A.J. REDFORD: I rise on a point of order. I ask the minister to apologise and withdraw his reference to me being dishonest.

The PRESIDENT: 'Dishonest' is not unparliamentary. Are you saying that you are offended?

The Hon. R.I. Lucas: He's wounded.

The Hon. A.J. REDFORD: Yes.

The Hon. P. HOLLOWAY: If he is wounded, I will withdraw the comment. I apologise to the honourable member. I suggest that since he has not read it, and since his colleagues obviously have not told him about it, he should, because amongst those 40 or 50 pages of evidence is a very good explanation. If he goes away and reads it, he will find all the answers that he wants in relation to the explanation of that matter. He will get it all out of there.

The Hon. A.J. REDFORD: I have a supplementary question arising out of the answer.

Members interjecting:

The PRESIDENT: Order! There is a supplementary question. Let us keep this calm. I cannot hear the honourable member.

The Hon. A.J. REDFORD: Am I to assume that, based on that answer, the government will not provide any forewarning to any consumer or any person about forthcoming brownouts or blackouts prior to their occurrence this summer?

The Hon. P. HOLLOWAY: Again, the honourable member is being quite disingenuous in his suggestion that there will be blackouts. Again, he should read it all. He was not there; he was too lazy to be there. He is the shadow spokesman, and he was too lazy to be there. It was a public hearing. But, if he goes and reads the evidence, which I assume should be public now, he will see it all in perspective, and he might actually learn something. However, that is probably not likely.

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order!

The Hon. J.F. STEFANI: Will the minister advise when the government will fix the electricity system and bring in cheaper power, as promised by Premier Rann's 'My pledge to you' card?

The Hon. P. HOLLOWAY: And this is from you. You voted to sell it. You put up your hand. You said, 'Sell it'; and you said, 'Add $300 million a year to the cost of electricity.' You are a disgrace. Your political career will be over in 13 days. The public of South Australia will not miss you one bit. You will go down as one of those who sold the electricity industry in this state. Every South Australian will go to the next election knowing who was responsible for the sale of our electricity assets. They will know that the former Liberal government locked in the price of electricity until December 2002. They locked it all in and the public of South Australia know they are responsible for it. The more these Liberals go on and try to dissociate themselves from it, the more the public will be disgusted with them because they know just how dishonest they are.

The Hon. A.J. REDFORD: By way of supplementary question arising from the answer, was there any secret about the locking in of the price until the end of 2002 prior to this government making its pre-election promise?

The Hon. P. HOLLOWAY: It was no secret that the prices would go up, and they did. It was certainly no secret at all that, thanks to the actions of the Liberal Party, through its privatisation of electricity, the prices have risen substantially.

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order! The level of interjections is so large that I cannot recognise who is being disorderly. If you are going to be disorderly, do it quietly.

BUS ROUTE T530

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 route changes.

Leave granted.

The Hon. J.S.L. DAWKINS: I recently received correspondence from Ms Pam Weeks of Modbury North about recent changes to the T530 bus route. Ms Weeks' correspondence and the signatures of 144 other users of the T530 service, which originated at Elizabeth, were forwarded to me by Mr Pat Trainor, the Liberal candidate for Florey. Ms Weeks indicated that prior to the change of routes this bus service was the only express service from the north-east to the city and the buses were always full, standing room only, when she got on at stop 50 at Surrey Downs. The buses now have to stop at the Paradise and Klemzig interchanges.

In addition to the changes, people whose destination is North Terrace, King William Street, Victoria Square or Wakefield Street now have a very long walk, especially the children from St Aloysius College and Christian Brothers College in Wakefield Street. Ms Weeks advised that, after hearing a rumour about the proposed changes, she phoned Torrens Transit to have those rumours confirmed and was told that it was a directive from the Premier, who wanted a direct fast service from Elizabeth to the airport. In her opinion the changes to the T530 bus route inconvenienced a lot more people than those who wanted to catch a bus to the airport. She is sure that a dedicated bus service to the airport would be a more sensible idea and suggested that the best solution would be to choose one of the buses that already go down Grenfell Street and Currie Street to continue on to the airport. The change significantly inconveniences those who use the O-Bahn, and it is the only express bus service to the North Terrace/King William Street/Wakefield Street precinct from the north- eastern suburbs.

Ms Weeks also expressed her disappointment about the lack of publicity about the route changes prior to their implementation. About 80 per cent of the people she collected signatures from had no prior knowledge of the changes. Subsequently, the availability of new timetables in the days leading up to the route changes was very poor. The commuters who signed the document supporting Ms Weeks' views come from a wide range of suburbs served by the T530 service. These include Salisbury Heights, Golden Grove, Wynn Vale, Greenwith, Modbury Heights, Redwood Park, Surrey Downs, Modbury, Salisbury Park, Hillbank, Vista, Hope Valley, Gould Creek, Andrews Farm, Elizabeth East, Elizabeth, Blakeview, Fairview Park, Tea Tree Gully and Athelstone. My questions are:

1. Will the minister indicate the level of patronage of the previous T530 service for 2004-05?

2. Will the minister indicate whether the changes to the service were made at the direction of the Premier?

3. What alternatives were considered in relation to providing a direct service to the airport?

4. What action will the minister take to ensure that future changes are better publicised?

5. Will the minister direct the public transport division of the Department of Transport, Energy and Infrastructure to restore the previous timetable of the T530 bus route?

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

The Hon. T.J. STEPHENS: I have a supplementary question. Will the minister let us know what consultation, if any, took place with commuters with regard to any of those bus changes?

The Hon. P. HOLLOWAY: I will refer that question to the Minister for Transport.

DP WORLD

The Hon. R.K. SNEATH: I seek leave to make a brief explanation before asking the Minister for Industry and Trade a question about the acquisition by DP World of the Port Adelaide container terminal.

Leave granted.

The Hon. R.K. SNEATH: I understand that, during his recent trade mission to Dubai, the minister held talks with senior executives of DP World about the future of the Port Adelaide container terminal. Will the minister inform members about the outcome of those talks?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I am delighted to be able to assure all members that the future of the Port Adelaide container terminal is very bright, indeed. It is not only good news for the port itself and the people who work at the container terminal but also very good news for South Australia's economy. As the honourable member indicated in his explanation, DP World acquired the Port Adelaide container terminal earlier this year. Based in the United Arab Emirates, DP World is the world's 5th largest port and container terminal operator, controlling 16 container terminals, four free trade zones and three logistics centres across the Middle East, Africa, India, Asia and now Australia. Importantly, already the company has signalled its commitment to South Australia with a $5 million investment in new straddle cranes at Outer Harbor.

During my recent visit to Dubai, I had the honour of meeting DP World's new Chief Executive Officer, His Excellency Mohammed Sharaf, as well as His Excellency Jamal Majid Bin Thaniah, Chief Executive of the Dubai Ports Authority. It is worth noting that, at the same time, the world's largest container ship, which carries 90 000 containers, was in the Port of Dubai, which is fully owned and operated by DP World. The Port of Dubai is one of the only ports in the world with several cranes capable of picking up four large containers at a time.

There is no doubt that DP World is a company going places, with massive expansion plans including close to a tenfold increase in the number of containers that the Port of Dubai handles every year. DP World is also the 100 per cent owner of the company building Dubai's now world famous construction projects, The Palm and The World.

The Hon. A.J. Redford: Will they do anything here?

The Hon. P. HOLLOWAY: Certainly, that is our intention. The first of The Palms, which stretches around four kilometres off shore, is well under way and there are plans for more. My descriptions of the Port of Dubai expansion plans and the massive construction projects will hopefully give members an idea of DP World's investment capacity—an investment capacity that now reaches South Australia. The Chief Executive Officer made it clear during our talks that the company is committed to expanding the capacity of our container terminal; and that will play an important role in building the state's exports.

The signs are already positive, with DP World reporting that our terminal is consistently performing above the national average. The company says that its net crane rates at Outer Harbor average 30 moves per hour, compared to 25 moves per hour just five years ago. It also compares favourably with the Port of Melbourne's crane rate average of 27.5 moves per hour and Sydney's average of 26.7 moves. The bottom line is that one of the world's most rapidly expanding companies has chosen to invest in South Australia—$5 million for new cranes and a commitment to

expand our container terminal's capacity. This investment is a significant boost, I believe, for the South Australian strategic plan targets.

PUKATJA HEALTH CLINIC

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister for Emergency Services, representing the Minister for Health, a question about the Pukatja health care clinic on the APY lands.

Leave granted.

The Hon. SANDRA KANCK: I have received an email from David Wright, a community minister with the Uniting Aboriginal and Islander Christian Congress and a member of the Mobile Aboriginal Patrol, detailing serious inadequacies in the staffing, facilities and ancillary services provided by the Pukatja clinic.

Mr Wright tells of a man found unconscious on a private property at Pukatja. An unaccompanied nurse was despatched to pick up the man and deliver him to the clinic. The nurse drove a troop carrier with the makings of an ambulance. The vehicle was not fitted with a stretcher or gurney of any sort. Hence, it was only with the assistance of neighbours that the nurse was able to lift the man onto the floor of the ambulance. On route to the clinic, the man regained consciousness and it was decided to convey him from the ambulance to the clinic via a wheelchair. Incredibly, this public health clinic has no wheelchair access. Three people were needed to move the patient from the ambulance to the clinic in a wheelchair. My questions to the minister are:

1. Does the state government have a legal obligation to provide wheelchair access to public health clinics?

2. What other public health clinics in South Australia do not have wheelchair access?

3. Does the minister believe that it is acceptable for patients to be placed on the floor of a troop carrier acting as an ambulance?

4. What steps will ensure that health workers are not expected to attend such emergency calls unaccompanied?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for her questions in relation to health care at Pukatja on the APY lands. I will refer her questions to the Minister for Health in another place and bring back a response.

GAMBLING, FAMILY PROTECTION ORDERS

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Gambling, questions about problem gambling family protection orders.

Leave granted.

The Hon. NICK XENOPHON: On 30 June 2005 I asked questions about the implementation of the Problem Gambling Family Protection Orders Act, which came into force on 1 July 2004. I asked how much had been spent on advertising and promoting the family protection order scheme, how many inquiries the IGA had received, how many orders were made and related matters. The response received last month indicated that, in the 12 months from 1 July 2004, 55 inquiries were handled by the IGA. One complaint was adjourned to allow the respondent to request voluntary barring.

Voluntary barring was requested and granted and another complaint remained adjourned. Orders have been made in respect of three further complaints, according to the answer provided. The response also mentioned that publicity for the scheme was detailed in a poker machines information booklet developed by the IGA and distributed in *The Advertiser* and the *Sunday Mail* in March and April 2005. Funding of $100 000 was provided to produce the booklet, only part of which included reference to the family protection orders. It would be fair to say that that was only a very minor part of the booklet.

The minister has referred to the IGA's experience, particularly noting some media reporting that great care needs to be taken to avoid confusion about the nature of the scheme and the ways in which family protection orders might operate. Reference was also made to the fact that, as a matter of course, the IGA has engaged in consultations with a number of government and non-government agencies for the purpose of increasing awareness of the scheme. My questions to the minister are:

1. What steps have been taken to provide publicity for the scheme at gambling venues? Have venues been approached and, if so, what level of cooperation has there been from venues and, if not, is that something that is proposed at the coalface in relation to the scheme?

2. Has the authority produced any specific brochures and information material for the scheme and, if not, are there plans to produce and distribute such material and, if so, to what extent and where will the material be distributed?

3. What steps are being taken to remedy the confusion about the scheme the IGA has referred to via the minister's answer?

4. What is the nature, extent and resourcing of information being given to existing help networks on the scheme?

5. When did the IGA engage in consultations with the government and non-government agencies to advise of the scheme? Which agencies were consulted and when and what material was provided to them by the IGA?

6. Given the reference to $100 000 being spent to produce the booklet, will the government advise whether that also includes the distribution costs of the booklet and, if not, what were those costs?

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

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 her ministerial statement.

Leave granted.

The Hon. J.M.A. LENSINK: We heard earlier today a statement from the Minister Assisting in Mental Health, and I quote a sentence in particular where she stated, 'This year the government has significantly increased the funding for mental health, particularly in the non-government sector.' She went on to reference a report that was released today by the Human Rights and Equal Opportunity Commission and the Mental Health Council called 'Not For Service'. There are comments contained in this particular report which actually show that South Australia has the lowest percentage expenditure of 1.9 per cent on non-government organisations. The report also states that 'South Australia is perceived to have

made little genuine commitment to support persons with mental illness to live effectively in the community' and refers to the resignation of Mental Health Services director, Jonathan Phillips, as 'the best indication of the ongoing crisis in Mental Health Services in South Australia'.

The former director was featured on the *Insight* program on SBS last week, as follows:

Jenny Brockie: Jonathan Phillips, you recently resigned as the head of the South Australian Mental Health Services. Why?

Dr Jonathan Phillips: Well, I went to South Australia to bring about a process of reform. I believe in reform, big reform. I don't believe in bandaid solutions and I guess I slowly came into conflict with small solutions for big problems. It does not work. One has to have the courage to go there and do the investment and build a new system.

My questions to the minister are:

1. In relation to funding for the non-government sector, what was the previous level of funding and what is it now?

2. Are the statements in the report that I have quoted correct or are they incorrect?

3. Will the minister comment on Dr Jonathan Phillips' statement that he came into conflict with small solutions for big problems in this state?

The Hon. CARMEL ZOLLO (Minister Assisting in Mental Health): I thank the honourable member for her question. We are very much aware that the system in this state does need reform. We acknowledge that, and we do have a long way to go. You probably also neglected to quote, if you have read the report, that, according to the NMHR-2004, South Australia finishes third out of the eight states and territories in terms of per capita spending, and you probably also neglected to remember that we put a $25 million injection into our community services.

We have a lot of catch-up to do, and that is precisely what we are doing. We are moving forward with the mental health reform agenda, and we are sorry that Dr Jonathan Phillips decided to work outside that system. He decided to go and work as a clinician again, and we wish him well, but we now have a new director, Dr John Brayley, and perhaps you should be listening to some of the things he has to say. But, yes, we acknowledge that we have a lot of catch-up to do in this state, because the ball was dropped here.

The state dropped the ball for about 10 years, a whole decade; we did not move forward with evolving in our mental health reform in this state; that is a fact, and it is acknowledged in the report. As I said, we are doing some good things. We are putting a lot of money into mental health that your government did not do, and I think you also need to acknowledge that. We have started a good rebuilding program, with $110 million. We have some good recurrent funding as well, and we should also remember that what we need is some cultural change. We are working with our staff to ensure that we put people at the centre of care in this state. I just reiterate that Monsignor Cappo and the Minister for Health have written to Dr Sev Ozdowski. I am sure that very many members in this chamber would remember Dr Ozdowski, the Human Rights and Equal Opportunity Commissioner, requesting him or his nominee to be part of a high level reference group established by the board to undertake this work. So, really, we know that there is a lot of catch-up to do in this state, and we are working towards that.

The Hon. J.M.A. LENSINK: I have a supplementary question. When Jonathan Phillips said that he came into conflict with small solutions, is he referring to prior to or after the budget? If it is after the budget, when will we see some actual reforms that will fix the problem?

The Hon. CARMEL ZOLLO: We have seen a lot of action since the state budget in relation to fixing the problem. I honestly do not know what he was referring to. As I have said, we are sorry that he has decided to work outside the system rather than within the system.

The Hon. J.F. STEFANI: I have a supplementary question. I recognise that the minister may not have this information, but can she provide the figures for mental health for 2003-04, 2004-05 and 2005-06 for the non-government sector?

The Hon. CARMEL ZOLLO: I will get a report for the honourable member and bring back a response. As I have said, obviously, there has been an injection of funds in the budget, and we are working with community groups.

SCHOOLS, ASSET MANAGEMENT

The Hon. KATE REYNOLDS: I seek leave to make a brief explanation before asking the Minister for Emergency Services, representing the Minister for Education and Children 's Services, a question about funding for school asset management.

Leave granted.

The Hon. KATE REYNOLDS: It always gives the Democrats pleasure to speak about Aboriginal communities, so there will be two questions today. When I visited the community of Pipalyatjara on the Pipalyatjara-Yankunytjatjara lands a few months ago, I spoke with the principal of the Pipalyatjara Anangu school. We toured that school, as we have toured various schools in the Aboriginal communities, and we spoke about the costs of maintaining school buildings and equipment. This school has applied over a number of years for upgrades and renovations, and it has had very little success. I should give credit where it is due: the state government has recently provided funding for some upgrade, and that is very welcome.

When I was speaking with the principal, she mentioned in passing that the funding formula used for calculating the asset management funds provided to that school in the far north-west of South Australia was the same as that used to calculate funding for managing assets in a school in suburban Adelaide. I asked her whether she could check that information. I knew from my own experience as a member of a school council that the formula was certainly inadequate and has been for many years—it never goes anywhere near to covering the cost of maintaining a school's assets. However, I could not believe that this was the same formula being applied to these remote communities, with their extreme climatic differences.

The principal undertook to check that information, and she got back to me and said, 'Yes, it is exactly the same funding formula that is used statewide.' This is the formula that replaces carpets, paints buildings, maintains heating and cooling, and so on. It apparently takes no account of differences in wages, freight costs and the limited number of contractors who might be available outside the metropolitan area, extreme climatic conditions and so on. My questions are:

1. Why does the asset management funding formula not take account of the different costs in maintaining assets between schools in urban Adelaide, rural South Australia, regional South Australia and remote South Australia?

2. Will the minister undertake to commission an independent review of the formula, to be made public by June 2006?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for her questions in relation to school asset management. I will refer them to the Minister for Education and Children's Services in the other place and bring back a response.

MARSHALL, Mr S.

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I lay on the table a copy of a ministerial statement relating to Mr Steve Marshall made on 19 October in another place by the Minister for Education and Children's Services (Hon. J. Lomax-Smith).

REPLY TO QUESTION

MENTAL HEALTH

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

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

1. The 2004 National Mental Health Report shows that on a per capita basis only Victoria and Western Australia exceed South Australia's funding to mental health services.

2. Over the past decade, South Australia's per capita expenditure on mental health services has generally been close to the national average or slightly above the national average on a per capita basis.

The government is committed to improving mental health services and before the 2005-06 Budget had already increased recurrent funding by $20 million per annum.

It has also embarked upon an $110 million capital works program to replace ageing facilities at Glenside with brand new facilities across the metropolitan area.

In addition the 2005-06 budget allocated an extra $45 million to mental health services over the next four years including ongoing funding of $5 million per year to;

- Assessment and Crisis Intervention Service (ACIS)—extension of service
- Hospital at Home Program, which provides intensive treatment in the home setting instead of a hospital
- Post-hospital intensive community treatment and support with community health clinicians working with GPs to ensure appropriate monitoring and coordination is in place

In addition a further $25 million will be spent on special funding for a range of initiatives including:

- $14 million for extra intensive support packages in the community—to be provided by non-government organisations that have been accepted onto the Mental Health Provider Panel
- $2 million for group-based day rehabilitation programs—programs run by non-government organisations incorporating specialist mental health expertise which will focus on relapse prevention, illness and medication management
- $3.25 million for GP partnership programs using the Divisions of General Practice, including:
  - $1.25 million for shared care programs, where care will be coordinated between GPs and specialist services
  - $2 million to employ allied mental health professionals (nurses, social workers, occupational therapists) to work with GPs and Specialist Mental Health services
- $1 million to expand the GP Access program—currently operating in the western suburbs, the program will be expanded to the outer southern suburbs. It targets additional support at people with a psychiatric disability but who are generally not ongoing clients of mental health services
- $1 million for peer support workers—training and employment of peer support workers to work alongside mental health services
- $2.25 million for carers—includes $1 million for in-home respite for carers of people with mental illness and consumers, and $1.25 million to non-government organisations to increase support and assistance to carers
- $1 million for beyond blue programs focused on prevention, early intervention and reduction of stigma
- $500 000 for programs targeting mums and young babies and people with multiple needs.

MATTERS OF INTEREST

KERR, Mr F.

The Hon. CARMEL ZOLLO (Minister for Emergency Services): Today I would like to place on record the state's appreciation for services rendered by Mr Fred Kerr AM, MBE. Mr Kerr was a former director of the Emergency Fire Service and Country Fire Service. I have been informed that in recent months Mr Kerr had been in failing health and, regrettably, passed away on Sunday 9 October. Mr Kerr was 90 years old and is survived by his wife Mavis, his daughter Janis and son Jeffrey. Mr Kerr's wishes, and that of his family, were that the funeral arrangements be private, and the government and the CFS respected those wishes.

Mr Kerr was initially director of the Emergency Fire Service, from 7 March 1949. During his service he saw the formation of the current South Australian Country Fire Service and retired as director of that service on 29 June 1979. Mr Kerr gave 30 years of diligent and visionary leadership at a time of great importance to the rural fire services of South Australia, and many of his achievements are recorded in the book of the history of the South Australian Country Fire Service, *Tried by Fire*, written by Ms Julie-Anne Ellis and published in 2001. The following information is largely drawn from Ms Ellis' book.

Fred Kerr was a career firefighter who saw initial service with the South Australian fire brigade during the war. He brought to the Emergency Fire Service the values of the South Australian fire brigade. His commitment to the rural people of South Australia was not just in ensuring that equipment was sent to rural districts but also to building a loose network into a more tightly constructed organisation. His energetic promotion of the service, along with his ability to develop relationships and motivate groups, saw the position of director of the Emergency Fire Service raised to a public prominence never previously seen.

From humble beginnings Fred Kerr oversaw the development of a fire service whose activities and structure are now recognised as a vital part of the state's emergency infrastructure. During his career Mr Kerr was recognised with a number of prestigious honours, including in 1957 the Award of the British Fire Services Association Meritorious Service decoration. This was the first time that this decoration had been awarded to any person outside the United Kingdom. Fred Kerr was further honoured in 1964 with the Queen's Exemplary Fire Service Medal and in 1962 as a Member of the Order of the British Empire (MBE). On Australia Day 1980 he was made a Member of the Order of Australia (AM) for services in the field of fire protection, particularly as director of the South Australian Country Fire Service.

The state of South Australia and the many volunteers and staff of the Country Fire Service and the Emergency Fire Service owe much to the hard work, dedication and vision of Mr Fred Kerr. I wish to express to his family my personal condolences as a minister and also those of the government—

and, indeed, all members of parliament in South Australia—on his passing.

CRAIG HAINES MEMORIAL TRUST

The Hon. J.S.L. DAWKINS: The Craig Haines Memorial Trust was established eight years ago by members of the Northern Districts Cricket Club in memory of a promising young cricketer who, at the age of 20, was tragically gunned down in a service station robbery in Gawler.

Craig Haines had represented South Australia at underage level and was already earmarked for selection in the senior Redback squad. Only three weeks earlier Craig had returned from an overseas cricket scholarship provided by the club. The trust was formed in an endeavour to raise funds to help other young cricketers experience a season of overseas competition through a similar scholarship.

To date, one interstate scholarship and seven overseas scholarships have been awarded. Two of the scholarships have been awarded to indigenous cricketers, and all eight recipients have gone on to play cricket at A-grade level, with three players—Graham Manou, Ryan Harris and Chris Duval—representing South Australia in first-class competition. The trust also acknowledges with financial reward players who represent the state at the underage and women's levels. In addition, the trust provides financial assistance to a growing number of young country cricketers, allowing them to participate at grade cricket level.

In 2003 the trust provided the Northern Districts Cricket Club with a grant of $5 000 to assist with the fit-out of an international standard indoor practice facility adjacent to the Salisbury Oval at the St Jays Recreation Centre. Trust funds have been raised by holding an annual sportsman's night featuring noted speakers in the sporting field, all of whom donated their time. The most recent event coincided with the Asian tsunami disaster, and the trustees felt that the immediate need of those affected far outweighed the core aim of the trust. Net proceeds of the event saw over $5 500 donated to the Australian Red Cross Asian Quake and Tsunami Appeal.

The Northern Districts Cricket Club was formed in 1997 by the amalgamation of the highly successful Salisbury District Cricket Club with the fledgling Elizabeth District Cricket Club. The Salisbury club won eight A-grade premierships and was the dominant force during the 1980s. The 2005-06 season marks 40 years since the Salisbury District Cricket Club was admitted into the A-grade district competition. In 1988 the club provided its first women's cricket team; hence, in 2007, Northern Districts will celebrate 20 years of women's cricket, boasting three highly competitive teams and numerous premierships across the grades. The Northern Districts Cricket Club is proud of its ability to develop state cricketers from the local area, with current senior state male representatives Darren Lehmann, Graham Manou, Ryan Harris and Mark Cosgrove all starting in the underage grades. Rick Darling, Glen Bishop, Wayne Prior, Barry Causby, Peter Sleep, Bob Zadow, Harvey Jolly, dual Bradman medallist Anthony Heidrich, and Noel Fielke (who holds the grade cricket record for the highest run aggregate in a season) are all well-known names to have come through the club.

Since amalgamation, the club won the one-day competition in 1999 and last year took out the inaugural Twenty 20 competition before celebrating its first A-grade premiership under its new name. Last season, the club also broke new ground by playing a sanctioned game against the South Australian country team (otherwise known as the Outbacks) at Nuriootpa in front of a crowd of 500. Run by a dedicated group of volunteers, the Northern Districts Cricket Club remains a strength in the South Australian Cricket Association grade competition. The club has strong links with the Para Districts and Barossa and Light Cricket Association's and provides a cricket pathway to test cricket for residents north of the city. I commend the Northern Districts Cricket Club and the individuals associated with it for their work to promote sporting ethics in the area with which the club is involved and for its work through the Craig Haines Memorial Trust. I particularly commend the work of Mr Steven Oats, who is the Senior Cricket Director of the Northern Districts Cricket Club.

AMNESTY, YOUTH CONFERENCE

The Hon. G.E. GAGO: I rise today to acknowledge and commend the first Amnesty International Australia Youth Conference for Human Rights held in Adelaide last month, at which I was privileged to attend and speak on behalf of the Minister for Youth (Hon. Stephanie Key). As members would be aware, Amnesty International plays a significant role in the campaign to prevent and end human rights abuses. Being a worldwide movement of people, Amnesty International operates within Australia and around the world. The Amnesty International Australia Youth Conference was the first of its kind in Australia. It was the initiative of staff and volunteers based in the South Australia/Northern Territory region. The key objectives of this conference were to bring more young Australians into the human rights movement, and to empower them with the tools to take action against human rights injustices.

The conference took place over three days and provided participants with information about Amnesty International, its campaigns, human rights issues and abuses occurring in Australia and around the world, and how the participants can campaign and take action against these types of violations. The conference comprised 170 high school students from over 50 schools from South Australia and the Northern Territory and 30 university students. It was encouraging to see so many young people committed to making a difference in the lives of people who are harmed, oppressed or imprisoned unjustly, simply for who they are or what they believe in. I am sure that the participants come away from the conference empowered to campaign against human rights issues and abuses.

Let us not forget that these human rights issues and abuses occur not just around the world or at an international level but also in own backyard. Many would say that the presence of the Baxter Detention Centre is a glaring example of a human rights abuse in our own backyard. Some would also see the direction in which the federal government is taking in industrial relations to be an abuse. The recent story of a young woman's win against a large bakery chain's outrageous workplace agreement here in Adelaide highlights such damage to workers' right here in Australia and, obviously, closer to home in South Australia. The proposed industrial relations changes will only make these situations worse. While such treatment is hardly on the scale of child labour exploitation in India or Pakistan, nevertheless it is alarming that the rights of Australians are slowly but surely being chipped away.

These rights, particularly in relation to industrial relations, have been hard fought for by the Australian Labor Party, and we should be vigilant in terms of international human rights

and also workers' rights here in Australia. I am confident that the conference participants left the conference even more motivated and committed to issues concerning human rights—

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! The honourable member is not being assisted by the level of conversation, particularly from those close to her.

The Hon. G.E. GAGO: —as well as having been assisted in developing campaigning and networking skills. The state government believes that it is important to support social activists such as the participants at this conference. Some of the ways that the state government does this includes its commitment to the Youth Advisory Committee (YACs), which provides ideal opportunities for people aged between 12 and 25 to have their say and influence change in their state, regional and local communities. The YACs give young people the training, skills, knowledge and confidence to take on the structures of government and other like organisations. The YACs are only a small part of the South Australian government's Youth Action Plan which was recently released.

Other opportunities that the state government provides to support such activities are the Ministerial Youth Council, which advises the minister on issues which are seen by young people as pressing and on which the government can act. There are also youth participation grants, youth empowerment grants, and a youth register to assist young activists to get on government boards, committees and youth councils. I commend the initiative of the Amnesty International Australia Youth Conference for Human Rights and I congratulate the facilitators and the participants.

I hope that the knowledge and skills gained from that conference, as well as the government programs I have outlined, provide young activists with the tools and opportunities to make the system respond and change in the fight to protect human rights both locally and globally.

URANIUM MINING

The Hon. D.W. RIDGWAY: I rise today to speak about a matter that has been the subject of a number of questions already this week, that is, uranium mining. Recently, the state division of the ALP has shown the electors of South Australia that it is an archaic institution by refusing to have the backbone to initiate the process to reverse its three mines policy.

The three mines policy was flawed from the beginning. What makes three mines an acceptable number, one has to ask, especially when you refer to the latest edition of the *Australian Mining Club Journal*, Issue No.10, October 2005, where it has a table that lists the known recoverable resources of uranium in the world. We have often had figures quoted, but Australia has 30 per cent of the world's known recoverable uranium resources. The next is Kazakhstan at 17 per cent, Canada at 12 per cent, South Africa at 8 per cent, Namibia at 6 per cent, the Russian Federation at 4 per cent, Brazil at 4 per cent, the USA at 3 per cent, and Uzbekistan at 3 per cent. It is very clear to see from that table that this is Australia or South Australia's golden era with the wonderful resources of uranium we have, particularly when you see the wealth created in Western Australia by the resources industry there and how much that state has developed with the investment and infrastructure stemming from the wonderful resource industry in that state.

The three mines policy is very short sighted and naive. It was short sighted of the ALP to squander its chances a couple of weekends ago to change this policy at its state convention, to show some leadership and vision for the future of South Australia. The ALP's decision to continue with its three mines policy in South Australia is really just a sop to the Greens in an attempt to win votes and preferences at our next state election. The Greens will surely see through the Premier's attempt to coerce their preferences in these key seats and see him for the fraud that he is.

Perhaps this was a ploy also to pacify the CFMEU, whose interests are in resources other than uranium, given that the work force at Olympic Dam is largely non-unionised. Olympic Dam is the largest uranium mine in the world. The Premier would not want to antagonise or annoy any union right before an election, given the financial resources the union movement will plough into the next election. We must also remember that the Premier is a master of the art of the backflip. He was one of the strongest opponents of uranium mining at the start of his career, but now that he has a bit more to lose he has jumped on board the uranium cause with a renewed vigour.

The Premier has become one of the leading proponents of the possible BHP Billiton expansion at Olympic Dam. We must not forget that this is all part of the artful backflip that he executed when he thought the electorate was not looking. This expansion will no doubt join the list of achievements of private companies—not state government companies—that the Premier has claimed and will claim for himself and his government in the lead up to the election.

Not all the ALP are happy with the decision to overturn the three mines policy. In this council the Minister for Industry and Trade is one member who would like to see South Australia reach its full resources potential, but he is hamstrung by other elements of the ALP that would see the state go backwards. Even the federal shadow minister for resources has called for an end to the three mine limitation. He knows that it is holding back the states and Australia, especially South Australia.

If Olympic Dam is the biggest deposit in Australia, this resource is right in our backyard and it is evident that more uranium is to be found in the north of the state where the exploration is occurring. If we look at Western Australia, we can see a clear example of what revenue from resource industries can do for a state. The Minister for Industry and Trade's excuse for continuing with this policy is that none of the companies are yet to start an operational line. Is that a good enough excuse for a bad policy? Ask the companies that are exploring. They need the security of knowing that their operation will be safe from legislative change before they start any operation in this or any state of Australia.

Recently I was at a SACOME breakfast where the Havilah Mining Company announced that it would enter a joint venture with a Chinese company to investigate the development of a fourth uranium mine. The ALP has ignored the Premier, the Deputy Premier and the Leader of the Legislative Council on the issue when it should have listened. It is regrettable that the ALP in South Australia did not have the courage, vision or foresight to take the lead on this issue.

Time expired.

FRIENDS OF THE ABC

The Hon. IAN GILFILLAN: I have been a proud member of Friends of the ABC for over two decades and

would like to commend anyone who is listening or reading my contribution to take the trouble to join. Unfortunately, the ABC is not able to stand alone without friends who are prepared to back it and argue for sustained and adequate funding and its enhanced role as a strong media, independent of commercial loyalties for the people of Australia. One of the services that it provided recently was to have John Doyle—who others may know as 'rampaging' Roy Slaven from the Roy and HG combination—speak at the Andrew Olle Media Lecture 2005.

The full text of his contribution is available on the internet—and it is not hard to find. I urge members to read it. It is extraordinarily entertaining and very informative from a man who has disguised his sophisticated knowledge and wonderful capacity to comment on the Australian scene with his role in the HG and Roy combination. In the brief time I have, I will quote a couple of snippets from his speech. His opening paragraph is rather challenging. He said:

> Cross media laws are to change. It will be possible in the near future for the major players to be able to own radio stations, newspapers and television networks in the one market. This is going to lead to greater diversity of opinion apparently.

He goes on to point out that it is most unlikely to occur under the reformed legislation. Further, he talked about discrimination, in consequence of the so-called terrorist threat and terrorist legislation. He said that, regrettably, there is more than a hint of strange fruit in the present climate and the media does not help when it depicts, quite falsely, Australians of Arabic background supposedly claiming an unwillingness to ever integrate. He continued:

> Mercifully some media does attempt to reveal the truth and, if it wasn't for the excellent work done by *Lateline* this year with the ABC Investigations Unit, I doubt whether the Rau or Solon cases would have appeared at all on the radar. Let alone the exposing of what has been described as an overarching cultural problem within DIMEA. I think it is fair to say that in days gone by in our Christian democracy any minister who oversaw such a rancid cultural climate within a department would have been expected without question as a minimum requirement to fall on his or her sword.

John Doyle, towards the end of his contribution, said:

> If commercial radio is so slight because it is under resourced, so too is television. And if more channels are allowed then the resources will be even further stretched. As it is the ABC has been cut to the marrow and can no longer afford to do much drama, and commercial networks have decided drama is too flaky and expensive. Meanwhile our very fine drama schools are pumping out scores of new young actors each year and there is nothing for them to do. The lucky ones might get to appear in a Holden advertisement or survive for a season in the Bell Shakespeare Company. So our local content is reduced to game shows, dancing shows, lifestyle shows and talent quests all creaking under the weight of diminishing returns. Think of something mindless, rope in a couple of celebrities and there's your shows.

He then makes a few salient comments about *Big Brother*. He continued:

> The ABC still provides the best news services in the country and arguably services that could be described as being among the best in the world.

Brilliant specialised programs encourage new writers and shed light on world affairs and social affairs. He gets to this point by saying that in simple terms 'the ABC will always seem to aggravate, annoy and frustrate, and its precisely when the ABC is doing this that it is serving its charter'. It is a very skimpy revelation of content from an extraordinary contribution of John Doyle on an understanding of the media in this country and the distortion—in fact, the corruption—of the culture of Australia if we do not have a strong, vibrant and well-financed ABC continuing.

GAMING MACHINES

The Hon. NICK XENOPHON: Last week, on Tuesday and Wednesday nights, I chaired and convened two public meetings in the southern suburbs in relation to a proposal for a new pokies venue at Morphett Vale. Both meetings were held in community centres, the first at Christie Downs and the second at Old Reynella. The meetings were well attended. I also received a number of apologies from residents who were concerned about the proposed development on the corner of Wheatsheaf Road and Main South Road, Morphett Vale, which is part of the Clubs One concept.

What struck me at the meetings was the level of concern about the impact that another venue would have. Not only that, but the feeling was fairly strong that there were already too many venues and that there needed to be a further winding back of poker machines and their impact on the communities. Particularly telling was the number of people at the meeting who spoke about the impact of poker machines in their community. For instance, Anne Haverty of the Catholic parish at Morphett Vale and a volunteer worker (another volunteer on whom our community has increasingly come to rely) indicated that, each morning, her church-based welfare organisation sees an average of three to nine families looking for help.

They want to be fed and need help with bills, such as car repayments, rent, electricity and even water. She saw the impact of poker machines as a very significant factor in many of those families seeking help. Also, I spoke to a worker from the Christie Downs Community Centre. Some 120 children are involved in that centre's breakfast program. Anecdotal evidence indicated that a number of children attend that program because their parents have a gambling problem and the children miss out on breakfast.

Also telling were the personal stories of many of the people at these meetings. In a sense, it was the best sort of public meeting in that there was so much interaction between those who were there. It was an informal meeting. It was very much a grass roots community-based meeting. There were many stories of marriage break-up as a result of a family member's huge gambling losses. Almost all the stories were based on the impact of poker machines. The most poignant story and the one that had the most impact was that from a 13-year old resident.

At this stage I will not give her name without her permission and the permission of her parents, but she had the courage to get up to the microphone and speak with a great deal of eloquence. She spoke very passionately about her observations of the impact of poker machines on her friends. This young girl said that she has friends who present to her home because they have no food and no money as a result of their parents' gambling problems. They go to her home for money and support. Her family is not flush with funds, but it does the best that it can in terms of providing help to her friends who are in the same age group.

Those are the sorts of issues that I encountered at those meetings. I need to acknowledge that a number of members of parliament sent either their apology or a representative. Gay Thompson, the member for Reynell, sent a staff member to attend, as did the member for Mawson, Robert Brokenshire. Also, I received some very useful feedback from the federal member for Kingston, Kym Richardson, who has been involved in this issue. This particular application should proceed by way of formal application for a poker machine licence.

It will be one of the first that will deal with the social impact test in the legislation. I believe that test should have been stronger but, at least, it is better than we had before. I have made a commitment to the people of the southern suburbs that I will do all that I can to resist this application for a new venue, and I will work with those in the southern suburbs who want to wind back even further the number of poker machines in their area given the enormous damage done. When one considers that some $65 million a year is lost within the City of Onkaparinga on poker machines, as well as the subsequent impact of that, one can appreciate that this issue will always be pertinent and vital to people in the southern suburbs.

Time expired.

BANGALORE

The Hon. CAROLINE SCHAEFER: Last week I had the pleasure of visiting 'Bangalore' accompanied by you, Mr President, and Liz Penfold, the member for Flinders. Bangalore is an area of approximately 30 acres of what once was a 100-acre property on the outskirts of Renmark. While I was there I met with the owner and proprietor, Ms Beryl Morant, and her niece, Margaret Newton. Bangalore was one of the earliest settled properties on the River Murray. It was first settled by Colonel C.M.A. Morant in 1891, and it has been consistently occupied and run by the Morant family since that time. Colonel Morant was joined by his two sons, Arthur and Charlie, in the early 1900s. They were particularly innovative irrigators and farmers for their time, and I think it was Charlie Morant who was the first chair of the River Murray Irrigation Trust. Ms Morant is the daughter of Arthur Morant.

Quite early in the piece they built an extensive timber slab homestead with adjoining cookhouse and servants' quarters, and that dwelling, its furnishings and indeed the servants' quarters are largely unchanged since that time. The property is still managed by Ms Beryl Morant, aged 95, and it is a fine example of life as it must have been in the late 1800s and early 1900s. Much of the furniture and equipment which is still in use dates back to that time. The property was heritage listed some years ago, and of course that means that the management of the homestead, as well as the extensive vegetable garden, rose garden, fruit trees and grape vines must be kept true to heritage. For instance, irrigating is still done by open channels and is very labour intensive. In the late 1980s or early 1990s, an extensive study of the property was conducted by the History Trust of South Australia and a conservation plan was developed with the following recommendations:

1. Bangalore should be conserved as a significant part of South Australia's heritage.

2. The property should not be subdivided, but should be retained as a whole, in order to preserve the inherent integrity and interrelationship between the house, place and the horticulture activity thereon.

3. The existing collection of domestic and horticultural artefacts provides a unique insight into 100 years of social and horticultural history and should be retained intact. Every effort should be made to negotiate the purchase of the domestic collection for retention at and display with the house.

4. Bangalore should continue as a working and productive fruit block with the house and outbuildings ultimately used for public education.

5. A survey of botanical specimens should be undertaken and significant specimens retained.

6. Regardless of the acquisition of the domestic collection, a full inventory of the domestic collection should be undertaken to record its composition with a view to its use as an interpretive tool.

7. A multi-skilled management structure should be established to plan for the effective long-term conservation and curatorial management of the property and including the overseeing of the business return of the fruit block.

8. A curatorial policy for Bangalore should be determined.

9. A detailed oral history with Ms Beryl Morant and other members of the family should be undertaken to record other aspects of life on the property.

10. The house, fruit orchard, garden and shrubbery should be retained.

Unfortunately, however, little time and no money has been offered to Ms Morant to help carry out those recommendations, and of course Ms Morant is now some 10 years or more older than she was at that time, and she is struggling to maintain the property. I understand that the member for Chaffey, Ms Karlene Maywald, has offered to take up the matter with minister Hill, and indeed minister Hill has been previously contacted but with no results at this stage. Ms Maywald has also offered to try to obtain volunteer participation in the maintenance and repair of Bangalore for Ms Morant.

There is no doubt that this unique property should be kept as a living, working history of a bygone time in South Australia. The Liberal Party certainly supports any effort Ms Maywald may make in this direction, and it has every intention of following the matter through, hopefully while Ms Morant is still able to see and enjoy some of the fruits of her many years of hard labour.

Time expired

CONTROLLED SUBSTANCES ACT

Notices of Motion, Private Business, No. 1: Hon. J.M. Gazzola to move:

That the regulations under the Controlled Substances Act 1984, concerning poisons, made on 2 June 2005 and laid on the table of this council on 28 June 2005, be disallowed.

The Hon. J. GAZZOLA: I move:

That this notice of motion not be proceeded with.

Motion carried.

CORONERS ACT

Notices of Motion, Private Business, No. 2: Hon. J.M. Gazzola to move:

That the regulations under the Coroners Act 2003, concerning reportable death, made on 23 June 2005 and laid on the table of this council on 28 June 2005, be disallowed.

The Hon. J. GAZZOLA: I move:

That this notice of motion not be proceeded with.

Motion carried.

FUEL PRICES

The Hon. NICK XENOPHON: I move:

1. That a select committee of the Legislative Council be appointed to inquire into and report on—

(a) The structure of the wholesale and retail markets in South Australia for petrol, diesel and LPG fuels.

(b) The impact the 2004 closure of the Port Stanvac refinery and fuel storage facilities have had on the reliability and pricing of petrol, diesel and LPG for South Australian consumers.
(c) Any agreement entered into between the government of South Australia and any entity or entities over the closure of the Port Stanvac refinery and fuel storage facilities.
(d) The effect of the agreement on aiding or impeding wholesale competition for petrol, diesel and LPG in South Australia.
(e) The nature and extent of competition in the wholesale petrol, diesel and LPG markets in South Australia and the impact of such on the supply and pricing of these products to South Australian consumers.
(f) The practice and conduct of oil companies operating in South Australia (including Mobil, Caltex, Shell and BP) and the impact of such on the supply and pricing of petroleum fuels in South Australia.
(g) Whether South Australian industry, the farming sector and emergency and essential services operators have been affected by any issues relating to the supply of petrol, diesel and LPG since 2003 and, if so, whether such matters have been addressed satisfactorily, or need to be addressed.
(h) The potential impact on the wholesale and retail price of petrol, diesel and LPG in South Australia if there are significant fuel storage facilities not controlled by major oil companies.
(i) The potential role of government to facilitate wholesale competition for petrol, diesel and LPG in South Australia and any infrastructure issues relating thereto.
(j) Any other matters.

2. That standing order 389 be so far suspended as to enable the chairperson of the committee to have a deliberative vote only.
3. That this council permits the select committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the committee prior to such evidence being reported to the council.
4. That standing order 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

The PRESIDENT: The motion has been moved and seconded, and we will vote at the conclusion of the debate, which is when we normally do it.

The Hon. NICK XENOPHON: Given your remarks, Mr President, I indicate that I will be seeking a vote on this motion on the next Wednesday of sitting, given that there are only three more sitting weeks after this week. In my view, this is an important issue to the state at a whole number of levels—it is important to consumers and it is important to the state in terms of its strategic significance with respect to the price and supply of fuel in South Australia. I will confine my remarks to the need for this inquiry and touch on the terms of reference. When I have an opportunity to conclude the debate (on the next Wednesday of sitting, I hope), I am more than happy to address any concerns raised by honourable members in relation to this motion.

Just two weeks ago, as a result of information I obtained from sources within the petroleum industry, I became aware that South Australia was, in a sense, running on empty. On Monday 3 October, an email was apparently sent from Mobil—interestingly, from the fuel dispatcher based in New Zealand—to a whole range of outlets, as I understand it. It advised that unleaded petrol supplies at the Birkenhead storage facility (which has a capacity of almost 38 million litres) would run out the following day at around lunch time and that no further supplies would be arriving until the following day when the tanker *Bow Puma* was due to berth.

I received a number of calls from retailers who pointed out that they were running very close and that they could not get tankers of unleaded petrol on those days because there was a real issue in relation to the shortage of storage facilities.

The Hon. J. Gazzola interjecting:

The Hon. NICK XENOPHON: The Hon. John Gazzola interjects and says, 'Were they half full or half empty?' My understanding is that it was more like a case of two-thirds empty in terms of the three key storage facilities. So, it is a third full if the Hon. Mr Gazzola wants to see it that way. It was a real concern that we had so little fuel in those storage facilities and that we were reliant on just one tanker bringing in supplies. I believe the Minister for Energy, the Hon. Mr Conlon, in a radio interview on the David Bevan program on the following Monday and also on the ABC and Leon Byner program on 5AA, acknowledged that things were unacceptably tight and, as I understand it, that we were only a couple of days away from having a real crisis on our hands in relation to fuel supplies.

That is why I made the comment in the media that we should not be just one ship away from a fuel supply crisis—something that Mobil denied in a written advertisement referring to the remark I had made. I appreciate the remarks of the Hon. Angus Redford—and his support—in relation to this matter, given his concerns that Mobil itself was misleading in relation to this issue. I also note, with the concurrence of the Hon. Mr Redford, the support of the Liberal Party for the thrust of this motion. There may well be some minor amendments, but this is an important issue to South Australian consumers and I wish to outline some of the issues in relation to that.

Subsequent to the media reports of a fortnight ago relating to the shortage of fuel, I received further information, including a hitherto secret report on South Australia's fuel supplies that South Australians were not meant to see. This February 2004 report rings a number of alarm bells, and I believe that every South Australian who is concerned about the security and pricing of fuel supplies in this state should be alarmed by its contents. The report, by the Liquid Fuel (Diesel and Petrol) Stocks Taskforce, is entitled 'A Report into Fuel Storage and Supply in South Australia'. It was commissioned by the Minister for Energy in December 2003 following the taskforce being established on 8 December 2003 in light of the closure of Port Stanvac earlier that year and the critical diesel supply shortage for the 2003 harvest. I believe that that 45-page report was also presented to cabinet early last year.

The report, which I can best describe as being obtained by me from 'the back of a truck' (which had obviously stalled because it ran out of fuel), refers to the closure of the Mobil Port Stanvac refining and fuel storage facilities as having 'significantly reduced the overall fuel storage capacity in the state' to just the Birkenhead facility. The report goes on to state:

> This concentration of fuel storage and delivery at Birkenhead raises additional risks for state fuel supplies due to the fact that the previous duplication of storage and delivery mechanisms provided insurance against one of the major assets becoming inoperable. This single point of reliance of storage and delivery at Birkenhead introduces additional risks that require management.
>
> Given the fundamental importance of a secure fuel supply to the state to support all manner of activities that industry, commerce and the general public conduct utilising fuel, it is fundamental that the state has the ability to receive bulk delivery of fuel. Against this context retention of the Port Stanvac fuel delivery and storage facilities for this purpose must be considered a strategic issue for the state.

The report also goes on to say that major oil companies have a minimum stock policy for fuel which translates to just three to five days for Caltex and the Mobil/Shell facilities at

Birkenhead and five days for BP. The report goes on to highlight the following:

> These minimum stock policies assume a ship per week delivery schedule. While these minimum stock policies appear acceptable on the surface, as South Australia now relies solely on marine deliveries of fuel, any delays in marine deliveries can and have caused stock outs to occur for any one or two of the fuel majors at the terminal level, but rarely at the retail level.

It continues:

> Stock outs for individual fuel companies have always occurred in the past but are now more probable post the closure of Port Stanvac, which operated as an intermediate balancing storage for Birkenhead.

The report goes on to warn that shortages could again occur, and it refers to the late 2003 harvest season where farmers ran out of diesel. I received calls from those in the farming sector who told me that there were harvesters and headers that were literally running out of fuel and stopping in the middle of paddocks because farmers could not get diesel at the time.

The Hon. A.J. Redford interjecting:

The Hon. NICK XENOPHON: The Hon. Mr Redford says like the German army in the Battle of the Bulge. I think here it is a case of winning the battle in terms of our export trade and for our farming sector to do as well as it can. It is totally unacceptable that we have that level of fuel shortage for our farming sector. Even more disturbing, the report raises the issue of fuel supplies for emergency services vehicles and states:

> Emergency service operators need to consider strategies to manage situations when fuel may not be available, for whatever reason.

That remark raises a number of very serious questions. At any time during the 2003 harvest season were emergency service operators in any way compromised? Were they in any way short of fuel? Was there, in any sense, any tightness of supply for our emergency service vehicles? I would have thought that it would be an absolute priority that our emergency services vehicles throughout the state have sufficient fuel supplies.

I note that, in his remarks recently in this place, the Hon. Mr Redford made reference to information he has obtained about emergency services. To paraphrase him, there has been a lot of scurrying around to shore up their fuel supplies. That seems to me to be more than a coincidence, given the publicity and highlighting of this secret report, which should have been released (or at least its executive summary) to the people of South Australia, because it is very much in the public interest. Fuel is an essential service without which the state will grind to a halt.

The Hon. A.J. Redford interjecting:

The Hon. NICK XENOPHON: The Hon. Mr Redford refers to the deal with Mobil, and I will refer to it briefly, because it is one of the issues at which this proposed select committee ought to look in very close detail. The report falls short of recommending mandated minimum fuel storage on the basis that there will be voluntary cooperation from oil companies on the reporting of stocks. However, the incident that occurred just two weeks ago involving the delay of the tanker *Bow Puma* indicates just how vulnerable the state is with respect to fuel supplies. One of the issues relates to the closure of the Port Stanvac refinery and fuel storage facility in early 2003. At the time, I issued a media release in which I quoted from one of my favourite bands—The Clash (hopefully, some members remember them)—and their song *Should I Stay or Should I Go?* The chorus was:

> Should I stay or should I go now?
> Should I stay or should I go now?
> If I go, there will be trouble;
> And if I stay it will be double.

I assure you that I was not going to try to sing it, Mr President. Some would say that, by leaving, there are environmental issues concerning the clean-up of the site and that, by staying, there will also be trouble in terms of the ongoing operation of the Port Stanvac site. That seems to be the debate on the refinery operation. Port Stanvac is a deep-sea port and has a drawbridge of some 22 metres. It is the best deep-sea port of any capital city in the nation, and it has a fuel storage facility of some half a billion litres. The state uses between 8 million and 8½ million litres of fuel a day and, nationally, the figure is more than 80 million litres. So, Port Stanvac's storage facilities have a crucial role to play in the strategic reserves for this nation in terms of—

The Hon. A.J. Redford: The US and China have a year of strategic reserves.

The Hon. NICK XENOPHON: The Hon. Mr Redford makes a very good point that both the US and China have massive strategic reserves of oil. We know how vulnerable we are, given the volatile situation in the Middle East and the Gulf. It seems extraordinary that South Australia hangs in such a precarious balance, having lost the Port Stanvac refinery and storage facilities, and on too many occasions we are on a knife edge. That begs the question about the secret deal that was done between the state government and Mobil.

I remember very clearly that, when this government was in opposition, it railed against the secrecy of the Olsen government and the number of deals it did which were commercial in confidence and about a whole range of matters. However, it seems that this deal on such a vital issue has been locked away from the public, although it is an issue of such public importance. On a number of occasions, the Hon. Mr Redford has raised issues about the nature of the deal done. There is a problem with the mothballing arrangement for Mobil, and Mr Redford has referred to a date of up to 2019. My understanding is that Mobil has the option to mothball it until next year, with an option for another three years. That locks away those storage facilities from use by any other entity.

The Hon. A.J. Redford: Do you think Tom Playford would have allowed the electricity companies to do that?

The Hon. NICK XENOPHON: I doubt it very much. I was a great supporter of the nationalisation of electricity in 1948. However, notwithstanding that—

The Hon. R.I. Lucas: How old were you then?

The Hon. NICK XENOPHON: I was referring to an historical context, because I do not think I was even a twinkle in my parents' eyes then. There is a real issue about the nature of the deal done and the massive storage facility which has been mothballed. The implication is that, with our limited storage facilities, upward pressure is put on fuel prices in the state as there is a distinct absence of wholesale competition. My information from those in the industry is that it puts upward pressure of between 2¢ and 4¢ a litre on our fuel in South Australia.

The Hon. A.J. Redford: My sources tell me it is even more than that.

The Hon. NICK XENOPHON: As usual, I am just being cautious and conservative with my figures, as I believe they can be backed up quite easily. In relation to the deal done (which we do not know about), we know that it has been mothballed for a number of years. As a consequence of that

mothballing, any other operators who want to move into the state to build their own storage facility cannot make that investment because there is a duplicate facility that can be reopened virtually at any time and at relatively short notice. So, it is a bit like having two supermarkets in a relatively small market.

One has been closed down, but in a sense no-one is prepared to reopen the facility, knowing that the competition could start up at short notice. No-one is prepared to make the multimillion dollar investment in terms of storage facilities. I know from public statements that Terminals Australia, a very large, worldwide company that specialises in the bulk storage of fuel, has been eying the Port Stanvac site but that those talks have not been fruitful, as I understand it. I believe from my discussions with the industry that there are operators who want to build a storage facility but who will not do so while the mothballing of Mobil lingers on over the Port Stanvac facility. That is a major impediment to competition.

There is a real query about whether the deal that was done by the Deputy Premier in relation to Mobil was tough enough on Mobil, notwithstanding the protestations of the Premier that he does not trust big oil companies or Mobil. The fact is that it seems that the deal that was done was a lousy one, and last week I said that I wished that when the Treasurer was negotiating with Mobil he had a tiger in his tank rather than just a pussy cat. The Hon. Terry Roberts has a good line, so I thank him for that.

The House of Assembly had a select committee on petrol, diesel and LPG pricing, and an interim report was handed down on 28 November 2001. That dealt with a number of terms of reference about the pricing of fuel, but it did not deal with this key issue in terms of the wholesale market competition. This is something that this select committee or the terms of reference for this select committee will deal with for the first time, I believe, and it is important that we get to the bottom of the Mobil deal and that we understand how the structure of this market works.

Why is it that South Australian consumers are paying between 2¢ to 4¢ a litre more than consumers in other states? What are the practices and conduct of oil companies in terms of fuel supply in this state? It seems that we have been treated less than satisfactorily, given the very tight fuel supply situation as disclosed in the secret report that we were not meant to see as South Australians. These are important issues for consumers, economic development in this state and in a strategic sense for South Australians.

I note the comments of the federal minister responsible for this, Ian McFarlane, in relation to exhorting Mobil to reopen Port Stanvac to look at the issue of a strategic supply for all of Australia, for which Port Stanvac would be ideally suited. These are matters that ought to be explored by the select committee, because unless we obtain answers to these issues I do not believe that we can move forward in a constructive way with respect to public debate on this or look at solutions to give some relief to consumers in this state and ensure that fuel shortages do not occur in the future as they almost did last week and a fortnight ago, and as they did in the harvest 2003 season. I urge honourable members to support this motion.

The Hon. A.J. REDFORD secured the adjournment of the debate.

UPPER SOUTH EAST DRY LAND SALINITY AND FLOOD MANAGEMENT ACT AMENDMENT BILL

The Hon. SANDRA KANCK obtained leave and introduced a bill for an act to amend the Upper South East Dry Land Salinity and Flood Management Act 2002. Read a first time.

The Hon. SANDRA KANCK: I move:

That this bill be now read a second time.

This is a commonsense move. I am a member of both the Environment, Resources and Development Committee and the Natural Resources Committee, and I can say very clearly that the Environment, Resources and Development Committee is a very hard working committee. We get all the plan amendment reports from every council across the state and any ministerial plan amendment reports, and where there is conflict on those we go and visit or have people come in to talk about them as well as the inquiries we are conducting, such as the marine protected areas, which we have just completed.

One of the tasks that the ERD committee has is oversight of the Upper South East Dry Land Salinity and Flood Management Act. From here on in, I will call it the 'USEDS Act' just to save time. It is my view that, given the workload of the ERD committee and given that I know that the workload of the Natural Resources Committee does not in any way compare, for a whole lot of reasons it is more appropriate for this to be under the auspices of the Natural Resources Committee. When the USEDS Act was passed in 2002, there was no Natural Resources Committee, and so section 43 has the heading 'ERD committee to oversee operation of act.'

I will read all of section 43 to make it easier for members of the government and the opposition to look at this and work out what the bill is doing. It simply changes the reference to the ERD committee to the Natural Resources Committee. You can listen to this and hear it as either the ERD committee (as currently exists in the wording) or as the Natural Resources Committee (as I am proposing). It says:

(1) The Environment Resources and Development Committee of the parliament—

(a) Is to take interest in—

(i) the minister's progress in constructing the works required to implement the project; and

(ii) the effectiveness of what is being done to improve the management of water in the Upper South East; and

(iii) the extent to which the minister is achieving various milestones in the protection, enhancement and re-establishment of key environmental features through the implementation of the project; and

(iv) the manner in which the minister's powers under this act are being exercised.

The PRESIDENT: In view of your circumstances, Ms Kanck—your voice is very low and we cannot hear you—I am prepared to give you the benefit of standing order 168. If you wish, you can be seated.

The Hon. SANDRA KANCK: Thank you very much. It continues:

(v) the overall operation and administration of this act;

(b) may, as appropriate, provide recommendations to the minister in relation to any matter relevant to the administration of this act; and

(c) may consider any matter referred to the committee by the minister or by resolution of both houses; and

(d) must provide on or before 31 December in each year a report to the parliament on the work of the committee under this act during the preceding financial year.

(2) The minister must, in connection with the operation of subsection (1), provide to the committee three monthly reports on the implementation of the project under this act; and

(3) The three monthly report that is provided at the end of the third year of the operation of this act must include a detailed assessment of—

(a) the amount of work that remains to be done to implement the project under this act; and

(b) the appropriateness of bringing this act to an end before the fourth anniversary of the commencement of this act.

(4) The minister must cause a copy of the report provided to the committee under subsection (2) to be tabled in both houses of parliament.

That is the section of the act I am amending, to change all those responsibilities of the ERD committee to the Natural Resources Committee. I am doing this right now because I know that we have after this week only three more days of private members' business and this move ought to be achieved before parliament rises, so after the state election, when we have a new composition of both the ERD committee and the Natural Resources Committees, the Natural Resources Committee will be able to take up this very important issue. With the ERD committee I have twice been down to the Upper South East to look at the situation and it is causing great angst amongst the people in the South East.

To turn to the functions of the Natural Resources Committee, members will see that it is probably a better committee for this issue to be dealt with. I refer to section 15L of the Parliamentary Committees Act, where it states:

The functions of the committee are:

(a) to take an interest in, and keep under review—

(i) the protection, improvement and enhancement of the natural resources of the state; and

(ii)the extent to which it is possible to adopt an integrated approach to the use and management of the natural resources of the state that accords with the principles of ecologically sustainable use of development and protection; and

(iii)the operation of any act that is relevant to the use, protection and management or enhancement of the state.

The rest of the functions are then related to the River Murray Act. With those first three functions of the Natural Resources Committee it is very clear that it is a dedicated committee that looks at natural resources, whereas Environment, Resources and Development looks at not only plan amendment reports but also transport issues, potential mining issues, and so on. It is just a very sensible move to make this very small change, and I look forward to gaining support from both the government and the opposition for this.

The Hon. J. GAZZOLA secured the adjournment of the debate.

UNITED NATIONS POPULATION FUND REPORT

The Hon. SANDRA KANCK: I move:

That the Legislative Council—

1. Recognises—

(a) that on 12 October 2005 a report from the United Nations Population Fund (UNFPA) titled 'State World Population 2005—the Promise of Equality: Gender Equity, Reproductive Health and Millennium Development Goals' was released, and tha the theme of the report is that gender equality reduces poverty and saves and improves lives;

(b) that the report makes it clear that a major platform for achieving sustainable development is the empowerment of women and that gender inequalities in all countries limit the economic and social participation of women in the building of healthy and dynamic nations.

2. Encourages the UNFPA to continue to work towards achieving gender equality.

3. Urges the Federal Government to continue to support the Millennium Development Goals because they have led to significant improvements in women's health, safety and economic participation and increased their share in the benefits of strengthened economic growth.

4. Recognises that these improvements have been achieved through culturally and religiously appropriate activities and has resulted in a reduction in the incidence of fistula, maternal and child mortality.

On 12 October the State of World Population 2005 Report was released by the United Nations Population Fund. It is subtitled 'The Promise of Equality, Gender Equity, Reproductive Health and the Millennium Development Goals'. Five years ago, eight millennium development goals were formulated with the aim of halving extreme poverty in the world by 2015. These goals deal with issues such as universal primary education, halting the spread of HIV and improving maternal health. With only a decade to go to achieve these goals the UN World Summit held in September was able to review progress on the millennium development goals. Prime Minister John Howard attended the summit and announced a goal to increase Australia's overseas aide funding to $4 billion by 2010.

While this increase is welcomed, if achieved this figure will represent just 0.36 per cent of Australia's gross national income in 2010. This is an increase from the current level of 0.28 per cent, so I suppose we should be grateful for small mercies. The target for aid from developed nations has been set at 0.7 per cent of national gross income. This is not a new target and it has been agreed at international forums such as the 1989 Amsterdam International Forum on Population in the 21st century, the 1994 Cairo International Conference on Population and Development, the 2000 Millennium Summit, the 2002 Monterey Conference on Financing for Development, and again at the most recent September World Summit.

I want to quote quite extensively from the report, because it speaks for itself. The report states:

The investments required to achieve the foundation for human dignity and human security, and for expanding freedoms and choices for the world's poorest people, amount to a fraction of what the world spends on military purposes. The entire MDGs [millennium development goals] package could be funded if industrialised countries simply fulfilled an agreement made 35 years ago to assign 0.7 per cent of their gross national income to official development assistance.

This extra money is needed very badly. I read in the report, for instance, that in 2003 donor support paid for six condoms per annum for each man in sub-Saharan Africa. Obviously, that will not go anywhere near solving the problems of the spread of HIV. The 1989 Amsterdam conference and the 1994 Cairo International Conference on Population and Development indicated the clear need for a consistent level of funding for population and health programs. It was agreed that developed nations should provide at least 4 per cent of all overseas aid towards population and health programs—a figure Australia is still failing to meet.

The World Summit also recognised that the achievement of universal access to reproductive health by 2015 was essential to combat the most extreme forms of poverty. Good reproductive health is a human right and arises from the recognition that all individuals have the right to make decisions free from discrimination, coercion and violence; and this is where we start to see problems. I mentioned the words 'free from discrimination, coercion and violence'. The report states:

Even where progressive laws are in place, weak enforcement mechanisms and lack of funding often undercut their effectiveness.

When I was in Tanzania in April I saw that. For instance, although female genital mutilation has been outlawed, in the country regions no-one is enforcing it and it still continues. The millennium development goals reaffirm what most of us already know: that gender equality is critical to development. Kofi Annan, the UN Secretary General, made a quite wonderful statement to the UN Commission on the status of women. He said:

Sixty years have passed since the founders of the United Nations inscribed, on the first page of our charter, the equal rights of men and women. Since then, study after study has taught us that there is no tool for development more effective than the empowerment of women. No other policy is as likely to raise economic productivity, or to reduce infant and maternal mortality. No other policy is as sure to improve nutrition and promote health—including the prevention of HIV/AIDS. No other policy is as powerful in increasing the chances of education for the next generation. And I would also venture that no policy is more important in preventing conflict, or in achieving reconciliation after a conflict has ended.

That means that dealing with issues of education, reproductive rights, health status and gender-based violence are quite crucial for development in the developing world. As an example of the impact that education has, I quote from the report:

The East Asian 'economic miracle' of unprecedented growth from 1965 to 1990 offers an example of how these elements can work together. Gender gaps in education were closed, access to family planning was expanded and women were able to delay child bearing and marriage while more work opportunities increased their participation in the labour force. The economic contribution of women helped reduce poverty and spur growth. The UN Millennium Project refers to East and South-East Asia as the only regions where there has been 'tremendous progress' in the reduction of poverty, hunger and gender inequality.

There are a couple of other quotes about education in this report that I think are very relevant. The report states:

Every year of mothers' education corresponds to five to 10 per cent of lower mortality rates in children under the age of five. . . Every three years of additional education correlates with up to one child fewer per woman.

That is something that, when we are looking at how much overseas aid we should be giving, we should recognise. Having control over their own body is an essential right for women, although we have been seeing male MPs at the federal level currently trying to remove abortion rights. Again, the report states:

Giving people the freedom and means to choose the numbers of children they desire results in smaller families, slower population growth and reduced pressures on natural resources.

Reproductive health is not, as some bigots in Australia might see it, an issue of morality. It is first, and by definition, a health issue, but in developing countries it becomes a social and economic issue as well. The report further states:

Though almost entirely preventable, reproductive health problems remain widespread in much of the developing world. They ruin lives, burden families, tax health systems and weaken countries. The costs range from the sorrow of a motherless child to the diminished energy and productivity of millions of women. They include maternal deaths, unintended pregnancies, high fertility, abandoned children, unsafe abortions and AIDS, as well as sexually transmitted infections and cancers, infertility and newborn illnesses associated with them.

Every minute around the world a woman dies of pregnancy-related causes, but such figures apply overwhelmingly to the developing world. The report tells us that each year 19 million pregnancies are terminated around the world, with 68 000 deaths resulting; and that in sub-Sahara and Africa post-abortion care takes up between one fifth and one half of all gynaecological beds. Yet I saw some calculations last year that revealed that Australia's budget for reproductive health care, family planning and population policy is a measly 0.84 per cent of Australia's foreign aid budget. Australia could exercise a great deal of responsibility by substantially increasing this part of the budget.

Another of the report's concerns is the feminisation of HIV. Poverty, discrimination, different physiologies and violence means that women are more vulnerable to HIV transmission. Today, approximately half of the 40 million people in the world living with HIV are women, with three quarters of new infections being transmitted between men and women, mainly from husband to faithful young wife. The greatest increases in HIV infection are currently occurring in young people between the ages of 15 and 24. There is a clear need for sexual and reproductive health education and services to be made available to this group to tackle successfully the spread of a pandemic.

As well as recognition of the gendered effects of the HIV pandemic, men need to be included as partners to achieve reproductive good health. Without changing deep-rooted cultural perceptions of gender roles and rights, the true empowerment of women will remain an ideal. A chastity movement, I suppose one would call it, is gaining support amongst fundamentalist religions in the developed world—Australia and the US. It is advocating something called 'ABC'. In other words, you do not need to worry about using contraception because what you need to do is abstain from sex, be faithful to one partner and use condoms (in that order). This agenda has been foisted, for instance, on to the US in the way in which it uses its aid budget. There are restrictions now on providing condoms and other means of contraception for developing countries, because that particular morality from the US is being foisted on those countries. With respect to 'ABC', the report states:

. . . unless both women and men can make free and informed decisions, 'ABC' messages may overlook critical factors that millions of women must confront.

- Can an adolescent girl insist that her older husband use a condom or be faithful?
- Can a battered woman who depends on her partner or husband to support her and her children raise the subject of fidelity or condom use?
- Can a young wife insist on condom use when she is pressured to produce a child in order to be accepted by her new husband and in-laws?
- Can a sex worker, struggling to feed her children, refuse a client who does not want to use a condom, especially if he pays twice or more the usual rate?
- Can an adolescent girl who is sexually coerced or raped protect herself from infection?
- Does counselling abstinence until marriage keep young people safe when most are sexually active before they turn 20?

I think that they are important questions. Violence against women remains a continuing problem; and, clearly, this is not a problem that is isolated to developing countries. It is interesting that the report uses figures from the US ultimately. The report states:

The cost to countries in increased health care expenditures, demands on courts, police and schools and losses in educational achievement and productivity is enormous. In the United States the figure adds up to some $12.6 billion per year.

Gendered violence includes domestic violence, sexual assault, incest, rape, female genital mutilation and trafficking of women for prostitution. Again, the report states:

The UN Millennium project affirms that 'freedom from violence, especially for girls and women' is a core right and essential to the

ability to lead a productive life. Gender-based violence directly jeopardises the achievement of the MDGs related to gender equality and the empowerment of women, infant and maternal health and mortality and combating HIV/AIDS. It can also affect educational attainment. A study in Nicaragua found that 63 per cent of the children of abused women had to repeat a school year and left school on average four years earlier than others.

It is clear that policy directions need to be clear and substantive to achieve lasting change. The Australian government is currently undertaking a white paper review of our international aid program. Five thematic reports have been drafted and circulated for public comment. The HIV paper forms a sound basis for tackling the economic health and social impacts of the pandemic for the next 10 years. It highlights the need for understanding the gendered impact of the pandemic as a basic step towards successfully tackling the spread of HIV.

With respect to other geographic analyses, Asia Pacific, Indonesia and PNG on the whole do not identify gender inequalities, women's rights, population and reproductive health as areas in which Australia's aid program can and should engage. There are areas where this report says that strong political commitments and social change need to occur.

The UNFPA recognises that gender equality is critical to building sustainable development. Any development activity that fails to recognise the differing needs and power of women and men will not benefit all people. The UNFPA works in a culturally appropriate way in many developing countries, tackling maternal and child mortality, responding to natural disasters, addressing reproductive issues like fistula, and combating sexually transmitted infections.

The UNFPA provides to both women and men educational and family and planning options. These skills and knowledge empower women by allowing them to fully participate in the building of better nations. As one of three South Australian associate members of the parliamentary group on population and development, the other two being Lyn Breuer in the lower house and my colleague the Hon. Kate Reynolds, I am very pleased to be moving this motion, and I commend this report to all members.

The Hon. SANDRA KANCK secured the adjournment of the debate.

HUMAN RIGHTS MONITORS BILL

The Hon. SANDRA KANCK obtained leave and introduced a bill for an act to promote human rights by monitoring the standard of institutional care provided to people with a disability or mental illness. Read a first time.

The Hon. SANDRA KANCK: I move:

That this bill be now read a second time.

Last week was Mental Health Week, and I would have preferred to introduce this bill then, but this is the nearest I could make it. This bill began in its draft form as the Official Visitors Bill as an amendment to the Mental Health Act, but it has become the Human Rights Monitors Bill. Official visitors schemes are in place in other states, so the most controversial thing about this bill will most likely be the name and the person who gets to appoint the monitors. Back in 1993, the HREOC 'Inquiry into the human rights of people with mental illness', known more commonly as the Burdekin report, recommended the establishment of a community visitors program for the monitoring of standards in mental health institutions. Most importantly, it recommended that independent hospital visitors should be appointed with formal powers to investigate grievances but, despite the fact that other states have managed to act on these recommendations, South Australia is still talking about it. This is an area of mental health in which, unfortunately, South Australia is dragging the chain.

Having announced in mid-April that I was intending to do so, early in June I held a forum in Parliament House with representatives from about 25 different groups that work with or advocate for people with mental illnesses plus mental health consumers to discuss what sort of model was needed. The forum discussed the issues around official visitors, the model our consultation began with. We heard the voices of people with years of experience in the health care and disability sector. The overall feeling was that the powers of people who would look at the living conditions and human rights of people in institutions needed to be broad, that these visitors should not be connected in any way to service providers, and that the Mental Health Act was not the place for such a scheme, because it excluded people with disabilities.

There was a strong view that it would not be appropriate for the Minister for Health to appoint the visitors, and we explored options of assigning the role to the Health and Community Services Complaints Commissioner or the Public Advocate. Time and again throughout the forum, and in subsequent correspondence, the terminology of human rights appeared. So ultimately we settled on human rights monitors rather than official visitors, and that made it clear that the Equal Opportunity Commissioner would be the one to make the appointments. From some service providers in subsequent consultation that title has brought a negative reaction, as they see it as implying that they deny human rights to their patients, but what this bill does is seek to enshrine dignity for some of the most vulnerable members of our community.

Unfortunately, with the pressures on the mental health system—and we have heard about this today with the latest report, I guess the post-Burdekin report that was released nationally—shortcuts occur and mistakes are made and dignity is sometimes the last thing on anyone's mind. During the forum, the tea bag, of all things, became a symbol of the basic rights that you and I take for granted, and I want to share the story of this old man who had spent most of his life in and out of nursing homes, supported residential facilities, aged care facilities, whatever. This woman was contacted by the manager of the place where her father was, with a complaint that he was going over to the nearby pokies parlour and stealing sachets of coffee and tea bags, and then when he got back he was giving them to the other residents.

The woman concerned came in to see her dad and sat down to explore with him why he was taking the tea bags and the coffee sachets. It turned out that, every time a resident wanted to have a cup of coffee or a cup of tea, they were having to pay 80¢. Now, these are people who are on disability pensions, and if you think about four cups of coffee or tea a day, you are up to $2.80, and by the end of the week you are looking at quite a hefty price, and so he was taking his own protest action.

Once she had discovered what the problem was, she said to her dad, 'Don't do it, because it's stealing. I'll see if I can get some friends to provide you with tea bags,' and she organised for some of her friends to send boxes of tea bags along. When he got them, in his inimitable way he then went to management and presented them, without saying anything,

with the boxes of tea bags to again make that statement. When we heard that story, we almost cheered, and many of us had tears in our eyes at the time. You and I can go and have a cup of coffee or tea at any time we like and that these people have to pay for it on such a meagre allowance—and it is not even top quality coffee or tea; it is only your black and gold variety. We take so much for granted. These are the reasons we need human rights monitors.

As I said, the Burdekin report made recommendations back in 1993 that a system like this be put in place. I will just go through a little of what is in the other states. Victoria has set up a community visitors unit, which is accountable to the Office of the Public Advocate, and it covers the Disability Services Act, the Health Services Act, the Intellectually Disabled Persons Services Act and the Mental Health Act. The ACT has a program whereby the visitors are appointed by the Minister for Health and Community Care, and that deals only with the Mental Health Treatment and Care Act. Queensland has a community visitors program, administered by the Office of the Adult Guardian, and that act applies to the Guardianship and Administration Act.

The Northern Territory has a program collocated in the Anti-Discrimination Commission, although it is administered by the Department of Health and Community Services, and the act it covers is the Mental Health and Related Services Act. Tasmania has an independent community-based organisation, and the visitors are appointed by the Governor on the recommendation of the minister, and the act that is covered is the Mental Health Act 1996. Western Australia has an official visitors program that is administered under the Department of Health, and the act concerned is the Mental Health Act. New South Wales has a community visitors scheme, administered by the Community Services Commission, and the legislative framework is the Community Services Complaints Review and Monitoring Act.

So, all the other states and territories have their act together on this. As I have said, South Australia is dragging the chain. In addition, the federal government has set up a community visitors scheme relating to aged care in each state. Our forum back in June discussed other questions, such as whether or not remuneration should be given, which institution the visitors should visit, and whether their functions would be advocacy, complaints, monitoring, or combinations of these. My bill envisages that human rights monitors would be able to visit institutions that look after people with disabilities, mental health facilities and supported residential facilities and that they would be able to do so with or without prior warning to the operator. We agreed that some remuneration to cover expenses should be payable to the human rights monitors. I undertook to introduce a bill in October, at which point someone said, 'If you can do it in the space of five months, why can't the government?' I cannot answer that question, but I am certainly quite clear that it can be done, and I have shown that.

This is the gold-plated version of a community visitors bill. I want to thank Helen Gibbs from the Mental Health Reform Alliance for pushing this along. I know that, with only three more days of private members business before the end of the year and before the election, in all likelihood, this bill will not be able to be dealt with. However, it is important legislation because South Australia now has a model bill. I want to acknowledge the hundreds and thousands of well-trained and dedicated employees who work hard and really care for their clients. This bill does not represent a threat to them, but it does represent an opportunity for South Australia to come into line with similar legislation in other states and to put the basic needs of people living in our care, and mental health patients being cared for temporarily in our hospitals or staying in supported residential facilities, firmly on the agenda.

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

VALUATION OF LAND ACT

Order of the Day, Private Business, No. 1: Hon. J.M. Gazzola to move:

That the regulations under the Valuation of Land Act 1971, concerning valuation roll fees, made on 26 May 2005 and laid on the table of this council on 31 May 2005, be disallowed.

The Hon. J. GAZZOLA: I move:

That this order of the day be discharged.

Motion carried.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: MARINE PROTECTED AREAS

The Hon. G.E. GAGO: I move:

That the report of the committee on its inquiry into marine protected areas be noted.

The Legislative Council referred this inquiry to the Environment, Resources and Development Committee, and it commenced in September 2004. The committee received 16 submissions and heard from 14 witnesses during the inquiry, including evidence from state government agencies involved in marine protection, the seafood industry, and conservation groups such as the Conservation Council of South Australia, the Wilderness Society (SA Branch), and the Marine and Coastal Community Network. It also heard evidence from representatives of the Encounter Pilot Marine Protected Area Consultative Committee and interested members of the community. This was a diverse group of people with a wide variety of ideas and opinions with regard to the sustainable management of marine areas.

The committee was pleased to learn that South Australia already has over 4 per cent of its state coastal waters protected under the National Parks Act, the Fisheries Act and/or the Historic Shipwrecks Act. The Great Australian Bight is, of course, the largest example of a marine protected area in South Australian waters. The government has proposed that an additional 19 marine protected areas be established by 2010, and how this is to be achieved and the time frame to achieve it was a key focus of this inquiry.

There is general agreement between the government, fishing groups and conservation groups that marine protected areas are required. The seafood industry believes in sustainable fish management as a key requirement for longevity of the industry. The government and conservation groups want to maintain the biodiversity of the marine environment and provide an ecologically sustainable approach to marine management. Establishing representative marine protected areas is a means of achieving this, incorporating the principles of comprehensiveness, adequacy and representativeness for marine areas; however, not all parties agree on how this should be achieved.

The conservation groups believe that marine protected areas can be proclaimed now under existing legislation, but the government argued that this was an untidy and clumsy

way of declaring marine protected areas. The National Parks and Wildlife Act and the Fisheries Act do not adequately cover issues relating to biodiversity conservation and ecological sustainability for the marine environment. The government intends to introduce legislation that will specifically address marine biodiversity conservation and ecological sustainability and the issues relating to this, such as the management of any mining and exploration in marine protected areas.

Initially, the government announced the proclamation of the marine protected areas by 2003; however, the work involved in assessing and establishing these areas was underestimated and it is taking longer than initially anticipated. The government believes it is important to get the process of establishing and implementing marine protected areas correct, and to consult widely with all stakeholders. The government does not believe that the time being taken to establish marine protected areas is unreasonable, but conservation groups dispute the need to take this long to proclaim the marine protected areas. They do not agree that new legislation is required and feel that this is only delaying the process. They also believe that the marine conservation section of government is under-resourced and are concerned that it will not achieve its goal of 19 marine protected areas by 2010. This is almost certain if a sequential establishment of marine protected areas is pursued.

The main concern with respect to the delay in proclaiming marine protected areas is that it is at the expense of marine conservation. Activities such as aquaculture, fishing and, potentially, mining and exploration continue until the area is proclaimed, and hence the committee believes and recommends that legislation to proclaim and establish marine protected areas be passed as soon as possible to minimise any delays in the process and to protect the marine environment in the meantime.

The committee was informed that there is currently no mining in marine parks in South Australia, although mining and exploration may be allowed. Mining and exploration are managed differently in each marine park, depending on how the marine park has been proclaimed. Specific legislation for marine protection could provide a single approach to mining and exploration in marine protected areas. Although the exact boundaries for the 19 marine protected areas have not been defined, there are currently no exploration or mining leases, or applications for leases, over these general areas and therefore the committee recommends that the government include in legislation criteria for mining and exploration in marine protected areas, and that this ensures a minimal effect on the biodiversity of the area.

The seafood industry raised its concerns with the committee over the displacement of fishers and aquaculture industries from the proposed marine protected areas. It is concerned that the establishment of marine protected areas without proper compensation to fishers and other seafood industries will drive these operators to other areas, increasing the pressure on fish and other sea life in non-marine protected areas, and thereby making these areas potentially unsustainable. The seafood industry told the committee that it would like to see compensation packages offered to displaced industries, that it should be negotiated at the commencement of the marine protected area process, and that it would like to see the compensation package included in legislation.

The government informed the committee that it was considering the issue of compensation for displaced industries, and the committee encourages the government to identify how and to what extent it will compensate industries and to make this known to the community, as it appears that the issue of compensation could hold up the process of establishing marine protected areas. It was also highlighted by several witnesses that recreational fishers can have as much, or an even greater, impact on some fish stocks and on the marine environment in general than commercial fishers. For example, the committee was told that the recreational snapper catch in Port Phillip Bay in Victoria is three times greater than the commercial catch. Little information appears to be available regarding the recreational fishing impacts on the marine environment in South Australia, and the committee recommends that the government collects data and considers the effect of recreational fishing on marine areas.

Other impacts on the marine environment include pollution from land-based activities, especially from coastal cities. It is important to consider terrestrial impacts when preparing a management plan for a marine protected area and to integrate any existing management plans, such as natural resource management plans. There is also a general need to integrate land and sea-based management and to stop looking at them in isolation.

As a result of the inquiry, the committee made 25 recommendations and looks forward to their consideration and implementation by the government. I take this opportunity to thank all those people who contributed to the inquiry and who took the time and effort to prepare submissions for and speak to the committee. I extend my sincere thanks to the members of the committee: the Presiding Member, Ms Lyn Breuer; the Hon. David Ridgway; the Hon. Sandra Kanck; the Hon. Malcolm Buckby; and Mr Tom Koutsantonis. I also thank the current committee staff: Mr Philip Frensham and Ms Alison Meeks.

The Hon. D.W. RIDGWAY secured the adjournment of the debate.

HALLETT COVE SHOPPING CENTRE

Adjourned debate on motion of Hon. A.J. Redford:

That the petition to the South Australian state government signed by 451 residents—

1. expressing concern at years of ongoing delays in implementing the planned new Hallett Cove shopping centre and council amenities; and
2. noting the general deterioration of the centre; and
3. calling for early action by the state government and, in particular, funding for major roadworks from the Trott Park area,

organised by Mrs Doreen Hodgeman of Hallett Cove, be noted.

(Continued from 14 September. Page 2535.)

The Hon. T.J. STEPHENS: Members would be aware of my longstanding interest in the southern suburbs. So, I thought it appropriate that I comment on the motion moved by the Hon. Angus Redford with respect to the Hallett Cove Shopping Centre and the general concerns held by members of the community who frequent that shopping centre. I do not intend to repeat the honourable member's contribution in detail, but I place on record my support for his work in the area, especially with respect to this issue. Certainly, I can think of no better person to represent the people of Bright (in which electorate this facility is located) after 18 March 2006 than the Hon. Angus Redford.

The crux of the issue is that the state of the shopping centre has deteriorated over time. The needs of the surround-

ing community have simply surpassed the capability of the centre, and so people have been reluctantly drawn to other facilities, such as the Marion Shopping Centre. However, there have been many quite legitimate complaints regarding the need for local modern facilities in Hallett Cove and close to Trott Park. Clearly, there is a need for better facilities in this location, and it seems to me that the key factor holding back the development is insufficient road infrastructure to the shopping centre.

This is yet another example of this government's neglect of infrastructure generally, and roads in particular, which is holding back the state's economy. It is only because of the tireless efforts of the local federal member, Kym Richardson MP, and the especially diligent efforts of the Hon. Angus Redford and the local community, with which he has been working closely, that any pressure has been brought to bear on this issue. I have not seen any substantial pressure being brought to bear by the Labor candidate, whose name I cannot recall, but I remember that she was recycled from her last losing effort in the federal election.

I close by saying that I join with the Hon. Angus Redford in calling on the government to act now and put in place the roads needed so that this development can go ahead. I record my thanks to Mrs Doreen Hodgeman for her efforts in organising this petition. I also thank the Hon. Angus Redford for fighting as hard as he does for the people of Bright.

The Hon. A.J. REDFORD: I thank the Hon. Terry Stephens for his contribution in relation to this important motion. I also thank the 451 residents who went to the effort and trouble of signing the petition. I thank Mrs Doreen Hodgeman of Hallett Cove—

Members interjecting:

The PRESIDENT: Order!

The Hon. A.J. REDFORD: —who went to extraordinary trouble to organise this petition for the community of Hallett Cove and, indeed, the communities of Trott Park and Sheidow Park. It was more than 10 days ago that I wrote to all members of parliament indicating that I wanted this debate finalised today so that everyone in Hallett Cove would understand how important it is to them and, indeed, how important this development is to their future. I have to say that I am exceedingly disappointed that the government has not chosen to make any comment at all on this issue. I cannot say just how disappointed I am that this government has sat on this issue and allowed it to fester.

During my original contribution, the Hon. Paul Holloway made a number of comments by way of interjection and alleged that I had sought to politicise the issue. I remind the honourable member that I urged him in a bipartisan way to deal with this matter and to support it for the benefit of all residents, some of whom live in the electorate of Bright and some of whom live in the electorate of Mitchell.

Notwithstanding my urging that we can approach this on a bipartisan basis, and notwithstanding the fact that I have expressed on many occasions the level and sense of urgency of the people of Hallett Cove in relation to this issue, the government has decided to say and do nothing. That is exceedingly disappointing. With those words I will conclude the debate in relation to this chapter. I assure members opposite that I will continue to offer the olive branch of bipartisan support for this project. I will continue to do my best to work with the local federal member, who has done an extraordinary amount of work in securing an appropriate contribution by the federal government.

It is exceedingly disappointing when you have a federal government offering more than $3 million, a local council prepared to put in $2.2 million, a developer who is prepared to offer as much as $2 million towards the project and all we get from this state government are delays, an initial offer of $1.1 million and then a sneaky grab back of $500 000 for the land that the road is to be built on, for a net contribution of $500 000. I urge the government to rethink its position. The people of Hallett Cove, Shiedow Park and Trott Park deserve a lot more than a lousy $500 000 for a very important piece of infrastructure.

I remind members that the area I am talking about is the size of Mount Gambier. We do not have proper roads or proper access and we have one lousy supermarket that is completely covered in graffiti. That is another issue to which the government needs to give higher priority. It has a car park that is in complete disrepair and a quarter of a shopping centre that looks like a disused building site. I urge the government to get on with the job and, if it does, I will be the first to congratulate it. But, unless and until it does that, I will keep fighting.

Motion carried.

LEGISLATIVE REVIEW COMMITTEE: SUPPRESSION ORDERS

Adjourned debate on motion of Hon. J. Gazzola:

That the report of the committee on suppression orders be noted.

(Continued from 5 July. Page 2326.)

The Hon. A.J. REDFORD: On the last occasion I sought leave to conclude my remarks. I spent some time outlining some concerns I had in relation to suppression orders. I think that I have outlined my position fairly clearly. I thank members for their patience with me. I would urge every member in this place to encourage an open and accountable judiciary and court system. The best way in which to do that is to have fewer suppression orders. I think it is a very dangerous state of affairs when we get to a situation where much of the business of the courts is conducted without the capacity for the media to report. In my view, that should change.

The Hon. J. GAZZOLA: I record my appreciation and thanks to members for their contributions, and all those who made themselves available to give evidence to the committee and for their input into the report; and, of course, the hardworking staff of the Legislative Review Committee who prepared the report and assisted us in bringing the report here. I commend the motion to the council.

Motion carried.

STATUTES AMENDMENT (RELATIONSHIPS) BILL

In committee.

(Continued from 17 October. Page 2707.)

Clause 1.

The Hon. R.I. LUCAS: Given that this will be a conscience vote for some of us in the chamber, I am not sure exactly of the simplest way for the committee to tackle some of these issues. Am I to understand that the Hon. Mr Holloway is handling the bill?

The Hon. P. HOLLOWAY: Yes.

The Hon. R.I. LUCAS: Does the Hon. Mr Holloway have advisers on the bill?

The Hon. P. HOLLOWAY: They should be here shortly.

The Hon. R.I. LUCAS: Again, I am not the expert in this matter. The Hon. Michelle Lensink and others are much more expert in terms of the structure and process that we will potentially follow with respect to the bill. If there are to be themes in various clauses that will be repeated throughout the committee stage, I assume that, at some stage, someone will discuss what the process will be. Someone will indicate—at least to members so that they can sort their way through the process—whether a clause is to be a test clause for whatever the issue happens to be.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: Yes. Having established that, the majority of members can feel comfortable. Either it is won or lost and we then do not need to progress the debate at great length in relation to a number of the other areas.

The Hon. Nick Xenophon interjecting:

The Hon. R.I. LUCAS: No, I am asking the question as to where the committee thinks the test clauses will be, so that at least members will know which are the test clauses. The leader has suggested that clause 4 is one of those. I would be interested to know the views of other members who have followed this much more closely. Clearly, there are a number of principles—not just one—in the bill that will be tested, so that at least the rest of us might be informed by the Hons Ms Lensink, Ms Gago, Mr Xenophon and Ms Reynolds, as well as others (whoever is actively engaged in the debate), as to the key clauses so that members can at least address those issues beforehand so that we know where we might be heading and when we might be called on to be ready to vote one way or another.

The Hon. J.M.A. LENSINK: I will respond to that query. A number of these amendments are somewhat identical in terms of altering the definitions. As this is an omnibus bill, it relates to amendments to the De Facto Relationships Act. This omnibus bill is in alphabetical order. We might be led by the advice of the Clerk, but that is where the critical bulk of the material in the amendments lies. In the bill it is part 22, clause 69. Certainly, that is where a lot of my amendments lie. I am happy to treat clause 4 as a test clause, but it will be messy in terms of debate, questions and so forth.

The Hon. P. HOLLOWAY: My suggestion was that we treat clause 4 as the test clause. The government's bill as printed proposes the recognition of same-sex partners as de facto partners for all legal purposes for which putative spouses and de facto partners are now recognised. We have had the amendments filed from the Hon. Ms Lensink and others, which would further extend the scope of the bill so that it would also legally recognise people who share a home and provide care for each other and who do not regard themselves as de facto partners.

The amendments to be moved by the Hon. Ms Lensink, the first of which are to clause 4, propose to recognise people who live together in a relationship of dependence. This is a relationship between two adults in which one or each provides the other with domestic support or personal care. However, two people cannot be domestic co-dependents if they are married or in a de facto relationship. That, I guess, is the core issue. Of course, many of the Hon. Ms Lensink's amendments are the same in the sense that they remove the term 'de facto'.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: At this stage I think we are just talking about the tactics but, if everyone is happy that it is clause 4 that is the test clause where we decide whether the recognition of same sex partners as de facto partners be changed to recognise people who share a home as the Hon. Ms Lensink has proposed, that would be an appropriate place to make that decision. Then if that is carried that will obviously flow through to a whole series of other similar amendments.

The Hon. R.I. LUCAS: I have a 32-page set of amendments from the Hon. Ms Lensink, but in the set I have the first amendment is to clause 89, page 33. The 32 pages we got yesterday, are they in addition to the 20 pages? I thought they were instead of them.

The CHAIRMAN: They are the latest draft.

The Hon. J.M.A. LENSINK: Because this is an omnibus bill, there are a significant number of bills which need to be changed in the process. My understanding of parliamentary counsel was that they did start working on this between the session ending in June and when we came back in September, and they drafted amendments for all the proposed amendments, whether they were in the name of the Hon. Nick Xenophon, the Hon. Andrew Evans or me, up to and including the De Facto Relationships Act, and the Family Relationships Act.

The amendments that came yesterday are entirely consequential and deal with any of the bills after the Family Relationships Act. I will just explain this, and anybody who has delved into this issue, including the long-suffering members of parliamentary counsel, will understand how complicated this process has been. I had an original set which was up to and including the Family Relationships Act and which was labelled Michelle Lensink [1]. I have replaced those, so there should be three sets, [2], [3] and [4], and [1] is scrapped.

The Hon. P. HOLLOWAY: Mr Chairman, for the benefit of members, I think the appropriate course of action is that we deal with the first three clauses and then postpone all the clauses up to clause 69, and we then use clause 69 as the test clause and then come back to 4, depending what happens to clause 69. I think that is the appropriate way to go, so perhaps if we can deal with clauses 1 to 3, and then I will move that we postpone clauses 4 to 68 inclusive.

Clause passed.

Clause 2.

The Hon. R.I. LUCAS: Should this legislation pass the council in one form or another in this current parliamentary session ending in the last week in November or the first week of December, what is the government's intention in relation to proclamation? Does the government see it as a priority, and will it be proclaimed almost immediately, prior to March next year, or is there some other course of action intended by the government?

The Hon. P. HOLLOWAY: All I can say is that there would be no reason to delay the implementation. After all, the bill has been around, in one form or another, for well over a year. The government has not considered it yet. That it still has to pass both houses of parliament in the remaining time is in itself problematic, let us say. A discussion paper was issued in 2003.

The Hon. R.I. LUCAS: Should amendments to the legislation be moved successfully, do some of the amendments mean that departments or processes will have to be set in place that will delay the proclamation of the legislation?

In particular, I raise the schemes envisaged in the Hon. Ms Lensink's amendments.

The Hon. P. HOLLOWAY: That would depend on the sort of amendments that were carried. Those moved by the Hon. Ms Lensink that relate to co-dependency, that is, as I understand it, provide an opt-in system, and those people would have to get their own legal advice in relation to that. Therefore, there would probably be no reason to delay that. If, on the other hand, Mr Cameron's amendments were to be carried, that may require some further consideration. In relation to the bill itself, in its original form, there would be no reason to delay it. My advice is that Ms Lensink's amendments would not raise any issue that would require further consideration, but that may not be the case if other amendments are carried.

Clause passed.

Clause 3 passed.

The Hon. P. HOLLOWAY: I move:

That clauses 4 to 68 inclusive be postponed and taken into consideration after clause 69.

Motion carried.

Progress reported; committee to sit again.

LOCAL GOVERNMENT (FINANCIAL MANAGEMENT AND RATING) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 18 October. Page 2754.).

The Hon. KATE REYNOLDS: I will be very brief. The Democrats support the second reading of this bill. We have participated in some of the discussions organised by the minister that have been held in recent months—and as recently as Monday—with the Local Government Association. The minister and his advisers, representatives from the Liberal Party, the Independents and the Democrats have sat around a table and had some very constructive debate and discussion that has complemented the extensive debate that has occurred in the local government sector.

There is certainly still some debate to be had in the committee stage, and that is healthy, and we welcome that. However, by and large, we are fairly satisfied with what the government has developed in response to some community concern and some media outrage about rating issues. We think that the outcome of the debate on this bill will also be of benefit to ratepayers and councils. We will ask some questions during the committee stage. We are aware that a couple of areas have not been quite settled, but I am confident that they can be dealt with very quickly, either through clarification in statements by the minister dealing with the bill in this council or by some minor amendments.

I congratulate the minister for approaching this in a bipartisan way. I think it would be helpful if some other ministers occasionally took a leaf from his book; it might take some of the politicking out of what are very important issues to the community, whether it is to do with the payment of rates or other things, or whether it is dealing with issues that are contentious because they relate to ideology, ethics and so on. With those few remarks, I indicate our support for the second reading.

The Hon. J. GAZZOLA secured the adjournment of the debate.

VICTORIA SQUARE BILL

The Hon. P. HOLLOWAY (Minister for Industry and Trade): Yesterday, I introduced the Victoria Square Bill 2005. When introducing the bill, I referred to a plan that had been tabled that shows the current legal status of land in Victoria Square and the proposed tramline corridor. The plan had not, in fact, been tabled when the Victoria Square Bill was introduced. I now table the plan.

[Sitting suspended from 6 to 7.45 p.m.]

STATUTES AMENDMENT (TRANSPORT PORTFOLIO) BILL

Adjourned debate on second reading.

(Continued from 20 September. Page 2612.)

The Hon. CAROLINE SCHAEFER: This bill provides minor amendments and corrects administrative anomalies to increase efficiency and consistency across the Road Traffic Act 1961, the Motor Vehicles Act 1959 and the Harbors and Navigation Act 1993. There are several identified remnant property portfolios that are registered on the lands titles register in the name of the Minister for Marine. The office of the Minister for Marine no longer exists but, due to an oversight, the necessary transitional provisions required to transfer this land were not included in the original act. This bill will correct that oversight, which occurred when the Harbors and Navigation Act 1993 came into effect, and will give the appropriate minister the legal capacity to deal with this land.

Currently, the Motor Vehicles Act requires the appointment of inspectors to go through a cabinet submission process, while the Road Traffic Act allows for the appointment of inspectors by the minister. This bill will administratively streamline the appointment process under both acts, enabling the minister, rather than the Governor, to appoint inspectors. Hopefully, that will make for a more efficient system of appointment.

South Australia takes pride in its many events—sporting events and major events—which attract numerous visitors into this state and which are of great importance to our economy. Under the current act there are no provisions that cater for events held on lands adjacent to roads. This bill will ensure better traffic management of the off-road events and will permit participants and pedestrians to be exempt from the duty to comply with the Australian road rules.

Currently, under section 53B, devices such as speed analysers and radar detectors are not forfeited to the Crown. This bill extends the forfeiture of devices to the Crown where a person is found guilty or expiates an offence under the Australian road rules. Again, this is to improve efficiency and achieve greater consistency between acts. A new definition for school bus has been inserted. The bill will eliminate the inconsistencies between the definitions for school buses in this state and across Australia, and it will ensure that South Australia complies with nationally agreed policies.

At present, the Road Traffic Act only allows for the disposal of unattended vehicles by public auction. This is a costly process and the bill will ensure that an authority—that is, the minister, a council or the police—can dispose of a vehicle in any manner in which they see fit where the proceeds of the sale are unlikely to exceed the costs incurred

in selling the vehicle. A notice of removal will need to be published in only one state newspaper rather than two.

Currently, penalties for minor breaches of bus maintenance include cancellation of the certificate of inspection issued for the bus, which has significant commercial consequences. Therefore, the bill ensures that minor breaches attract an appropriate penalty. If a vehicle is not maintained in accordance with the prescribed scheme of maintenance that applies to the vehicle, the owner and operator are guilty of an offence for which the maximum penalty is $1 250.

The current offence under the Road Traffic Act in relation to false statements applies only for the purpose of identifying the owner of a vehicle. The bill will make it an offence for a person to include a false or misleading statement in the information provided to an inspector or for a record compiled under the act. The bill also ensures that any appointments of inspectors made by the Governor under the Motor Vehicles Act before the commencement of the amendments continue as though the person had been appointed by the minister. In other words, it is a 'rats and mice' bill, and the opposition supports it.

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

CARERS RECOGNITION BILL

Adjourned debate on second reading.

(Continued from 18 October. Page 2756.)

The Hon. A.L. EVANS: I rise to make a brief contribution in support of the bill. The government believes that this bill will ensure that the role of carers is affirmed within the South Australian community and provide a formal mechanism for their involvement in the provision of services that impact on them as carers. The twofold objects of the bill are stated clearly in clause 3. They are: to recognise and support carers and their role in the community and to provide for the reporting by organisations of the action taken to reflect the principles of the Carers Charter in the provision of services relevant to carers and the persons for whom they care.

The term 'carer' is defined in the bill to include those persons who provide ongoing care and assistance to people with disabilities and chronic illness (including those with mental illness), and the frail who require assistance with carrying out everyday tasks. I understand that some 250 000 carers in South Australia provide care to such individuals in their role as parents, immediate family members, extended family members, friends and neighbours. Such people should be applauded for their efforts in giving their time, energy and other resources to care for a certain class of dependent individuals and indirectly supporting many families in South Australia. They do so without monetary recompense. In many situations, carers enable the person for whom they care to remain within the family and community to which they belong. This is a healthy and necessary outcome.

It was with considerable concern that I listened to the results of the research mentioned by the Hon. Paul Holloway in his second reading contribution which showed that, depending on the circumstances, carers providing assistance and support to dependent individuals suffer from higher levels of stress and anxiety than non-carers. They have difficulties with work and study. They have restricted social and recreational opportunities, and they often experience feelings of grief, resentment and great emotional upheaval from the caring situation.

It is quite conceivable that, despite the positive and rewarding aspects of caring, carers suffer considerable impact on their own health and wellbeing. For this reason I consider a bill that recognises the efforts of carers and mandates support for carers and their role, and aims to improve the quality of life and general well-being of carers, to be good policy. I commend the government for its policy and election commitment in this regard. The means by which the bill intends to achieve its objects is primarily through implementation of the South Australian carers charter set out in schedule 1 of the bill.

The relevant service provider organisations that come within the ambit of the bill will have certain obligations in relation to the charter. First, such organisations will need to take all practical measures to ensure that the organisation's officers, employees or agents are aware of the charter and take action to reflect the principles of the charter in the provision of the relevant services of that organisation. Moreover, organisations to which the bill will apply, and which are also public sector agencies, are required to consult with carers or those who represent carers when formulating policy or program development or strategic or operational planning relevant to carers and the persons they care for.

The service provider organisations are required to prepare a report on the organisations' compliance and non-compliance with these obligations. I believe such reporting mechanisms go a long way to ensuring that the obligations do not just fall on deaf ears and that the charter is not buried in an administrative filing cabinet of such organisations. In light of the above, whilst I have yet to consider any potential amendments to the bill, I am at this stage supportive of its second reading.

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

CORPORATIONS (COMMONWEALTH POWERS) (EXEMPTION OF PERIOD OF REFERENCES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 18 October. Page 2753.)

The Hon. IAN GILFILLAN: In speaking to this bill I indicate Democrat support not only at the second reading stage but through all stages. The bill extends the current provisions under the Corporations (Commonwealth Powers) Act 2001 that refer powers over corporations to the commonwealth. In the early 1980s an attempt was made to put corporations law on an even footing across the nation. This was reviewed in the late 1980s when a new scheme was established. This involved the establishment of uniform legislation in each state, with complimentary legislation at a federal level, where enforcement of corporations law was the responsibility of the Australian Securities and Investments Commission, the Federal Police and the commonwealth Director of Public Prosecutions.

The High Court rulings in Wakim and, more importantly, Hughes brought into question the ability of commonwealth agencies to enforce state laws in certain circumstances. This resulted in talks among the states, the territories and the commonwealth on how to address in a legislative sense the problems that arise from High Court rulings. A package of

bills was developed to provide a solution to this, and at least some members will remember that in 2001 we passed the Corporations (Commonwealth Powers) Bill 2001, the Corporations (Ancillary Provisions) Bill 2001, the Statutes Amendment (Corporations) Bill 2001 and the Corporations (Administrative Actions) Bill 2001. This legislation, however, is only a temporary measure and includes a five-year sunset clause. During this time it was hoped that a more permanent solution would be agreed upon. Such a solution would almost certainly involve constitutional change.

While the current arrangements will not expire until 15 July 2006, the government has indicated that it would like this bill dealt with this week, and with that in mind we see no problem with passing it as soon as the government wishes to proceed. It is unlikely that the necessary changes to the commonwealth constitution will be made before the current sunset provisions are due to operate. In fact, as the Hon. Robert Lawson noted yesterday, it is rather doubtful that such a constitutional change would be achieved by the 2011 deadline, and I would imagine that this place will be requested again to address the issue in five years. If he has a mind to, the minister could in summing up the debate comment on the progress made over the past four years to find a long-term solution to the problem to which we are today affixing another band-aid. The South Australian Democrats support the passage of the bill.

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I thank the Hon. Ian Gilfillan and the opposition through the Hon. Rob Lawson for their indications of support for this very straight-forward bill.

Bill read a second time and taken through its remaining stages.

STATUTES AMENDMENT (RELATIONSHIPS) BILL

In committee (resumed on motion).

(Continued from Page 2795.)

The CHAIRMAN: When the committee last met, some progress had been made and agreement had been reached in relation to process. We had agreed to postpone clauses 4 to 68. We are now considering an amendment in the name of Ms Lensink.

New clauses 68A and 68B.

The Hon. J.M.A. LENSINK: I move:

Page 26, after line 9—
Insert:
68A—Amendment of long title
Long title—delete 'de facto' and substitute:
certain domestic
68B—Amendment of section 1—short title
Section 1—delete 'De Facto Relationships Act 1996' and substitute:
Domestic Relationships Property Act 1996

I have circulated an explanatory memorandum. My explanation in speaking to these amendments might be a little lengthy. I refer members back to a lot of the debate we have had in this council in relation to the report of the Social Development Committee and members' second reading contributions. I have attempted to find a regime that will include the group of people known as domestic co-dependents within this legislation. The reason this is so confusing is that the existing legislation that relates to de facto couples comes under two separate pieces of legislation. The Family Relationships Act 1975 and the De Facto Relationships Act 1996 both contain references to spouse and/or de facto. They each have separate regimes to establish that relationship.

The Family Relationships Act 1975 is clearly, in family law terms, a relatively old piece of legislation. That legislation established the concept of the ungainly term 'putative spouse', which relies on a cohabitation of five years, in rough terms, and if a child has been born from that relationship then that couple automatically qualifies. The government's amendments propose to change that term to 'de facto partner' at three years. It will therefore rely on a cohabitation period and the nine criteria. From my understanding, it was designed to protect the interests of dependents of a relationship.

On the other hand, the De Facto Relationships Act is much more recent legislation and was proclaimed in 1996. That act has the concept of 'de facto partner', which exists to enable people who are or who are about to become de facto partners to make decisions about their property and/or financial matters. It is not established with a cohabitation period, but it does provide the concept of cohabitation agreements. They are two separate pieces of legislation. My amendments and this test clause are seeking to establish a regime for domestic co-dependents under the De Facto Relationships Act, and the name of that act would be changed to the Domestic Relationships Property Act. I do apologise to members that this has been quite complicated, but in my discussions with parliamentary counsel we found different sets of loopholes.

Given that the amendments to the De Facto Relationships Act (being the omnibus bill in alphabetical order) appear in the depth of the bill, when we have changed one part of it, we have had to go back and change another. They are some of the legislative difficulties that we have been trying to find our way through. I will speak in general terms in relation to this. Some of us have taken an interest in establishing rights for people who, as a hypothetical, might be two middle-aged women who have been sharing a residence for quite sometime. They might not regard themselves as a 'couple' as such, but they might wish to avail themselves of rights under the Mental Health Act, or property division or any of the raft of issues that are dealt with in this piece of legislation.

The Social Development Committee did hear some evidence about this group of people, and I think that it is quite compelling. I also think that, in this day and age (when into the future fewer people will be able to rely on traditional means of support as they get older), we will see greater numbers of these people coming forward. Part of the difficulty in identifying how to assist this group of people is that we do not want to capture the so-called 'housemates'. For instance, you might share a house with someone for three or five years and pay the bills together, and so forth. You are known to be very close friends, but you do not necessarily want to be captured by this piece of legislation. One quandary has therefore been whether we have either a presumptive model (which is a way to say that people who fit a set of criteria will be included regardless whether they would deem themselves that way, but the criteria established that they do have a relationship), or whether people can choose to opt into that model.

Having looked at this for some considerable length of time and worked through all the different areas in which we could make these changes, I have come to the conclusion that it can be only an opt-in model, otherwise we would capture many people who would not wish to be caught. As I also stated with respect to a bill that was before this parliament in relation to voluntary euthanasia, and given my background in health and

aged care, one of my big concerns is for those people who are vulnerable in our community and who might be preyed upon. Parliamentary counsel has drafted for me amendments which will require that someone who wishes to be considered a domestic co-dependent within our statutes must have a certified cohabitation agreement. Cohabitation agreements already exist within the De Facto Relationships Act. They are available to de facto couples so that they can say, 'These are our assets. This is how we wish to have our property divided if we are to split up.' It allows people to have other matters included in that also. My attraction with this arrangement is that 'certified' means that each party must get their own separate legal advice.

They have that added protection that the person who certifies it must be satisfied that they are of sound mind at the point at which they make the decision to sign that document. That provides a fairly watertight protection for anyone who wishes to enter into this sort of agreement, and that is very important to me. If you like, each person who enters into one of these arrangements has a referee. It is a private matter between them, but they must each get their own separate advice to that effect. I might take questions at this stage. I am happy to provide any explanations.

The Hon. R.I. LUCAS: Do you see this as a test clause for your domestic co-dependent model?

The Hon. J.M.A. LENSINK: Yes.

The Hon. CAROLINE SCHAEFER: I have indicated on a number of occasions that I find this piece of legislation particularly confusing. After listening to my colleague's explanation I am, perhaps, more confused than ever. I cannot see how the right to opt into what becomes, I guess, a formal domestic co-dependent relationship with no sexual connotations is different from anyone's rights now if these people must fill out a form or do something to establish that they have a domestic co-dependent relationship.

How is that different from what would actually occur now? For instance, if I chose to make someone, anyone, my enduring power of attorney, or to share my assets in an estate with my dog or anyone, or if I wanted to give someone guardianship under certain circumstances, I would have thought I could already do that whether or not it is a homosexual, heterosexual or domestic co-dependent relationship. So I cannot understand what we are actually doing that is not already possible for the whole of the populace as it is. Not only can I not see what we are doing in the instance of domestic co-dependents but I also cannot see that what we are doing is different from what we currently have, because surely if it requires me to declare a certain situation with regard to domestic co-dependents, I would have thought I could already do that under the law as it is.

The Hon. J.M.A. LENSINK: Thank you for those questions, and that is a very fair point. For those of us who might need to clarify that, this will automatically assign somebody who declares themselves a domestic co-dependent a whole set of associations. For instance, in the case where a person dies intestate, if a domestic co-dependent couple have signed this, then that other person will be able to access those rights. As I understand it, we can, as individuals, make wills, assign powers of attorney and all those sorts of things, but you need to do that in each and every situation in order to be able to access each of those instruments.

This legislation will negate the need to go through that whole process for each of those different instruments that you wish to be able to access. I am just speaking purely for the domestic co-dependents. The government might want to reply to this in terms of de facto couples, because my amendments do not touch those in any way. So it will just be the one instrument and, rather than having to run around and have different sorts of documents, this will mean that it is a much simpler regime from someone's point of view. As we all know, form filling can be an endless and tedious process and, rather than having to deal with all those sorts of things separately, people can say, 'This is where it's at.'

The Hon. CAROLINE SCHAEFER: I am in danger of sounding flippant, and I really do not wish that to be the case, but should I enter into a domestic co-dependent relationship and then I decide I do not actually like the person I am boarding with, how do I divorce myself from a domestic co-dependent relationship?

The Hon. J.M.A. LENSINK: It is an agreement that must be certified, so you have to sign it when you get into it and, if you want to get out of it, you just sign it. So it is a simple instrument in that sense. Part of the reason I have done it in this way is that it was initially suggested to me that it cannot be automatic. The next step up from there, I suppose, is a statutory declaration but, because of this difficult issue about fraud and people preying on vulnerable people, I was attracted to the idea of a certified agreement where there must be some sort of guarantee that the people are of sound mind and they are protected in assigning these rights to a particular individual. I will admit that it is certainly not a perfect solution, because I think the domestic co-dependents group is a fairly diffuse group of individuals, and it has been hard to identify what set of criteria would automatically apply across the board. I admit that it certainly is not perfect, but it is probably the best solution that we have to this dilemma.

The Hon. P. HOLLOWAY: I would just like to put the position of government members. This is, of course, a test clause. The amendments moved by the Hon. Ms Lensink, of which the present amendment is a key provision, propose to amend the De Facto Relationships Act to be renamed the Domestic Relationships Property Act to cover people who live together in a relationship of dependence. This is a relationship between two adults in which one or each provides to the other domestic support or personal care. However, two people cannot be domestic co-dependents if they are married or in a de facto relationship. Recognition depends on the making of a certified cohabitation agreement. This is an opt-in regime; no-one's rights would be changed without their consent. The regime includes safeguards against people being coerced or cheated, which were concerns highlighted by the Social Development Committee.

The making of a certified cohabitation agreement requires that each party have legal advice. The lawyer must explain the effects of the agreement. The explanation must be given in the absence of the other party. The client must give the lawyer credible assurances that he or she is not being coerced or unduly influenced to sign the agreement. The lawyer must then see the client sign. In each case, the signatories to the agreement must also warrant that they have disclosed all their relevant assets. All the other amendments proposed by the Hon. Ms Lensink depend on the adoption of her amendments to the De Facto Relationships Act, that is, the insertion of new clause 68A and the amendment of clause 69 of the bill. At the same time, the Hon. Mr Cameron has also proposed amendments to the De Facto Relationships Act.

The Hon. R.I. Lucas: What is your position on the amendments?

The Hon. P. HOLLOWAY: We support them, but I will come to that in a moment. Mr Cameron has also proposed

amendments to the De Facto Relationships Act, but of a different nature from those proposed by the Hon. Ms Lensink. Mr Cameron's amendments do not propose an opt-in, but rather presumptive recognition. Further, they do not affect rights other than those created by the De Facto Relationships Act and consequently the Stamp Duties Act—that is, property rights.

On the other hand, the Hon Ms Lensink's package of amendments would create legal recognition across almost the whole statute book for those people who decide they wanted such recognition. It is important that members understand, then, that the amendments moved by the Hon. Ms Lensink and those proposed by the Hon. Mr Cameron to clause 69 of the bill cannot stand together. One cannot have both. If the government's clause is amended, as proposed by the Hon. Ms Lensink, that indicates agreement to her amendments to the De Facto Relationships Act in preference to those of the Hon. Mr Cameron, although it would still be possible for a member to vote against the Hon. Ms Lensink's amendment of another act if wishing to reduce the scope of her proposal. If members intend to support the amendments of the Hon. Mr Cameron, they would need to vote against the proposed amendments of the Hon. Ms Lensink to the De Facto Relationships Act.

I indicate that the government will support the Hon. Ms Lensink's amendments to part 22 of the bill. Having considered the report of the Social Development Committee, the government has no objection, in principle, to the legal recognition of domestic co-dependent relationships, as long as this occurs by the free, informed choice of the parties. Under these amendments, the parties will have the benefit of legal advice before making the decision, so the government is satisfied that the weaker party to a relationship is protected as best they can be.

The Hon. R.D. LAWSON: I am interested to hear that the government has adopted this position, given the fact that it had adopted an entirely different position at an earlier stage and had locked the entire Labor Party behind an entirely different position. It had gone to the Social Development Committee with a particular position and, throughout that time, consistently pooh-poohed the member for Hartley, Joe Scalzi—

The Hon. R.I. Lucas: The lion of Hartley.

The Hon. R.D. LAWSON: —the lion of Hartley—who has been championing the cause of domestic co-dependency. He has been ridiculed and laughed at in another place by various members—by the Treasurer and the Attorney-General in particular. Yet here we have tonight the government coming along and saying,'Well, suddenly, we have had this conversion along the road to Damascus.' I am surprised and, indeed, shocked, given the attitude the government has previously expressed. Perhaps it is a measure of the government's desperation to ensure that its policy is implemented before the election, irrespective of what amendments are made.

Turning to the point raised by my colleague the Hon. Caroline Schaefer, I, too, was somewhat concerned by the notion of certified cohabitation agreements. I support the notion of recognition of domestic co-dependence—that is, relationships which are designated by factors other than sexuality—and I commend Joe Scalzi for having championed that cause in the South Australian parliament. I am also a supporter of the status of marriage and of the distinctive place marriage occupies in our society and in our community. I am not in favour of so-called civil unions which can be registered and which have the indicia of marriage. There are a number of models of these registered civil unions which have the imprimatur of the state, which have legislative provisions similar to divorce laws as to the way in which those relationships are dissolved, and which carry with them marriage-like formalities. I am against the statutory recognition of that type of relationship.

As to domestic co-dependency, I accept, for the reasons given by the Hon. Ms Lensink, that it is appropriate that, if you are going to recognise domestic co-dependency, there must be some way in which people can indicate that they wish to be considered as the domestic co-dependent of another. We have often heard the examples of two sisters, for example, living together in the same domestic establishment who would not want to go through any form of ceremony and who would never regard themselves as a couple in a marriage-like situation, or friends living together who are not living together in some sexual relationship. However, it is clear that there is a very great capacity for fraud and misrepresentation to occur if there is no way of knowing by some external device whether or not people are living in such a relationship and that they want to live and be recognised in such a relationship.

One way in which that can be achieved is by having an agreement which is simply an agreement between the parties. It may be an agreement evidenced in writing, as in the general law of contract. But, again, there is capacity for people to engage in fraudulent or dishonest conduct unless that agreement is in some way certified or notarised. I do not believe that it should be registered. I do not believe that it should be available in some central registry, because I believe that type of registration would give the relationship a marriage-like quality to which I am utterly opposed. I believe that would diminish and undermine the institution of marriage.

I gave some thought to other mechanisms to achieve a cohabitation agreement which is recorded in such a way that it cannot be subsequently manipulated by parties for their own financial or other interest. On reflection, I believe that the certified system contemplated in this amendment is an appropriate and fair way to go. It avoids fraud and it also avoids what I regard as the great evil of creating a marriage-like structure. For those reasons I will personally be supporting the recognition of domestic co-dependents, and I accept—

The Hon. Caroline Schaefer interjecting:

The Hon. R.D. LAWSON: I am reminded that I am lucky to be able to do so, because I am a member of the Liberal Party which, I am proud to say, allows a conscience vote. There are some in the Labor Party who have been very happy to hide behind the fact that the Labor Party has not allowed a conscience vote in this matter, and there are some who are going around to opponents of this bill and saying, holier than thou, 'I am against this bill but my party has locked me into position. You know that I am a good Christian person and do not agree with it, but I am locked into it by reason of my party.' Mr Chairman, the point is (as you would well appreciate) that no member of the Labor Party even requested a conscience vote on this issue.

The Hon. R.I. Lucas: And only one had to.

The Hon. R.D. LAWSON: As I am reminded, only one had to do so, but none did because they were all very happy to hide behind the banner of the policy of the Australian Labor Party.

Members interjecting:

The Hon. R.D. LAWSON: Indeed, people like the Attorney-General, the member for Playford and the member for West Torrens. They were scurrying around the community saying, 'This is a terrible thing and we are not really in favour of it, but we are bound to go along with it because the party has put us in a position where we have to comply with it.' Now of course they are saying that it is not actually up to them but that it is up to members of the Liberal Party; that it is up to the Hon. Andrew Evans, the Hon. Nick Xenophon and the Democrats; that it is up to everyone else. From beginning to end this is a Labor Party bill.

I believe it is the duty of every legislator, when a bill of this kind comes before the parliament, to seek to improve it. I believe this was a bad bill at the start, but it can be improved by the inclusion of the notion of domestic co-dependency. I believe that in supporting this amendment, which is a test clause, I am improving the bill. I will be supporting it.

The Hon. NICK XENOPHON: A few weeks ago Matthew Abraham on the ABC said, when both the Hon. Robert Lawson and I were agreeing to something, that it was a matter of rare agreement, that it was something incredibly rare. I think I said that it was a rare pleasure at the time, but I have to say that on this and other occasions I am very much in agreement with what the Hon. Mr Lawson has said in terms of his views as to a civil union and having the imprimatur of a state with a marriage-like ceremony. I do not think that is appropriate. It is one issue to remove discrimination, but marriage-is-marriage-is-marriage, and whilst it is federal law I think it is important that the status quo in relation to marriage remains.

On the issue of registration, one of the alternatives I canvassed was the Tasmanian model of domestic co-dependence. I discussed that with parliamentary counsel and, indeed, obtained a draft and got feedback on that, but I did not file those amendments because I believe that the Hon. Michelle Lensink's approach is preferable for the reasons outlined in part by the Hon. Robert Lawson. It is preferable to have a contractual agreement system where parties are independently advised and it is essentially a matter of contract law.

I was criticised by some for agreeing to have this bill sent off to the Social Development Committee, but I think the fact that these amendments are now before us indicates that it was a good and constructive exercise. Whilst the member for Hartley, Joe Scalzi, may not agree with many aspects of this bill, I think the issue of domestic co-dependents being recognised in this way is a very positive development. For those reasons I indicate my support for the Hon. Michelle Lensink's amendments. I think this is the best way to deal with the issue of domestic co-dependence, by having that contractual arrangement and by having a certified agreement that is not registered but where the parties obtain independent legal advice. This seems to be a step forward and justifies the adjournment of this bill several months ago for appropriate scrutiny by a parliamentary committee.

The Hon. A.L. EVANS: I noticed that the Hon. Paul Holloway said that if this was passed it would delete or override the Hon. Mr Cameron's amendment. I would like to hear Mr Cameron's amendment. I have not had the opportunity to do so and do not know what his views are on that or where he stands. It is not very helpful to me to make a final decision on the two amendments without hearing him, so I propose that we adjourn.

The Hon. R.D. LAWSON: Before my colleague moves that motion, if it is his desire that the committee report now, there is a good deal to be said for the proposition advanced by the Hon. Andrew Evans. As the minister indicated, there is a clear distinction between the model that I have indicated I am personally prepared to support, but at the moment all the committee has had is the minister's description of the regime being proposed by the Hon. Mr Cameron, a regime which the minister has described as a presumptive recognition. I believe the committee would benefit from having Mr Cameron outline precisely what it is that he envisages in his model so that a judgment can be made by all members of the committee about that.

The fact that I have personally opted for the amendment proposed by my colleague the Hon. Michelle Lensink is merely a product of the fact that I have examined both models and favour one. But I do not believe that the committee has fairly considered both in the absence of any explanation from Mr Cameron. I indicate that I would be prepared to support any motion that progress be reported on this aspect.

The Hon. NICK XENOPHON: I note that my colleague the Hon. Andrew Evans has not yet formally moved that progress be reported, at which time I understand the vote must be put without any further debate. I indicate that, since the Hon. Terry Cameron has been a crossbencher, my practice has been to accommodate any wishes he has put to me in terms of appearing. I think the opposition knows well that I have honoured that over the years. I have not received any direct information from the Hon. Terry Cameron as to what he wishes to do in relation to this issue.

I indicate that my preference is to proceed further with the bill. However, I put on the record that, in the event that the Hon. Mr Cameron wishes to recommit any matters or clauses with respect to his amendments, or to recommit clauses generally, I will certainly not oppose that when he is back with us in the chamber. I think that is the fair thing to do procedurally. I wanted to clarify my position before any motion was put that progress be reported.

The Hon. P. HOLLOWAY: First, I address a point made by the Hon. Robert Lawson in relation to the Scalzi model, when he said that the government had come around to that model. I point out that the Scalzi model is not an opt-in model. It is a presumptive model, and the government does not support a presumptive model in this area.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: There is a huge difference between opt-in and presumptive. As I said, we certainly do not support that model, and that is why we support the model moved by the Hon. Ms Lensink. In relation to the vote, the point I made earlier was that there are two models: an opt-in model or a presumptive model. Mr Cameron's amendments on file provide for a presumptive model. It is really up to the committee as to where the votes are, and Mr Cameron's vote can count for that. If this model goes down, I would have thought that would be the appropriate to time to adjourn. Either the numbers are here for an opt-in model or they are not. This bill has been around for well over a year, and there has been a huge amount of debate.

The Hon. R.I. Lucas: So, you will pair with him on that vote?

The Hon. P. HOLLOWAY: He has left instructions, so we can do that.

The Hon. R.I. Lucas: The Labor Party pairing with Terry Cameron?

The Hon. P. HOLLOWAY: In relation to this matter, I am sure that he can always be paired with one of the Independents if necessary. The point is that, given that we have had this debate, which has already taken up some time, and

given that the bill has been around now for well over a year, surely we could at least have a vote on whether we support an opt-in model. If anybody does not support such a model, and if it does not have the numbers, we could adjourn and discuss the matter. There are really two choices: the Lensink model or the Cameron model. They are the only two models available to the parliament.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: As I said, if the Hon. Ms Lensink's amendments are carried, obviously that would preclude a presumptive model such as that proposed by the Hon. Mr Cameron.

The Hon. KATE REYNOLDS: I support the comments made by the Hon Nick Xenophon. I think that it is important that we show respect to members who are not able to be here, particularly those who are not well. I understand that the Hon. Terry Cameron has not left any instructions about what he would support, oppose, or otherwise. I have not received any—

The Hon. P. Holloway: I think we can assume that he would support his own amendments.

The Hon. KATE REYNOLDS: With respect, minister, we do not know whether or not the Hon. Terry Cameron intended to proceed with the amendments, as they were filed some time ago. However, as the minister has said, the bill has been before us in one form or another for a considerable amount of time. We have a lot of debate to get through on this bill and others, and we do not have many sitting days left. I think we should proceed but, like the Hon. Nick Xenophon, I am willing to come back if somebody proposes that we recommit. I am certainly prepared to do that, but I think that there is debate we can usefully get on with. As I said, I have had no approaches or information from the Hon. Terry Cameron since his amendments were filed, either in the way of written explanatory documents or conversation. So, it is a little difficult to know what his thoughts are, but I would not like to see the debate stopped when I believe that we can continue. There is an undertaking that we can recommit if necessary.

The Hon. J.M.A. LENSINK: I do not wish to make any comments in relation to the proposal, which I understand is yet to be formally moved. I apologise (or not apologise in one sense), because I know that lawyers are very good at putting these things very correctly. As a physiotherapist, I was always trained to be short in my language. However, in relation to the issue bothering the Hon. Caroline Schaefer—that is, exiting one of these domestic cohabitation agreements—I am reminded that, under the definition proposed for all the acts, a person will be a domestic co-dependent only if that person is still cohabiting with the other domestic co-dependent and they have a certified cohabitation agreement. If two people who have chosen to fall within this regime no longer want to be considered to be in that situation, and if they simply discontinue to cohabit, that will automatically nullify that arrangement.

The Hon. R.I. LUCAS: I have not addressed the issue yet. I am prepared to support reporting progress when the Hon. Mr Evans moves it, but I want to make some brief comments at the outset. I am more than happy to continue the debate this evening, but it may be expedited if we return with Mr Cameron and others in the morning. I am happy to accept the judgment of the majority of the committee.

I am interested at some stage to get from the Leader of the Government an estimate from Treasury of any additional cost in relation to both the government bill and the government's new position, that is, if it accepts the amendments that have been moved by my colleague the Hon. Ms Lensink. I understand that Treasury and/or other agencies have provided estimates of the additional cost, and I think all members would be interested in receiving from the government the additional cost in relation to the government's drafting and advice on what additional cost there might be—as the Hon. Mr Evans raised—under the proposal from the Hon. Ms Lensink and under the proposal of the Hon. Mr Cameron in relation to his particular model. I assume that the government and Treasury have done some estimates.

I have some general comments on this issue and I am happy to leave them until after the committee determines whether or not we report progress, but the Leader of the Government indicated that there were two options. I indicated that there was a third option, namely, to reject entirely both proposals, that is, the amendments from the Hon. Ms Lensink and from the Hon. Mr Cameron. I do not think one can assume, as the leader has, that it is a question of either/or as we have not yet had the proposition put by any member arguing against both lots of amendments. I have not heard the Hon. Mr Cameron's arguments or read anything on them. It is a credit to the Hon. Ms Lensink that she has kept her colleagues and others informed in terms of educating us on the intention of her amendments. I have not had the opportunity to hear Mr Cameron's arguments in support of his proposition, which is why I am prepared to support reporting progress. I am relaxed about continuing this evening if we decide to proceed.

The Hon. CAROLINE SCHAEFER: I recognise that the Hon. Andrew Evans has not yet moved to report progress, but I do not agree with the Hon. Nick Xenophon that we should proceed with debate and then recommit if that is what the Hon. Terry Cameron wants to do. Given that the outcome of one set of amendments is directly contradictory to the outcome of the other set of amendments, we need to hear the arguments put to us by the Hon. Terry Cameron in the context of the Hon. Michelle Lensink's amendments, so I too would support reporting progress for that reason. In this place we have always given each other the courtesy of hearing all amendments and debate at the time. It may well be that the Hon. Terry Cameron will withdraw these amendments, given that they have been on file for some time. I would be in favour, if the Hon. Andrew Evans so moves, of reporting progress.

The Hon. P. HOLLOWAY: With regard to the question asked by the Leader of the Opposition about what costings have been done to assess the impact of these provisions, it is almost impossible to perform any useful calculation. Most of these amendments have no financial consequence for the public purse. There are a few that could have cost to the public, in particular amendments to the Civil Liability Act, the Victims of Crime Act and the Workers Rehabilitation and Compensation Act. The Civil Liability Act is proposed to be amended so that a same sex partner will be able to apply for compensation if his or her partner is killed in a road crash as a result of someone else's negligent driving. How much extra will that cost the CTP Fund?

To answer that question we would need the following information. How many fatal road crashes are there a year? We know that on average it is about 150. In how many of these cases is the accident someone's else fault? We can have a guess, based on the Motor Accident Commission's figures, but after that it gets difficult. In how many of these cases does the deceased person leave behind a same sex partner? We do

not collect statistics on the sexuality of people killed on our roads. It is reasonable to think that it is a fairly small proportion, but if you ask for a percentage it is unknown. We then need to know in how many of those cases the same sex partners had been living together for at least three years, as relationships of shorter duration are not recognised by the bill, and no-one can know the answer to this one. We then need to know in how many of those cases the surviving partner was financially dependent on the deceased or was in business with him or her. We cannot predict that. We then need to know the monetary value of the loss of financial support or lost contribution to the shared business. That will vary widely from case to case.

As members can see, by this stage the supposed costings descends into mere guesswork, and the government sees no value in dressing up guesses as scientific predictions. We have no way of predicting for sure what the dollar impact on the CTP fund will be. All we can say is that, because established same-sex couples make up only a small fraction of the South Australian community—about 2 300 people were living in such relationships at the last census—the impact must be correspondingly small. It is interesting that the select committee report on page 70 states:

> The Attorney-General indicated that no significant costs to the public were expected to arise from the bill. This was supported in evidence received from the Law Society of South Australia, the President indicating that there may be a very minor increase in the number of disputes given that the courts would now be available to same-sex partners.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Well, I have indicated the problem in terms of getting that sort of information.

The Hon. R.I. Lucas: Is that the Treasury response?

The Hon. P. HOLLOWAY: No; it is not the Treasury response.

The Hon. R.I. LUCAS: Is there no response from Treasury at all? While the minister is taking further advice, I note that we can return to this issue at any stage during the coming days of debate. I put on notice that my colleague the Hon. Ms Lensink thinks that the advice to which the minister has referred is from the Attorney-General or the Attorney-General's Department. I just think that, if this parliament is being asked to pass legislation, at the very least there ought to be a response from the Treasurer of the state passing on advice from the Treasury. It may be that Treasury's response is exactly the same as the Attorney-General's Department; that is, that it is all too hard.

I can assure members that, having been a treasurer, it has not stopped Treasury in the past putting estimates when it wanted to stop legislative provisions. It managed to come up with very creative estimates of what the impact might be. For example, the extension of concessions to charities as opposed to public benevolent institutions—which is an ongoing debate at present—is an almost impossible task for Treasury to estimate, but I assure members that Treasury has been able to come up with an estimate to argue against that particular extension. I know of many other examples in the past. It may be that the Treasurer says to the parliament that it is all too hard—and fair enough—but at the very least at some stage during this debate the Leader of the Government should get a statement from the Treasurer which says that, or does give an estimate, or says, 'We believe it to be negligible for these reasons.'

He has indicated the impacts to certain areas in relation to WorkCover. I would think WorkCover would have had some advice. It is an independent statutory authority. I am assuming it would have considered the impact. It may be, for exactly the same sort of logic given in relation to the CTP fund, that it will say it is negligible.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: Exactly. I am not saying they do. I am just saying that it may be that the advice given to the parliament is that that is the case. But it is negligent of this parliament if the questions are not asked and the advice is not laid before the parliament. That might be the answer. I am not suggesting that there is an easy way of doing it. It may be exactly as the minister has indicated, but at least the parliament should be advised by the respective bodies and agencies.

As I understand it—and I am not an expert in this area—there are provisions in the Stamp Duties Act and various tax legislation which would extend concessions to an extra group of people. Again, Treasury may say that it is so small that there will be negligible impact in relation to those sorts of areas. I am not expecting the minister to have the answers here tonight, but, clearly, if I know the council, we will be debating this tomorrow and certainly into the early part of the next sitting week. There should be the opportunity for the Leader of the Government to give an undertaking to the committee that he will at least consult with the Treasurer and seek from the Treasurer answers to those questions. I accept that he cannot direct the Treasurer, but I would think that the Treasurer, at the very least, should be prepared to try to provide some information to the parliament.

The Hon. P. HOLLOWAY: I indicate that page 69 of the Social Development Committee report states:

> The committee sought advice from the Department of Treasury and Finance (South Australia) about possible financial implications of the bill. The department indicated that it had not undertaken a financial analysis in relation to the bill and was therefore unable to estimate the costs. It referred the committee to the advice of the Attorney-General's Department, which undertook all background research of the bill.

That is when I referred to the fact that the Attorney-General's Department said there may be a minor increase in the number of disputes. The report continues:

> Also, it is difficult to quantify costs because they depend on unknown factors. Firstly, the government does not have accurate data on the number of co-habitating same-sex couples of more than three years duration in South Australia at any given time. Secondly, it is impossible for the government to know for how many of those couples a circumstance will arise that may bring about legal rights or duties affected by the bill. In other words, while it is possible to imagine scenarios where there would be cost implications, it is impossible to know how many people in either same-sex or opposite-sex couples would ever find themselves in these circumstances.

The report then gives further examples. That is a matter that could be raised with the Treasurer—if the bill ever does make it to the other place.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: As I said, that can certainly be done between the houses.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: The fact is that it will be extremely difficult to do it for the reasons given.

The CHAIRMAN: I will call the Hon. Ms Gago because she has not made a contribution. The Hon. Mr Evans has been exceedingly patient. I think the discussion has been productive in that we have now identified things which would be helpful when the Hon. Mr Cameron comes back.

The Hon. G.E. GAGO: Before progress is reported, I would like a couple of my comments to be recorded. I

promise to make them brief. As members in this chamber would be aware, I have had a great deal to say on this topic on numerous occasions in this place. I certainly do not intend to go back over that. As presiding member of the Social Development Committee, which was the committee to which this bill was referred for inquiry, I will make a couple of brief comments at this time.

The committee noted with grave concern that South Australia remains the only jurisdiction that has not implemented comprehensive change with respect to same-sex couples. The committee heard evidence which suggested that almost 2 500 South Australians were living as same-sex couples cohabiting together, and that more than 300 of these couples were raising one or more children. Clearly, there was a strong public interest issue for the committee to pursue. The committee received more than 2 500 submissions of evidence, which covered a wide range of views. I have reported on that evidence at length, so I will not go into that.

Certainly, it was clear to the committee that South Australian law unjustly discriminates against same-sex couples. It was very clear in that conclusion. The committee received ample evidence of unjustifiable hardship and expense that could not be remedied by any other method other than through legislative change. The committee made a number of recommendations related to the amendments to the bill in relation to changes to the collective term and use of 'domestic partner', and also in terms of clarifying the autonomy of religious schools to operate according to their religious beliefs.

I was very pleased that the Attorney-General included those amendments when the bill was reintroduced into this place a couple of months ago. These changes also included an observation that the committee received evidence that same-sex couples were probably not the only group in South Australia whose relationships were subject to legislative discrimination. The committee received evidence that people living in genuine mutual dependent non-sexual relationships, and who did not necessarily consider themselves to be de facto couples, were possibly also being discriminated against.

The committee made recommendations in relation to that. We asked that the government consider extending legislative rights to this group, and it looked at some of the technical problems that my colleague the Hon. Michelle Lensink has outlined in relation to pre-emptive models and dealing with the issues of those community members who may be vulnerable and easy to exploit in that situation. I was very pleased to see that the Hon. Michelle Lensink's recommendations incorporated the committee's recommendations, and that she has dealt with some of the complexities that the committee identified in its inquiry.

In that respect, it is with a great deal of pleasure that I stand here today supporting the government's bill and the Hon. Michelle Lensink's amendments to it. The amendments outlined in Mr Joe Scalzi's proposals were considered in a general way by the committee. They were found to be unworkable. That umbrella approach was found to create a range of legal and technical problems, and that was rejected by the committee. As I said, the amendments proposed by the Hon. Michelle Lensink deal appropriately with those sorts of issues.

The bill and the amendments that the ALP are supporting are consistent with our electoral promise to extend a range of legal rights to same-sex couples. So, it is with great pleasure that I stand here today supporting the bill and the amendments proposed by my colleague.

The Hon. A.L. EVANS: I am not planning to report progress at this point, I just want to make a comment about the Treasurer and his remarks about the finances. I am disappointed that the Attorney-General has indicated that he is not able to give us an answer. However, I do remember that three years ago he found ample reasons to give answers as to why the domestic co-dependent clause should not go ahead in the superannuation bill. He stood on the steps of Parliament House before a crowd of 500 people and declared that there were four times as many co-dependent couples as there were same-sex couples. He also declared that the cost would be prohibitive, and he presented figures. But on this occasion it seems that he has changed—

The Hon. R.I. Lucas interjecting:

The Hon. A.L. EVANS: No, I just cannot remember them.

The Hon. R.I. Lucas interjecting:

The Hon. A.L. EVANS: It was an outside rally. I am surprised that the tables can be changed. This time—

The Hon. R.I. Lucas: The story changes.

The Hon. A.L. EVANS: The story changes, exactly. When the government has the opportunity to find those things that you require, I think that the state needs to know that. The Attorney and the Treasurer were adamant that it would cost too much for domestic co-dependents to get superannuation benefits. This government discriminated on the grounds of money. Now it will not tell us what the money will be. I just wish that we could have a little honesty in this debate.

The Hon. J.S.L. DAWKINS: I completely agree with my colleague the Hon. Caroline Schaefer about the complexity of this bill. I will do my best, as a member who is blessed with a conscience vote, to grasp the range of issues. I am generally supportive of the amendments in relation to domestic co-dependents put forward by the Hon. Michelle Lensink. However, I will also be keen to hear the explanation that the Hon. Terry Cameron puts forward in respect of his amendments. For that reason, I will be supporting the motion to report progress.

The CHAIRMAN: I am in a cleft stick here. I did say I would allow the Hon. Mr Evans to move his motion, and I did say that the Hon. Ms Gago had not made a contribution. We are now going to go over it again. I think we have to make up our mind whether we are going to report progress, otherwise we will sit here debating the same things over and over again and still report progress. The Hon. Mr Evans did put some substance to the minister about the ability to gather the figures. I suspect that that is worthy of an answer, but then I think either the Hon. Mr Evans needs to move his motion or indicate that he is not going to move the motion and then we will go on and take the debate further. I think that is the proper position to take.

The Hon. KATE REYNOLDS: Before that occurs, Mr Chairman, can you confirm for me that once that motion has been moved there will be no further debate?

The CHAIRMAN: There will be no further debate.

The Hon. KATE REYNOLDS: Then I would like just a minute or two to speak before that motion is put. It is in relation to whether or not we report progress.

The CHAIRMAN: What did you want to do?

The Hon. KATE REYNOLDS: I just want to make a very short remark about whether or not we report progress.

The CHAIRMAN: Of course then it will get back to the Hon. Mr Evans. I saw the Hon. Mrs Schaefer getting agitated again.

The Hon. KATE REYNOLDS: I will be very brief.

The CHAIRMAN: The Hon. Mr Evans indicated some time ago that he wished to report progress. Other people indicated that they just wanted to say something. He has been inordinately patient and has yielded to everybody else, and I have given almost everybody the opportunity to speak at least once. Have you spoken at least once?

The Hon. KATE REYNOLDS: I spoke when I thought that we were going to—I am not sure what we were doing back then. I cannot remember now, but I actually had some general comments to make and I ended up speaking on whether or not we were going to report progress. I have not made any general comments and it has not been moved.

The CHAIRMAN: The Hon. Ms Lensink has an amendment which says two things. I do not think we are going to take general conversation. If you want to make a comment about the amendment proposed by the Hon. Ms Lensink, I think that is appropriate. Given that the Hon. Mr Evans has not moved his motion, technically you are entitled to do that. I will allow you to speak and then I will allow the minister to answer and then I think the Hon. Mr Evans, who has indicated and he has shown an inordinate amount of patience, because he did indicate some half an hour to three-quarters of an hour ago that he wanted to report progress. So I will take the Hon. Ms Reynolds. I will allow the minister to respond and then I will call on the Hon. Mr Evans to either move his motion or not. I think that is as reasonable as I can be under the circumstances.

The Hon. KATE REYNOLDS: Thank you, Mr Chairman. I will be brief. I agree with the comments made by the Hon. Robert Lawson when he spoke earlier. In the view of the South Australian Democrats, the bill has been improved through these amendments. We welcome recognition of domestic co-dependents and domestic partners. Like the minister, we do not quite know how many, but I think there will be people who will welcome this opportunity to have legislative protection provided to them.

I would like to put on the record that in our view there has been some confusion in the community about whether or not this bill is intended to change the Marriage Act. Clearly, it is not. That is a federal act and this bill and all the amendments that I have seen do not in any way, shape or form seek to change the federal Marriage Act which is, of course, outside our jurisdiction. In relation to comparisons between this set of amendments that we are currently debating and any other set of amendments, I would say that the South Australian Democrats are keen to see debate proceed. We do not know how long the Hon. Terry Cameron might be absent from the parliament, I believe, unwell, but I understand that there is considerable enthusiasm in the chamber to proceed. If we do not proceed tonight I would urge that the government list this as a priority business when we sit at 11 o'clock tomorrow morning.

The Hon. P. HOLLOWAY: In relation to the latter part, this has been listed as a priority for a long, long time and we have not got very far. In relation to the point the Hon. Andrew Evans made, it was my understanding the Attorney-General's comments would have been in relation to the model at the time, which was a presumptive model. In other words, after a certain period of time everybody in that cohabitation would be assumed to be in the scheme. What we are talking here with the Hon. Ms Lensink's amendments is an opt-in model, and one would surely expect a significantly lower number of people would opt in than would be caught under the presumptive model. So, in relation to the costs, clearly one would expect them to be significantly less with an opt-in model than with a presumptive model.

Of course, the uncertainty about how many people would opt in is one of the big unknowns. Even if you could get an accurate guess for a presumptive model—and it still would be a guess—it would be much harder to get the numbers under the opt-in model. Finally, in relation to the question now which will decide on whether or not we adjourn, I again make the point that people can, in voting for the Hon. Ms Lensink's model, vote for the opt-in model. If they do not like that and vote against it and her amendment is lost, I think that is the point when we should report progress but, if the numbers are here, if the support is here in the parliament for the opt-in rather than the presumptive model, then I do not see any reason why we should not proceed.

The Hon. A.L. EVANS: Thank you, Mr Chairman. I came to this parliament as a non-political person who has never been involved in any political party and came in here because I believed you believed in fairness. I believed that we did things in a way that was fair to everyone, and I have been pleasantly surprised actually that you have many times held up debates so that everyone could have their say. It has impressed me a great deal that there is fairness here, but I say tonight that, if we do not pass my motion to report progress, we are not showing fairness.

I have not heard the Hon. Terry Cameron's views. I might prefer them. Just to read them on a sheet is not going to give me an insight into what he is trying to say. I would like to hear his views. I think it is fair to hear his views. He went home tonight and when I rang his office they said he is very sick with the flu. I was sitting next to him today, and he was coughing a lot during the sitting. To proceed without hearing the Hon. Mr Cameron's views would disillusion me in relation to the fairness of this place. I ask members to be fair; it will be only a few hours and he will be back.

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

The Hon. A.L. EVANS: But it will be all over. People would have made their decision. He would not have had his chance to present his case, and I would not have had a chance to hear it. I might vote for the Hon. Michelle Lensink's amendment; I might consider her amendment superior to that of the Hon. Mr Cameron. However, without hearing him, how can I make a decision? This is a test of fairness tonight. I move:

That progress be reported.

The committee divided on the motion:

AYES (8)

Dawkins, J. S. L.	Evans, A. L. (teller)
Lawson, R. D.	Lensink, J. M. A.
Lucas, R. I.	Ridgway, D. W.
Stefani, J. F.	Stephens, T. J.

NOES (7)

Gago, G. E.	Gazzola, J.
Gilfillan, I.	Holloway, P. (teller)
Reynolds, K. J.	Sneath, R. K.
Zollo, C.	

PAIR(S)

Cameron, T. G.	Xenophon, N.
Redford, A. J.	Roberts, T. G.
Schaefer, C. V.	Kanck, S. M.

Majority of 1 for the ayes.

Motion thus carried.

Progress reported; committee to sit again.

LOCAL GOVERNMENT (FINANCIAL MANAGEMENT AND RATING) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 2795.)

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank all honourable members for their contributions. The Hon. Caroline Schaefer, in her contribution, made some remarks about the government's proposed amendments and I accept that it was difficult for the honourable member to make comments upon amendments that at that stage had not yet been filed. I appreciate the honourable member's assistance in dealing with this bill under those circumstances, as well as the assistance of the Hon. Kate Reynolds.

The Hon. Caroline Schaefer was under the slight misconception that the government's amendments would make auditing a council a simpler task. On the contrary, the intention is to strengthen the audit process with a consistent set of guidelines for the appointment of auditors and the conduct of audit. That will not make auditing any easier, but it will improve the transparency and accountability of the process. I will speak more about that in committee when we move the government's proposed amendments.

In his second reading contribution the Hon. Nick Xenophon also foreshadowed a number of amendments and has placed those, along with several others, on file. Rather than address those amendments now, we will deal with each of them in turn if and when they are moved by the honourable member. Again, I thank honourable members for their contributions.

Bill read a second time.

In committee.

The Hon. CARMEL ZOLLO: Mr Chairman, I draw your attention to the state of the committee.

A quorum having been formed:

Clauses 1 to 6 passed.

Clause 7.

The Hon. NICK XENOPHON: I move:

Page 6, after line 27—insert:

(ea) set out a projection with respect to the rates that will be payable by ratepayers within its area for the 2 financial years next following the relevant financial year (assuming that the council will not change its rates structures, and will proceed with its projected activities and commitments, over that period); and

This is amendment No. 1 in relation to the first tranche of amendments. It relates to an amendment to clause 7, page 6, after line 27. The amendment requires a council's annual business plan to set out a projection of rates that would be payable by ratepayers for the two financial years following the relevant financial year. The intention of the amendment is to require some discipline on the part of local government to at least give some estimate of what the rates will be. It is a projection. I do not regard it to be binding, but it at least requires a degree of discipline on the part of local government with respect to rates in following years.

The CHAIRMAN: Order! Honourable members in the President's Gallery should be seated and silent. It is most disconcerting when I cannot hear the speaker because of background conversation. If everyone in the President's Gallery takes a seat, there will be protocol.

The Hon. NICK XENOPHON: Thank you, Mr Chairman. The Hon. Julian Stefani has been particularly active in this place and in the community raising the issue of the burden of council rates and the way they have increased over the years. I know that there has been some controversy about those figures, and the LGA has put its point of view. However,I think that the Hon. Julian Stefani makes a very valid point, namely, that there has been a very significant increase in council rates over the years in excess of CPI.

When the former Liberal government moved to amalgamate councils, when the Hon. Mr Oswald was the relevant minister, all sorts of promises were made about efficiencies and economies; I believe that those have not been achieved. At least this measure requires a degree of discipline and advice and information to ratepayers as to the likely rates. If, at the end of the day, councils deviate from that and impose a greater increase than that projected or, indeed, a reduction is not achieved (if that is what was projected, as unlikely as that may be), at least there is some benchmark by which the council can be held accountable. For this reason, I move the amendment.

The Hon. CARMEL ZOLLO: I indicate that the government will not support this amendment. It requires that a council's annual business plan set out a projection of the rates payable by ratepayers for the two financial years following the relevant financial year. In other words, a council must predict the rates payable for a full three years in advance. This would be impossible to achieve at the level of individual assessments. Although the council sets a target of the total rate revenue required, the distribution of that burden between ratepayers is set by reference to the relative value of land. Valuation changes are impossible to predict and vary considerably within each council district and sometimes from one street to another.

Councils would also find such a requirement very difficult and expensive to fulfil. Activities and commitments are not planned three years in advance. The amendment tends to require councils to move from annual to three-year budgeting. This would impose additional costs and, to the extent that it had planned successfully for three years, it would tend to make the council less responsive to community needs in shorter time frames. Councils would also find such a requirement discriminatory. Neither the commonwealth nor the states are required to indicate to taxpayers what their payments are likely to be in future years. Councils would also find such a requirement of questionable value. It would be of little, if any, benefit to a ratepayer to know that, two or three years in the future, rates will increase or decrease by a certain percentage. Ratepayers could not rely on that estimate for budgetary purposes. I place on the record comments made by the Local Government Association, as follows:

> This clause would introduce a new requirement to include in the annual business plan to provide a projection of rates payable for the two financial years in the future. As councils would not have access to future valuation data at the time the annual business plan is prepared, clearly it is not possible for councils to prepare projection at the level of the individual assessment.
>
> The LGA does not support this proposed amendment in the current or possibly a modified form, as the current requirements for contents of the annual business plan are more than adequate for accountability purposes.

The Hon. KATE REYNOLDS: I indicate that the South Australian Democrats will not support the amendment, unless the Hon. Nick Xenophon can make the same regime apply to state and federal governments, in which case we will most certainly support its being applied to the third sphere of government. However, until that time, for the reasons outlined by the government, we do not think that this

amendment is reasonable. We agree that, in fact, it adds considerable limitations to what councils can do and what ratepayers can reasonably expect.

The Hon. CAROLINE SCHAEFER: The opposition opposes this amendment. We believe that the bill lifts the bar considerably for local government in terms of auditing requirements, accountability and transparency. This amendment seeks to lift the bar so high that it would be very hard to jump over.

The Hon. J.F. STEFANI: I indicate my support for the amendment. Over the past few years, local government has run rampant in relation to increasing rates and white elephant projects they undertake without the appropriate support of the community. A perfect example is the Campbelltown council. Almost 400 people attended a public meeting who were totally opposed to a project with which the council is now steaming ahead, and not only is it doing so against the wishes of the people but it has also aborted the appropriate tender process of the management, design and assessment of the project. That is the sort of lunacy that exists today in local government where not only the Campbelltown council but other councils have proceeded to build Taj Mahal projects at the expense of the community. If the community were to be advised in advance of this madness, I am sure there would be a very strong response to ensure that councils do not proceed to spend taxpayers' money in this way.

The Hon. CARMEL ZOLLO: I place on record that this bill requires councils to consult their community. Nonetheless, I take on board the comments made by the honourable member.

Amendment negatived.

The Hon. NICK XENOPHON: I move:

Page 6, line 36—After 'policy' insert ', taking into account the requirements of subsection (4)'.

This amendment No.2 of my first set of amendments is a test clause for my subsequent amendment. However, I propose not to move amendment No.3 in the first set of amendments, but rather to move amendment No.1 in my second set of amendments. Because this is a test clause to amendment No.1 in my second set of amendments, I propose to discuss the two together. Amendment No.3 in the first set of amendments should be ignored as I will not proceed with it. This will be a test clause in relation to my amendment No.1 in the second set of amendments, which relates to page 7, lines 1 to 10. The essence of that subsequent amendment relates to the process of public consultation in relation to the business plans, in a sense the issue of setting the rates for a council area.

The draft bill that was circulated by the Minister for Local Government included a clause allowing for public meetings to be held. At the risk of confusing the committee further, that is what I had put in my amendment No.3 in the first set of amendments, which I am not proceeding with. That was lifted from the draft bill and provided for a public consultation policy that would provide for at least the publication in newspapers circulating within the area of the council informing the public of the preparation of a draft annual business plan and inviting interested persons to a public meeting, which should be held at least 21 days after the publication notice and to make written submissions, allowing a period of time for that.

The council may need to organise a public meeting, as that contemplated, and the council should ensure that a draft business plan is available at the principal office of the council at least seven days before the date of that meeting. That is what was in the original draft bill. That was removed after representations from the Local Government Association, and no doubt the government will outline the views of the LGA. A fair way to precis those concerns is that it thought it was too cumbersome, that public meetings could be too difficult. It was raised with me at a meeting of the Local Government Association several months ago that it would be unfair for regional councils to hold a public meeting. Where would you hold a public meeting in a large regional council, as there would be various practical measures in relation to that? For South Australians living in a regional council area, it might be unfair to expect some to drive 50 or 100 kilometres.

As a result of further discussions with some of my colleagues, I asked parliamentary counsel to draft an alternative version of what was contained in the draft bill but which was taken out following representations from the Local Government Association. I believe this alternative version takes into account the concerns expressed by some, particularly in the regional council setting. This provides an alternative of either a public meeting to be held as was stated in the draft bill, or, as an alternative, that the meeting be held at the council chambers on a date stated in a notice at which members of the public may ask questions and make submissions in relation to the matter for a period of at least one hour.

So, there is a prescribed form in that, if there is not a general public meeting, which contemplates interaction between council and, presumably, the chief executive, rather than council members coming to a public meeting, wherever that may be, it provides an alternative that there be a meeting of council, which is open to the public, for the purpose of asking questions and making submissions. There could be direct interaction in relation to the draft business plan between members of the public and the council; and questions asked and answers given—hopefully, more successfully than question time sometimes—in relation to matters raised in the draft business plan.

Given the important principles at stake here, members of the community can feel a sense of empowerment to obtain information from councillors on such an important issue, which, effectively, is the foundation of their rates—what the rates will be and what the budget of council will be. This provides that form of participation. It provides that form of direct say. It reflects what was contained in the draft bill, which, to my regret, the government backed away from in the context of representations made by the LGA.

I believe the concerns of the LGA, in so far as its being expensive and unwieldy, have been dealt with substantially by this amended form of what was in the government's draft bill. I urge my colleagues to support this, in particular the opposition, given the statements made previously by the member for Morphett (the shadow local government minister) in relation to his concern for participation and greater transparency. This is not an onerous provision. I urge the opposition to support this or, at the very least, keep this amendment alive and send it back to the other place. I believe this is something that would be applauded by ratepayers; they would be getting direct feedback from their council about this important issue.

I indicated in my second reading contribution that my understanding is that New Zealand has a similar system where there is this feedback, this direct interaction between councils and their ratepayers. It has been a great success. I urge members to support something which is not unreasonable, which is practical and which will lead to a greater sense of engagement of ratepayers in the area of local government

and having a direct say, in a sense. I believe it would be very healthy for local government democracy.

The Hon. CAROLINE SCHAEFER: I will try to precis what the Hon. Nick Xenophon took a long time to say.

The Hon. Nick Xenophon: You are cruel.

The Hon. CAROLINE SCHAEFER: I am not being cruel. I have never been cruel to you, Nick. You watch when I am! This amendment is an effort to make the public consultation policy, which is mandatory within this bill, more prescriptive. Currently, the bill requires publication in a newspaper circulating within the area. The Hon. Nick Xenophon requires, as well as that, a public meeting or that council meets on a set date an hour before the normal meeting time in order to answer questions in relation to the rating policy. There are other prescriptions within his amendment, including that written submissions must be within 21 days of the date stated in the notice and the council must make available the draft annual business plan, either for inspection without charge, or by payment of a fixed fee, or at one of the various meetings that the honourable member has prescribed.

In some ways a number of councils would be grateful to have some prescription of how the public consultation process is to take place. A mandatory public meeting is probably not practical. Having been part of a council for a number of years which attempted to have public meetings, I know that some of those halls get lonely and cold on a winter's evening when no-one turns up. In some ways the addition of this extra option, if you like, where members of the public can question the council, has some appeal because it gives guidelines to the council as to how it will conduct its public consultation process.

However, I need a bit more convincing at this stage. The Hon. Nick Xenophon went on to say that a public meeting is impractical where suddenly all the ratepayers will become enthused as to what is happening and turn up, and there would not be a hall large enough. If that happens then certainly most of the council chambers—I know some of the council chambers in the city are rather large—but certainly 300 people will not fit into the local council chambers if they cannot fit into the local hall.

I am not yet saying that I am opposing this amendment, but, at this stage, I am less than convinced. I am interested to hear some further arguments. I agree with the idea of, perhaps, some guidelines for the council. Certainly, I agree with the newspaper advertisement, if you like. The option of either a public meeting or this meeting of at least an hour prior to a council meeting does give a number of options. There is a third option, because these are 'each/or'. The other option is to make written submissions in relation to the matter within a period which must be at least 21 days as stated in the notice. If I have not misinterpreted this amendment, there is still then the option of not holding either a public meeting or a meeting prior to council of one hour provided that written submissions are accepted and made. I need that qualified, and I really need a little more detail as to how the Hon. Nick Xenophon sees this as actually working.

The Hon. NICK XENOPHON: Hopefully, I will clarify this matter to the satisfaction of the Hon. Caroline Schaefer. If I did not explain it as well as I should have earlier, I apologise, and I will try to do so with fewer words.

The Hon. Caroline Schaefer: Little words.

The Hon. NICK XENOPHON: The Hon. Caroline Schaefer knows that, by training, I am a lawyer, so what does she expect? Essentially, you have two options. It is more prescriptive than what is in the act. It gives a guarantee of consultation for ratepayers, and that is what I am interested in. Either you have a public meeting or the council can elect to have a council meeting at which time at least an hour is set aside for these matters. I double-checked with parliamentary counsel that the intention is that it also allows for written submissions to be made within a period which must be at least 21 days as stated in the notice. It allows for submissions to be made and to be presented, in a sense, to either of those meetings. In other words, it guarantees a meeting of some type, either a public meeting or a council meeting where the public can ask questions. It also allows a framework for written submissions to be made in that context. It is still essentially a public meeting, or a meeting of council at which the public can make submissions.

The Hon. Caroline Schaefer raised the issue of what happens if people are enthused, you cram out the council chambers and there is not a facility to accommodate that. I would have thought that that was a judgment call for the council to make. The point made to me by a number of regional councils and some on the Eyre Peninsula was, 'Look, it is so far flung. If you are going to do this at all, have it at a council meeting, because it simply will not be practical.' I think that we ought to rely on the judgment of councils in terms of whether they hold a public meeting in a hall somewhere or at council chambers. In terms of protocols or procedures, if people spill out into the waiting area and there is some audio for them, that allows for a reasonable amount of participation in the event.

That is what this is trying to do. The ethos behind it is to give a guarantee of public participation in this very important process in the draft business plan which sets the rates. Whilst I do not doubt what the Hon. Caroline Schaefer says, that some councils would more than welcome this and would want to go down this path, some councils may not. The Hon. Julian Stefani, not only tonight but on other occasions, has alluded to the fact that some councils seem to be less responsive to broader community concerns. Even if it is a minority opinion (that is, 30 or 40 per cent of ratepayers), I still believe that their concerns deserve to be heard and for that to be justified. I believe that this would be a quantum leap forward. Given that the government was seriously considering this in its draft but was convinced otherwise by the LGA, I think that we ought to make a stand on this issue of public involvement in this very important process.

The Hon. KATE REYNOLDS: As I think all members would know, the South Australian Democrats absolutely support the idea of taking the 'con' out of 'consultation' when it comes to disadvantaged communities and particularly Aboriginal people. I am not able to support this amendment for a number of reasons. The first reason that jumps out at me as a former councillor in a small rural council is that this is very much designed for urban councils. I do not believe that it is workable in a rural let alone remote area. For instance, at subsection (3)(b) the amendment requires providing for a policy that has at least publication in a newspaper. In the council area in which I live, *The Advertiser* is available for those people who choose to purchase it. Also, I believe there are also five local newspapers and various community newsletters. However, if a council that was inclined to try to minimise consultation chose to take this to the letter, it would choose the smallest newspaper, put the smallest possible advertisement in it and consider that the policy met the requirements of the legislation, if not the spirit of good consultation.

We know that local governments in recent years have done considerable work to improve how they consult with residents and ratepayers. Some do it far more successfully than others. Certainly, the council that I was an elected member of, the District Council of Mount Pleasant, was a small council. We are going back now into the mid-1990s. In my view our council at the time had absolutely no understanding of what consultation meant. If it did, it meant you had a chat with a few of the councillors' mates when you were having dinner or it was sheep shearing time. It certainly did not believe that it had any obligation to widely seek the view of a cross-section of its residents and ratepayers. It certainly did not have any commitment whatsoever to not just doing formal consultation once, perhaps during the budget-setting period; but actively asking and seeking the views of residents and ratepayers on numerous topics throughout the year throughout a strategic planning cycle was something that it could not comprehend. In fact, that council at that time did not even have a strategic plan.

So I understand very much the carrot and stick approach taken by local government ministers and the Local Government Association in recent years to try to encourage councils to improve how they consult with residents and ratepayers. What they do with the information once they get it is an entirely different matter; you can receive a whole lot of information and then put it in a bottom drawer, as some councils in the past have done. Whether they did that intentionally or whether they did that because they simply did not have the resources or the expertise to do anything substantial with that information, of course, varied from council to council. Some, however, I think have made a great deal of effort to establish permanent and ongoing forms of consultation and community planning.

As I said, it is not just about saying to people, 'What do you want?' and then getting that information, putting it on the table and then going away and making whatever decisions you like around the table. Councils, as elected members and staff, nowadays understand that they need to be serious about seeking views and then incorporating those views into their decisions, whether they be decisions that impact on their budget, or on what facilities and services are or are not provided to which groups in the community and across which parts of the community, bearing in mind that we are dealing nowadays with some very large local government areas.

The Hon. Julian Stefani made some comments earlier about the Campbelltown council. I am a little concerned that they be singled out in this debate. I know that there was some concern in the media some months back. I know that a number of members of this place were contacted by the council, by the mayor, by the CEO, and that a number of members here then had meetings with those people and listened to what they said. I know that some people's concerns were allayed. I certainly cannot speak for everybody. I understand that the same invitation was extended to the Hon. Julian Stefani, but I am not sure whether he has met with the council yet to hear its views.

The point I wanted to make is that we should not be singling out one council, because over the years many councils have not got their consultation right all of the time, and I expect that as long as we are all on this earth there are going to be councils, just as there are state and federal governments, which are criticised for the way they go about seeking views or not seeking views and what they do or do not do with those views once they are received.

Returning to the specific amendment, as I said, I am very concerned that this is an amendment that is particularly designed for urban councils. I think that in fact it does restrict the type of consultation that ratepayers can expect to be offered to them by law, and we are far better off making sure that councils understand their role and that the broader intent of the bill will help to achieve that. I commend the Local Government Association for the work that it has been doing in recent years to assist councils with the development of strategic plans, not just annual business plans, so not just short-term plans against which rates are set. I think that is actually a really dangerous time for residents and ratepayers to be thinking about how they want their community to look, what services they want to be available and what sort of facilities they want to have. So we will be opposing this amendment and putting on the record again our strong encouragement for the minister, the Office of Local Government and the Local Government Association to continue the carrot and stick approach that they are taking in a much broader way to improving the way that councils gather the views of residents and ratepayers and respond to both financial decisions and other decisions.

The Hon. NICK XENOPHON: I would urge the Hon. Kate Reynolds to reconsider her position in relation to this for a number of reasons, and I hope that she can listen to the argument with respect to this. First, as to what seems to be a secondary issue about the publication in a newspaper, the scheme of the Local Government Act refers to this very thing. Where there is a requirement for a public notice, in a sense, it is simply the publication in a newspaper circulating within the area of the council, because it acknowledges that in some councils they would prefer not to advertise in *The Advertiser*, because it is too expensive, but, rather, in a local newspaper. So it gives that flexibility. What has been drafted here in respect of this amendment is simply consistent with what has been in other sections of the Local Government Act, and it seems to be the fairest way of going about it. It is the accepted practice, so that local government has flexibility as to where they put their notices. The fact is that, if it is going to be in a newspaper circulating in the area, people will know about it if it is contentious.

In relation to the issue raised by the Hon. Kate Reynolds that this favours urban councils, I refute that fundamentally. The reason why I have varied this amendment from what was in the government's draft bill and, indeed, my earlier amendment, is that it allows flexibility for those regional councils so that there can simply be a meeting held at a council, with an hour being set aside for questions to be asked and hopefully answered by council about a draft business plan. When we consider that a draft business plan is a fulcrum in terms of the issue of rates and taxes in subsequent years, this to me makes sense. It gives some direct participation for residents to hear the answers.

What is wrong with requesting local government, in a direct sense, to answer to its ratepayers by having this mechanism? It is an important benchmark. As the Hon. Caroline Schaefer indicated, some ratepayers in one council area could well jump at this opportunity to have public meetings to answer questions. However, if other councils decide, in their wisdom, not to do so, that seems to me to be fundamentally unfair—that some ratepayers miss out on this fundamental benchmark in terms of accountability on something that is as important as a draft business plan and all the financial consequences that flow from that.

I urge the Hon. Kate Reynolds to reconsider her view on this. I am very surprised that she has taken this position, given that this is something that simply enhances local democracy for local government. It gives people a direct say in the context of an issue as important as draft busi ness plans.

The Hon. CARMEL ZOLLO: The government does not support this amendment; we view it as entirely unnecessary. Section 50 of the act already provides minimum requirements for public consultation policy. It is inconsistent to insert a different and more prescriptive regime for public consultation on only one matter among the many matters that, under the act, must be the subject of public consultation. If he is to be consistent, the Hon. Mr Xenophon should move to amend section 50 of the act. However, such an amendment would be opposed because it would be unnecessarily prescriptive. The Hon. Mr Xenophon is obviously attracted to the concept of public meetings or public questioning as an ideal form of consultation. However, it is only one form of consultation, effective in some circumstances for some people. It is not necessarily the best form of public consultation for all councils on this matter.

This year many councils prepared their budgets and annual business plans in anticipation of the provisions in this bill. Although they were not required to do so, many councils adopted the practices proposed in this bill. They have prepared a draft business plan, consulted with their communities and revised their business plan and budget with the benefit of the feedback they received. Some of the councils included one or more public meetings as part of a consultation process. Some councils held a single meeting; others held a series of meetings in different towns. Some councils held no meetings at all and relied on different methods of public consultation. For example, the Adelaide Hills council, in the last financial year, mailed to all ratepayers a special survey with big, bold letters on the front saying, 'Ever wanted to tell your council how your rates should be spent? We're listening.' The council included a reply-paid envelope in the pack.

Arguably, this method of consultation might attract and be useful for much broader participation at a public meeting at a set time and place that might not be convenient for many ratepayers. As an alternative example, this year the District Council of Naracoorte and Lucindale scheduled four public meetings. The council advertised the meetings, put up signage and wrote to key stakeholders advising them of the meetings. The ratepayer attendance at those for meetings were 12, eight, six and one—a total of 27.

The LGA has compiled data on the methods of common public consultation used by councils this year on their draft business plan and budget. The list is incomplete because only 26 councils of the 68 in the state responded to the LGA's request for information. They included 10 metropolitan and 16 country councils.

It should not be assumed that the councils that failed to respond did not undertake consultation. On the contrary, Adelaide Hills council, which produced the special survey I mentioned, was not one of the 26 respondents. Nonetheless, of those 26 that did respond, 12 councils reported preparing special brochures or reports for consultation; 14 councils issued newsletters or newspaper articles; 17 councils made information available on their web sites; 17 councils placed an advertisement in the local newspaper; four of the larger metropolitan councils placed a second notice in *The Advertiser*; 10 councils issued a news release seeking editorial coverage of their consultation process; nine councils had a telephone information line for consultation purposes; six councils reported using a community survey or questionnaire; 10 councils held a single public meeting in a central location; six councils held meetings in other locations; five councils held briefings or workshops for interest groups; five councils held precinct or community forum briefings or workshops; 10 councils set up a display in a public place; 15 councils reported receiving written submissions; and 14 councils made their annual plan available without charge.

Obviously, many of the 26 respondent councils adopted quite a few of these methods, not relying on only one or two methods. The point is that a council that decides to go to the effort of advertising, setting up displays, posting thousands of requests to ratepayers or any similar effort to engage ratepayers without necessarily holding a public meeting should not be forced to adopt other methods if the council is genuinely of the opinion that those other methods would achieve little, if anything, that its primary consultation does not. This does not mean that public meetings are a bad idea or that councils should be discouraged from calling them as a method of public consultation; however, I suggest that the decision about whether or not to call a public meeting as part of a consultation policy is best left to each individual council.

The Hon. J.F. STEFANI: I indicate my support for the amendment proposed by the Hon. Nick Xenophon; however, before I make some comments about that I want to put on the public record some clarification regarding the comments made by the Hon. Kate Reynolds. She may not be aware that the concerns I have raised in relation to the Campbelltown council are based on very solid information provided to me, including leaked legal documents, and she need not confuse that and the concerns I have raised in this place with the debate and the reference I made to the council here tonight in relation to the legislation.

I will go one step further and say that part of the concerns previously raised by me in this chamber include the direct payment by the council of a very large amount of public money ($60 000) to a tax office without the appropriate prudential provisions to secure the debt on behalf of a third party. I will rest there, but if the honourable member wants more information I am happy to provide it.

I will concentrate on the issue of public meetings and the reference I made to that in terms of this debate. The public meeting called by two councillors from Campbelltown council regarding the expenditure that the council was proposing, which has affected the rates of thousands of ratepayers in the City of Campbelltown and which will impact on them and affect their pockets for 20 years—

The Hon. Nick Xenophon interjecting:

The Hon. J.F. STEFANI: I appreciate the interjection from the Hon. Nick Xenophon. This was not properly conveyed to the ratepayers of Campbelltown council and it took two councillors who had a conscience in respect of their particular position to bring about a meeting, which was attended by nearly 400 people who were totally in the dark as to the council's expenditure. To enlighten the honourable member again, other councillors turned up as spectators—including the CEO who, when asked what it meant in relation to the expenditure and what the amounts were, did not know. If we at least have a council that is obliged to hold a public meeting, I hope they will come prepared with the information rather than turning up as spectators and not knowing.

I helped the CEO that night to convey the information to the public meeting that on the expenditure of $13.9 million the interest bill would take it to $27.9 million over the 25

years of the loan. So, for the first time ever, the ratepayers, the mugs who Campbelltown council was hoodwinking into building a Taj Mahal and a white elephant, found out what they were going to be slugged. As a consequence of that—and because there is insufficient commonsense in that council—it has embarked on the project which will now, because of a majority on a gerrymandered council, embargo that community forever and a day for an expenditure that they do not want. So, I strongly support the notion of a public meeting because it is the only way that those in council areas are going to be held accountable to their constituents in relation to the decisions they are going to make and the money they are going to spend.

The Hon. CAROLINE SCHAEFER: I have listened to both sides of this debate and I must say that I was attracted to the government's argument that various councils may conduct their public consultation process as they see fit and under the various methods that those councils have adopted. However, I then checked with parliamentary counsel and, since this act was amended in 1999, there appears to be no way that a group of concerned ratepayers can precipitate a compulsory meeting with council. My understanding is that prior to that a certain percentage of the ratepayers of a council could demand a public meeting with their council. That appears not to be the case, and so at this stage I am inclined to support the Hon. Nick Xenophon's amendment.

I cannot see that the methods the Hon. Carmel Zollo has outlined would be diminished in any way, and under this amendment there is no need to have that public meeting, merely for the council to be obliged to be available for one hour for questioning. One hour per year of public questioning does not seem to me to be too onerous for any council. As the Hon. Nick Xenophon has also pointed out, supporting this amendment, if it passes this place, keeps it alive between the two houses. With that in mind, we will support the amendment.

The Hon. KATE REYNOLDS: I would like to make it quite plain that the South Australian Democrats are not in any way, shape or form suggesting that a council should not make itself available to its residents and ratepayers for them to ask questions. But I would hate to think that that would be restricted to just the development of annual plans in relation to the setting of budgets and rates. I would have thought that any council not prepared to hold public meetings on a regular basis—and certainly at the request of residents and ratepayers—has a whole series of problems that should be dealt with. Having a public meeting for one hour a year will not address those other entrenched problems.

If subsection (4)(a)(i), which requires that a meeting of council be held on a date stated in the notice at which members of the public may ask questions and make submissions in relation to a matter for a period of at least one hour, were contained in this section to which the minister referred earlier, I would be far more comfortable with that. So, if it were 'a matter' instead of 'the matter', that is, the annual budget, that would make a great deal more sense to us. From my own experience of working in both local government and community development for many years, I am not persuaded that public meetings are ever the best forum in which to have complex ideas discussed or proposed. Certainly, they are usually a pretty lousy basis for grilling decision-makers.

This amendment does not make clear whether it would involve the elected members of the council, the staff, or both. I certainly support the proposal that every council should at any time be willing to accept submissions from its residents and ratepayers—again, not restricted to the development of the annual plan, or the setting of budgets or rates. I want to make very plain that I do not oppose any of the strategies the Hon. Nick Xenophon suggests in order to make councils more responsive to broader community concerns. However, I think that, if we rely upon this as a way off ticking off that councils are involving ratepayers, we are in fact lowering the bar in some regards. The issue relates more to how we ensure that the broader local government sector listens and responds to the ideas and concerns of residents and ratepayers.

The Hon. NICK XENOPHON: With the greatest of respect to the Hon. Kate Reynolds, I just cannot follow her argument. She says that she is not opposed to the idea of consultation and so on but, by opposing this amendment, that is what she is doing. Under the current statutory scheme, section 50 of the Local Government Act provides for public consultation policies which councils must publish. What they determine is up to local councils. In this case, what I am trying to achieve is that there be some minimum benchmarks on something as fundamental as the budget as the basis upon which rates are determined for a local government area—something that affects every ratepayer and is quite axiomatic.

I agree with the Hon Kate Reynolds that, on some occasions, one hour may not be enough. However, it would be a huge improvement if a council with something to hide does not go down that path. It would at least give a measure of accountability which does not exist now. That is why I think that it is so important at least to lift the bar and not lower it in terms of what local government should be about so that residents and ratepayers feel that they have at least some say and will get some answers on issues as fundamental as this. That is why I think this is important. If a local council decides that it wants to make its decisions behind closed doors, under this amendment it will not be able to do so, as there needs to be some process of consultation in a direct sense, with residents being able to ask questions, at the very least, of council on issues such as this.

It could be that they could do so under the public consultation policies under section 50 of the act, and it could involve a whole range of important issues such as recycling, rubbish collection, street lighting, pavements, or whatever. However, I would have thought that, on the issue of the budget, it is important to have a minimum benchmark. My amendment is not too onerous in relation to that.

I also raise the issue of complexity of matters. I do not want to in any way misinterpret what the Hon. Kate Reynolds has said. I understand that this may not be the best way of dealing with complex issues, and I obviously want to give the Hon. Kate Reynolds the opportunity to correct me if she thinks that I have misinterpreted her. However, I would have thought that, in a democracy, having a process such as this to allow the elected members and the CEO of councils to at least answer some questions is a good thing. I think it is incumbent on elected representatives, whether they be in local government, in this place, or in any other democratically elected institution, to explain complex issues to constituents, ratepayers or whomever. I think that is good practice. I do not believe that we should underestimate the commonsense of people when dealing with complex issues.

The Hon. Carmel Zollo gave the example of the Lucindale council, when a couple of dozen people from far and wide in that council area turned up at public meetings. I think the minister makes a good point, namely, that at least this way, having an hour set aside at a council meeting, gets rid of that particular problem. I am grateful to the Hon. Carmel Zollo for

citing that example. I dare say the fact that so few people attended those meetings shows that the people in that council area are pretty happy with what the Lucindale council is doing with its budget and with the way it goes about its business in providing services to its community.

I dare say that it is those councils that are not doing the right thing, that are behaving as a club in the way they go about their decisions, where they have disempowered many in their community with some decisions they have made, that have all sorts of financial implications—they are the ones who may not want to have these meetings, and they are the very councils that would get a significant number of people attending either a public meeting or a council meeting that is open for questions.

The Hon. CARMEL ZOLLO: I reiterate that this amendment is totally inconsistent. I wonder whether the Hon. Nick Xenophon has thought this through, because there are minimum benchmarks in section 50. It does not make sense to set up a regime for one matter only. I refer him to clause 7, new section 123(3), relating to the annual business plans and budgets. It provides:

(3) Before a council adopts an annual business plan, the council must—

(a) prepare a draft annual business plan and follow the relevant steps set out in its public consultation policy.

So I am not certain why the Hon. Nick Xenophon finds it necessary to insert this clause.

The Hon. NICK XENOPHON: In response to the minister's question: because section 50 of the Local Government Act does not prescribe the nature of consultation. It says that there must be a policy of consultation, but there are no benchmarks. The point has been raised by the minister and the Hon. Kate Reynolds about the fact that section 50 exists and why not do it for other things, but I would have thought that the budget upon which decisions are made as to what ratepayers will be paying in the subsequent year is a key fundamental issue. It is something that affects all of them in a direct sense.

I have received many complaints, as I know other members have, including the Hon. Julian Stefani, about ratepayers on fixed incomes or pensioners who are struggling to meet the burden of council rates. If there was ever to be something prescriptive to allow this extra level of participation by the community, then this ought to be it.

Given what the Hon. Carmel Zollo said earlier about some councils having displays, road shows or whatever in terms of their business plans, this is just one small step forward. If you accept that some councils will elect to simply go down the path of setting aside an hour of their council meeting to answer questions so the ratepayers can at least have some say in the process, at the end of the process the council may be seen to ignore the community, but at least the community will be better informed and feel it has had some say in the process.

The Hon. J.F. STEFANI: I wish to clarify a comment I made in relation to people who attended the public meeting at the Campbelltown council. I made a reference to the mugs that attended the meeting. That was not a reflection on the people who attended the meeting. I want to make sure the public record is clear on what I intended. I wanted to say 'mugs' or people who had been treated like mugs by the council because they were totally ignorant; 98 per cent who attended the meeting were not aware of the impact of the decision the council was embarking on. I want to put the record straight.

The committee divided on the amendment:

AYES (9

Dawkins, J. S. L.	Evans, A.L.
Lawson, R. D.	Lensink, J. M. A.
Ridgway, D. W.	Schaefer, C. V.
Stefani, J. F.	Stephens, T. J.
Xenophon, N. (teller)	

NOES (7)

Gago, G. E.	Gazzola, J.
Gilfillan, I.	Holloway, P.
Reynolds, K.	Sneath, R. K.
Zollo, C. (teller)	

PAIR(S)

Redford, A. J.	Kanck, S. M.
Lucas, R. I.	Roberts, T. G.

Majority of 2 for the ayes.

Amendment thus carried.

The Hon. NICK XENOPHON: I move:

Page 7, lines 1 to 10—

Delete subsection (4) and substitute:

(4) For the purposes of subsection (3)(b), a public consultation policy must at least provide for the following:

(a) the publication in a newspaper circulating within the area of the council of a notice informing the public of the preparation of the draft annual business plan and inviting interested persons—

(i) to attend—

(A) a public meeting in relation to the matter to be held on a date (which must be at least 21 days after the publication of the notice) stated in the notice; or

(B) a meeting of the council to be held on a date stated in the notice at which members of the public may ask questions, and make submissions, in relation to the matter for a period of at least one hour.

(on the basis that the council determines which kind of meeting is to be held under this subparagraph); or

(b) the council to make arrangements for a meeting contemplated by paragraph (a)(i) and the consideration by the council of any submissions made at that meeting or in response to the invitation under paragraph (a)(ii).

(4a) The council must ensure that copies of the draft annual business plan are available at the meeting under subsection (4)(a)(i), and for inspection (without charge) and purchase (on payment of a fee fixed by the council) at the principal office of the council at least seven days before the date of that meeting.

This is the matter we have been debating for the past half an hour, or longer, about the issue of holding public meetings. I saw the earlier amendment as a test clause, but if members wish to debate it further I would welcome that.

The Hon. CARMEL ZOLLO: It is consequential and, obviously, we do not support it.

The Hon. CAROLINE SCHAEFER: The opposition opposes the amendment. Consistent with our previous decision, it is a consequential amendment.

The Hon. Nick Xenophon: Do you support it, in other words?

The Hon. CAROLINE SCHAEFER: Yes; that one. I thought you said amendment No. 1. We are still with you.

The CHAIRMAN: This is amendment No. 1, Xenophon draft No. 2.

The Hon. CARMEL ZOLLO: It is listed prior to the one we just dealt with, but it is actually consequential to the one we just dealt with.

Amendment carried.

The Hon. NICK XENOPHON: In relation to proposed amendment No. 4 to clause 7, page 8, after line 19, this is an amendment consequential to amendment No. 1 of my first set

of amendments. That was lost. Therefore, I will not proceed with it.

Clause as amended passed.

Clauses 8 and 9 passed.

Clause 10.

The Hon. CAROLINE SCHAEFER: I understand that my amendment to page 9, line 21, is taken care of in the amendments to be moved by the government. I understand that it will be taken care of in one of the government amendments. Therefore, we will not be proceeding with the amendment.

The Hon. NICK XENOPHON: I move:

Page 9, lines 14 to 22—
Delete this clause and substitute:
10—Amendment of section 128—The auditor
(1) Section 128(2)—after 'the council' insert:
on the recommendation of the council's audit committee
(2) Section 128—after subsection (2) insert:
(2a) The audit committee must, in making a recommendation under subsection (2), take into account any factor prescribed by the regulations.
(3) Section 128—after subsection (4) insert:
(4a) The term of appointment of an auditor of a council must not exceed five years (and, subject to this section, a person may be reappointed at the expiration of a term of office).
(4) Section 128(6),(7) and (8)—delete subsections (6), (7) and (8) and substitute:
(6) A person's ability to hold office as an auditor of a council, and to be reappointed to that office, is subject to the qualification that if the person has held the office of auditor of the council for at least five successive financial years, or for five out of six successive financial years—
(a) The person may only continue in that office if he or she ensures that any individual who plays (or who has played) a significant role in the audit of the council for five successive financial years, or for five out of six successive financial years, does not then play a significant role in the audit of the council for at least two financial years; or
(b) the person may be reappointed to the office if at least two years have passed since he or she last held the office.
(7) The appointment of an auditor will be subject to any other terms or conditions prescribed by the regulations.
(8) A council, and the auditor of a council, must comply with any requirements prescribed by the regulations with respect to providing for the independence of the auditor.
(9) A council must ensure that the following information is included in its annual report:
(a) information on the remuneration payable to its auditor for work performed during the relevant financial year, distinguishing between—
(i) remuneration payable for the annual audit of the council's financial statements; and
(ii) other remuneration;
(b) if a person ceased to be the auditor of the council during the relevant financial year, other than by virtue of the expiration of his or her term of appointment and not being reappointed to the office—the reason or reasons why the appointment of the council's auditor came to an end.
(10) For the purposes of this section, a person plays a significant role in the audit o a council if the person would, if the council were a company, play such a role in the audit of the company within the meaning of section 9 of the Corporations Act 2002 of the commonwealth.

I indicate that I oppose clause 10 because I have an alternative to clause 10 in terms of the system of auditing. The scheme I am proposing is to have any auditing of councils to be under the auspices of the Auditor-General, either the Auditor-General directly undertaking the audit or, alternatively, by another person nominated or approved by the Auditor-General.

I indicate that I will not be seeking to divide on this amendment. I believe that this is a preferred course of action. I do acknowledge that what the government has proposed with respect to audit committees, and the discussions the other night with the Minister for Local Government and other interested parties, such as the Hons Kate Reynolds, Carmel Zollo and Caroline Schaefer, were quite useful. This is my preferred course, but I do understand that, to an extent, there has been an agreement or an approach to deal with this by way of an audit committee process, and audits being dealt with by a process that does not incorporate the Auditor-General's office.

The CHAIRMAN: We have a repeating amendment, but both seek to remove clause 10. They have alternative options. The minister needs to talk to her amendment, and then I think that the committee must decide.

The Hon. CARMEL ZOLLO: The government is intending to replace clause 10.

The CHAIRMAN: So is the Hon. Mr Xenophon, but he has a slightly different proposal than the minister's.

The Hon. CAROLINE SCHAEFER: I want to clarify this and, perhaps, speed it up. The opposition will not be supporting the Hon. Nick Xenophon's amendment. We will be supporting the government's amendment.

The Hon. CARMEL ZOLLO: I move:

Page 9, lines 14 to 22—
Delete this clause and substitute:
10—Amendment of section 128—The auditor
(1) Section 128(2)—after 'the council' insert:
on the recommendation of the council's audit committee
(2) Section 128—after subsection (2) insert:
(2a) The audit committee must, in making a recommendation under subsection (2), take into account any factor prescribed by the regulations.
(3) Section 128—after subsection (4) insert:
(4a) The term of appointment of an auditor of a council must not exceed five years (and, subject to this section, a person may be reappointed at the expiration of a term of office).
(4) Section 128(6),(7) and (8)—delete subsections (6),(7) and (8) and substitute:
(6) A person's ability to hold office as an auditor of a council, and to be reappointed to that office, is subject to the qualification that if the person has held the office of auditor of the council for at least five successive financial years, or for five out of six successive financial years—
(a) the person may only continue in that office if he or she ensures that any individual plays (or who has played) a significant role in the audit of the council for five successive financial years, or for five out of six successive years, does not then play a significant role in the audit of the council for at least two financial years; or
(b) the person may be reappointed to the office if at least two years have passed since he or she last held the office.
(7) The appointment of an auditor will be subject to any other terms or conditions prescribed by the regulations.
(8) A council, and the auditor of a council, must comply with any requirements prescribed by the regulations with respect to providing for the independence of the auditor.

(9) A council must ensure that the following information is included in its annual report:

(a) information on the remuneration payable to its auditor for work performed during the relevant financial year, distinguishing between—

(i) remuneration payable for the annual audit of the council's financial statements; and

(ii) other remuneration;

(b) if a person ceased to be the auditor of the council during the relevant financial year, other than by virtue of the expiration of his or her term of appointment and not being re-appointed to the office—the reason or reasons why the appointment of the council's auditor came to an end.

(10) For the purposes of this section, a person plays a significant role in the audit of a council if the person would, if the council were a company, play such a role in the audit of the company within the meaning of section 9 of the Corporations Act 2001 of the commonwealth.

This amendment substitutes clause 10, amending section 128. Requirements for external audit of local government vary widely amongst jurisdictions both within and beyond Australia. The reasons are partly historical and partly to do with the different geography and population distribution of the jurisdictions. The independence of external auditors of local government is usually secured by one or more of the following:

- appointment of the external auditor by an agency other than the one being audited;
- determination of the fee payable by an agency other than the one being audited;
- rotation of either audit firms or individual auditors after a designated period;
- specified restrictions on termination of audit or appointments;
- specified restrictions on the provision of non-audit services to the agency being audited by the audit firm.

None of these mechanisms presently apply in South Australia. Therefore, among the Australian states and internationally, South Australia has one of the weaker auditor independence regimes for the local government system. In recent months, the Office of Local Government and the Local Government Association have undertaken a joint review of the provisions in the act that deal with external review of a council's financial administration. That review is not yet complete, but it is likely to recommend development of a financial framework or a standard to support local government audits and to achieve some consistency across councils in financial reporting.

It is envisaged that the framework or standard would be prescribed in regulations. Such regulations may be made under the existing power in section 129(2) of the act, which provides:

an audit must be carried out in accordance with standards prescribed by the regulations.

Nevertheless, it appears that the regulation-making power in section 129(2) is insufficient to deal satisfactorily with the independence of external auditors. Therefore, amendment No. 1 is designed to strengthen the independence of council audit in the short term, and lay the ground work for future strengthening of audit independence by regulations when an appropriate financial framework has been devised. The amendment proposes to replace existing clause 10 of the bill with a new clause 10.

The Hon. J.F. STEFANI: I rise to support the Hon. Nick Xenophon's amendment. Essentially, the reason that I support—and that is the optimum position that I take—is that the Auditor-General in his duty and process of auditing does cover a very different path of audit process, and I will briefly explain what I mean. The Auditor-General generally audits not only the figures adding up but also he audits against the public policy, and the act that governs a particular transaction or government department and the charter that is set out in the act in relation to the activity of that department.

My experience at a public company level is that the auditors that are engaged to audit books generally audit only the figures. They do not extend their inquiries or audit processes to the public policy, or to the processes that govern a particular transaction. It is therefore a preferred position that, as we are dealing with public money, the Auditor-General (who is the public watchdog) should be the preferred auditor of all local government entities. After all, they are public institutions. They are local government and, therefore, another arm of government and, as such, they would fit in very well in the process of the auditing.

The Hon. KATE REYNOLDS: I want to indicate our support for the government's amendment.

The Hon. Nick Xenophon's amendment negatived; the Hon. Carmel Zollo's amendment carried.

Progress reported; committee to sit again.

ROAD TRAFFIC (DRUG DRIVING) 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 introduces a scheme to permit drug testing of drivers using oral fluid and blood.

Drug driving is one of a number of contributors to road deaths in South Australia.

Statistics show that on average for the period 2000-2004, 23 per cent of drivers and motorcycle rider fatalities tested post –mortem had either THC (the active ingredient in cannabis) and/or methamphetamines in their blood at the time of the crash.

The Government has approached the issue of drug driving in a co-ordinated and comprehensive manner. In addition to this legislation, a targeted public education campaign will be undertaken to warn drivers of the dangers of drugs and driving and to support enforcement activities. Research clearly shows linking education and enforcement maximises the deterrent effect.

Recent technological advances have seen the development of testing procedures that can detect a range of drugs through the use of saliva samples taken by means of a mouth swab.

Victoria has been the first in the world to trial random roadside saliva drug testing and recently published results show a substantial detection rate of drug drivers. This Government has closely monitored the current regime in Victoria prior to the introduction of this Bill. Other States and Territories who have or who are introducing drug driving legislation include New South Wales, Western Australia and Tasmania.

This Bill establishes a regime for drug driving that complements the existing drink driving scheme to deal comprehensively with substances which, when consumed by drivers of motor vehicles, create danger to both the drivers themselves and other road users.

Augmenting the current offences of driving under the influence of intoxicating liquor or drug (section 47(1)) and driving with a prescribed concentration of alcohol in blood (section 47B(1)) will be the new offence of driving with a prescribed drug in oral fluid or

blood (proposed section 47BA(1)). This new offence will be based on the presence of a prescribed drug in a person's saliva or blood.

Initially, only two drugs will be defined as a "prescribed drug" for the purposes of random drug testing—THC and methamphetamine. These two illicit drugs have been selected for random roadside testing because—

- there is evidence that drivers using these drugs are at increased risk of causing crashes;
- they are the substances with the highest incidence, after alcohol, in the blood of fatally injured drivers;
- neither THC nor methamphetamine are found in any Australian prescription medicines; and
- they can be reliably detected in oral fluid samples of drivers at the time that they will adversely affect a driver's ability to drive safely.

The court imposed penalties for the new prescribed drug offence will be set at the same level as the Category 1 Blood Alcohol Content (BAC) offence (that is, an offence consisting of a concentration of alcohol of less than 0.08), namely a maximum fine of $700, with the first offence being expiable.

There is provision for the mandatory disqualification of the defendant's licence, the period being determined by reference to whether the offence is a second, third or subsequent offence. In addition, 3 demerit points will be attributed for each offence including expiations.

For the purposes of determining whether an offence is a first, second, third or subsequent offence, driving under the influence, and refusal to take a breath or blood test will be counted. However, the prescribed drug offence will not be counted in calculating previous convictions for any other offences. This will quarantine the impact of the new offence and will be one of the aspects of the Bill that will be examined in the review of the operation of the amendments within 12 months after their commencement.

A drug screening test cannot be undertaken unless an alcotest has first been administered.

The drug screening test is similar to an alcotest and will require a person to suck or chew an absorbent pad which will provide a result within a few minutes. It will detect recent consumption of methamphetamines and THC. Drivers who have THC or methamphetamine residues in their bodies as a result of use in previous days or weeks will not be detected. The tests will not produce a positive result for drugs such as Sudafed and other over the counter medications such as attention deficit disorder medication.

Drivers who return a negative drug screening test will not be detained further. Drivers who return positive test results will be required to provide a second saliva sample.

Drivers who produce a positive result to the second sample will be interviewed according to normal police procedure, and the sample sent to a laboratory for oral fluid analysis. The driver will be provided with a portion of the second sample, which they may choose to have independently analysed.

An expiation notice will not be issued nor a complaint laid until the presence of THC or methylamphetamine in the saliva sample is confirmed by the laboratory analysis.

For the purposes of protecting the community from drivers who are detected with an illegal blood alcohol content or who have tested positive roadside to the presence of a prescribed drug, the Bill will provide Police with additional powers to take steps to prevent the person from driving for a predetermined period of time.

Police will be provided with a less intrusive alternative to arrest where they suspect a person may attempt to drive once they have left the scene. This provision will supplement the existing general power of arrest available to police.

These new powers have been requested by and developed in conjunction SAPOL and will not be primarily dealt with in this Bill but have been included in the *Statutes Amendment (Road Transport Compliance and Enforcement) Bill 2005* which will amend the *Road Traffic Act 1961* to revise all powers relating to the direction and enforcement to achieve consistency with new model national Compliance and Enforcement Legislation.

It is anticipated that this Bill will come into operation at the same time as the drug Driving Bill.

Random drug testing will only be conducted by a group of trained traffic police. The Commissioner of Police will be required to establish operational procedures designed to minimise the inconvenience to drivers of testing. Police would be able to target drink driving, drug driving or a combination of both.

These amendments will not enable random testing of drivers for drugs other than THC and methamphetamine. The drugs will be prescribed in the regulations and it may be the case that in future years other drugs will be tested for.

General police patrols will also be able to test for prescribed drugs. This testing will be predicated on driver impairment, and will occur in "prescribed circumstances"; that is, where a person has committed a prescribed road traffic offence, behaved in a manner that indicated ability to drive is impaired or has been involved in an accident. In such a case, the driver will be tested for alcohol in accordance with section 47E of the Act. The driver may then be tested for drugs using an oral fluid analysis, or he or she may instead be taken to a medical practitioner for a blood test.

The results of any analysis of oral fluid or blood collected as a result of this Bill will not be able to be used in any proceedings other than under the *Road Traffic Act*, the *Motor Vehicles Act* or a driving-related offence and will not be able to be relied on, for example, in exercising search powers or to obtain a search warrant.

Furthermore, the Bill contains provisions to ensure that samples taken under the *Road Traffic Act* cannot be used for a purpose other than that contemplated by the Act, for example DNA testing. All samples must be destroyed at the conclusion of proceedings or the expiry of the period in which proceedings must be commenced.

The Bill also contains a requirement for a review after 12 months operation of drug testing. This review will consider the operation and effectiveness of the process, penalties, privacy issues, and other relevant matters, and will identify and recommend any legislative or operational changes that will maximise the road safety outcomes of the process.

The draft Bill was put out for community consultation earlier this year and the majority of responses supported a testing regime being introduced for drug testing of drivers.

The Bill has been prepared in close consultation with SAPOL and has their full support.

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 *Road Traffic Act 1961*

4—Substitution of heading to Part 3 Division 5

This clause amends the heading of Part 3 Division 5 to reflect the inclusion of the provisions inserted by this Bill relating to drug driving.

5—Amendment of section 47A—Interpretation

This clause amends section 47A of the principal Act to insert definitions of terms used in the provisions inserted or amended by the Bill, and to amend provisions of the section consequent to the provisions of the Bill.

6—Insertion of section 47BA

This clause inserts a new section 47BA into the principal Act. This proposed section provides that it is an offence to drive a motor vehicle or attempt to put a motor vehicle in motion while a prescribed drug is present in his or her oral fluid or blood. A prescribed drug is defined to be a substance prescribed as such by the regulations.

The clause provides that is a defence to a charge of an offence against new subsection (1) if the defendant proves that he or she did not knowingly consume the prescribed drug present in his or her oral fluid or blood (but not if the defendant consumed the prescribed drug believing that he or she was consuming a substance unlawfully but was mistaken as to, unaware of or indifferent to the identity of the prescribed drug).

The provision sets out penalties for offences, which are in line with those for a driving with the prescribed concentration of alcohol in the blood offence in the category 1 range. The penalty also includes (other than in the case of a first offence) disqualification from holding or obtaining a driver's licence, and sets out procedural matters relating to the same. However, new subsection (6) provides, in line with the treatment of a Category 1 offence under section 47B of the Act, that a person 16 years or older cannot be prosecuted for a first offence unless the person is first given an opportunity to expiate the offence.

An offence against new subsection (1), section 47(1) or a refusal offence under proposed section 47EAA(9) or sections 47E(3) or 47I(14) for which a person has been

convicted may be considered in determining whether an offence is a first, second, third or subsequent offence for the purposes of the clause (other than subsection (6)), and only an offence against those provisions for which a person has been convicted, or has expiated, may be considered in determining whether an offence is a first offence for the purposes of subsection (6).

7—Amendment of section 47C—Relation of conviction under section 47B or 47BA to contracts of insurance etc

This clause amends section 47C of the principal Act to include an offence against proposed section 47BA in the provisions set out in that section. Section 47C operates to prevent a person from being taken to have been under the influence of intoxicating liquor (and now a prescribed drug) simply by virtue of a conviction or finding of guilt of an offence against certain sections of the principal Act.

8—Amendment of section 47D—Payment by convicted person of costs incidental to apprehension etc

This clause amends section 47D of the principal Act to include an offence against new section 47BA or 47EAA in the section, with that section allowing the court to order a person convicted of an offence to pay certain costs relating to the apprehension etc of the person.

9—Amendment of section 47DA—Driver testing stations

This clause amends section 47DA of the principal Act to change the references to a "breath testing station" to "driver testing station". This change reflects the Bill's provisions relating to testing drivers' oral fluid or blood for the presence of a prescribed drug, including as a consequence of having been stopped for alcotesting or breath analysis at breath testing stations. The clause also amends the reference to an alcotest for the same reason, referring now to "screening tests", which is defined to mean alcotests and drug screening tests.

10—Amendment of section 47E—Police may require alcotest or breath analysis

This clause amends section 47E of the principal Act. Subclause (3) inserts a new subsection (4a) into the section, which has simply been relocated from section 47F (itself repealed by the Bill). The clause makes other consequential amendments to the section as a result of the insertion of proposed subsection (4a).

The clause also inserts new subsection (7a), which provides that there will be reasonable ground to suspect that the prescribed concentration of alcohol is present in a person who either refuses or fails to comply with a direction under section 47E, or fails an alcotest, for the purposes of the exercise of any power conferred on a member of the police force to prevent the person committing an offence by driving a vehicle in contravention of Part 3 Division 5 of the principal Act.

11—Insertion of section 47EAA

This clause establishes a new scheme for the testing of drivers and other relevant persons for the presence of a prescribed drug in their oral fluid or blood.

New subsection (1) provides that, if a person has submitted to an alcotest or breath analysis under section 47E, then an authorised member of the police force may require the person to submit to a drug screening test. New subsection (2) provides that, where the drug screening test indicates the presence of a prescribed drug in the person's oral fluid, the member of the police force may require the person to submit to an oral fluid analysis or a blood test. However, if a person has been required to submit to the initial alcotest or breath analysis in prescribed circumstances, the member of the police force may require the person to submit to an oral fluid analysis or a blood test without first requiring a drug screening test. A prescribed circumstance is defined in section 47A.

Procedural matters relating to the testing provided for by the new section are set out, including a power for a member of the police force to give reasonable directions for the purpose of making a requirement that a person submit to a drug screening test, an oral fluid analysis or blood test, and provides an offence of refusing to comply with such a direction. The maximum penalty is a fine of $700, consistent with the equivalent Category 1 offence under section 47E of the Act, and also provides for disqualifications to apply in the case of subsequent offences (including offences against new subsection (9) or section 47(1), 47BA(1), 47E(3) or 47I(14)).

The proposed section also provides for alternative testing arrangements where, because of a medical or physical condition, it is not possible or reasonably advisable or practicable to undertake the required test. In particular, if a test requiring oral fluid is not possible etc, then the person may instead have a blood test, and vice versa. It will not be possible to raise a defence that the person had good cause for a refusal or failure to comply with a requirement or direction under the proposed section relating to a drug screening test or oral fluid analysis by reason of some physical or medical condition of the person unless has had such a sample of blood taken.

The clause also provides that (for the purposes of the exercise of certain powers conferred on a member of the police force) there will be reasonable ground to suspect that a prescribed drug is present in the oral fluid of a person if he or she refuses or fails to comply with a direction under the proposed section or fails a drug screening test, or if the preliminary result of the oral fluid analysis indicates the presence of a prescribed drug in the person's oral fluid.

The regulations will prescribe the manner in which testing under this new section is to be conducted.

12—Amendment of section 47EA—Exercise of random testing powers

This clause amends section 47EA of the principal Act to reflect the changes made by the Bill regarding the random testing of drivers for prescribed drugs in addition to alcohol.

In particular, the clause inserts new paragraph (ca), providing that a member of the police force must not make a requirement of a driver to stop and take a drug screening test unless he or she has in his or her possession, or a member of the police force in the immediate vicinity of the place at which the requirement is made has in his or her possession, an approved drug screening test apparatus.

13—Substitutions of sections 47F, 47FA and 47FB

This clause repeals sections 47F, 47FA and 47FB of the principal Act. The provisions of section 47F(2) relating to a blood test of a person who is unable to take an alcotest or breath analysis on medical grounds has been relocated to proposed section 47E(4a). The remain provisions have been relocated to proposed Schedule 1 of the principal Act as part of the process of consolidating related procedural provisions under the principal Act.

The clause inserts new section 47F into the Act to act as a signpost for the provisions of proposed Schedule 1.

14—Amendment, redesignation and relocation of section 47G—Evidence etc

This clause amends the current section 47G of the principal Act to include evidentiary provisions relating to drug screening tests, oral fluid analyses or blood tests under proposed section 47EAA.

The new subsections provide for the admissibility of certificates relating to the testing and results in a manner that is consistent with the current provisions of section 47G relating to alcotests and breath analysis.

The clause also inserts provisions relocated (proposed subclauses (12) and (13)) from section 47I as part of the process of consolidating related evidentiary provisions under the principal Act.

Subsection (18) provides that evidentiary provisions under the section only apply in relation to proceedings for the specified offences.

The clause also redesignates section 47G as proposed section 47K, and relocates the provision after section 47J so that it follows the sections of the principal Act that it affects.

15—Insertion of section 47GB

This clause inserts section 47GB into the principal Act, and sets out procedures regarding what is to happen if the defendant satisfies the court that he or she consumed a prescribed drug after the conduct in relation to which they are being prosecuted. If the person complied with the pro-

visions of proposed paragraphs (b) and (c), then the person may be found not guilty of the offence under section 47(1) or proposed section 47BA(1) of the Act with which they are charged. This provision is consistent with section 47GA of the Act dealing with alcohol consumed after such conduct.

16—Amendment of section 47H—Approval of apparatus for the purposes of breath analysis, alcotests, drug screening tests and oral fluid analysis

This clause amends section 47H of the principal Act to enable the Governor to approve apparatus of a specified kind for the purpose of conducting drug screening tests, oral fluid analyses or both by publication of a notice in the Gazette.

17—Amendment of section 47I—Compulsory blood tests

This clause amends section 47I of the principal Act. The procedural provisions setting out how samples of blood taken must be dealt with have been relocated to proposed Schedule 1 of the principal Act as part of the process of consolidating related procedural provisions under the principal Act. Similarly, the provisions relating to evidentiary matters are relocated to proposed section 47K.

18—Insertion of Schedule 1

This clause inserts a new Schedule 1 into the principal Act, consolidating related matters regarding oral fluid and blood samples taken under the Act as follows:

Schedule 1—Oral fluid and blood sample processes

Part 1—Preliminary

1—Interpretation

This clause defines terms used in the Schedule.

Part 2—Provisions relating to blood samples under section 47E, 47EAA or 47I

2—Blood sample processes generally

These provisions have been relocated from section 47I, and amended to included blood taken under proposed section 47EAA.

The provisions set out what must be done in relation to a sample of blood by the medical practitioner taking the sample and an analyst analysing such sample and are essentially unchanged from the current provisions.

3—Blood tests by registered nurses

This clause is the former section 47FB of the Act, amended to include the taking of blood under new section 47EAA.

4—Member of police force to be present when blood sample taken

This clause requires that taking of a sample of blood under proposed section 47E(4a), 47EAA(2) or 47EAA(11) must be done in the presence of a member of the police force.

5—Cost of blood tests under certain sections

This clause provides that the taking of a sample of blood under proposed section 47E(4a), 47EAA(2), 47EAA(11), or section 47I, must be at the expense of the Crown.

6—Provisions relating to medical practitioners etc

This clause consolidates provisions currently in various sections of the principal Act relating to medical practitioners acting under the principal Act.

Part 3—Processes relating to oral fluid samples under section 47EAA

7—Oral fluid sample processes

These provisions set out what must be done in relation to a sample of oral fluid by the police officer taking the sample and an analyst analysing such sample.

The requirements are consistent with those relating to a sample of blood.

Part 4—Other provisions relating to oral fluid or blood sample under Part 3 Division 5

8—Oral fluid or blood sample or results of analysis etc not to be used for other purposes

This clause provides that a sample of oral fluid or blood taken under section 47E, proposed section 47EAA or section 47I (and any other forensic material taken incidentally during a drug screening test, oral fluid analysis or blood test) must not be used for a purpose other than that contemplated by this Act.

The clause also prevents the results of an oral fluid analysis or blood test under Part 3 Division 5 of the Act, an admission or statement made by a person relating to such an oral fluid analysis or blood test, or any evidence taken in proceedings relating to such an oral fluid analysis or blood test (or transcript of such evidence) from being admissible in any proceedings, other than proceedings for an offence against the Act or the *Motor Vehicles Act 1959* or a driving-related offence and from being relied on as grounds for the exercise of any search power or the obtaining of any search warrant.

9—Destruction of oral fluid or blood sample taken under Part 3 Division 5

This clause provides that the Commissioner of Police must destroy a sample of oral fluid or blood taken under Part 3 Division 5 (and any other forensic material taken incidentally during an oral fluid analysis or blood test) after the specified time periods.

Part 3—Review of operation of Act

19—Review of operation of Act

This clause provides for a review of the operation of the principal Act as it relates to the provisions of the Bill.

Schedule 1—Related amendments

Part 1—Preliminary

1—Amendment provisions

This clause is formal.

Part 2—Amendment of *Criminal Law (Forensic Procedures) Act 1998*

2—Amendment of section 5—Non-application of Act to certain procedures

This clause amends section 5 of the *Criminal Law (Forensic Procedures) Act 1998* to provide that that Act does not apply to a sample of oral fluid taken under the *Road Traffic Act 1961*.

Part 3—Amendment of *Motor Vehicles Act 1959*

3—Amendment of section 72A—Qualified supervising drivers

This clause amends section 72A of the principal Act to include in the list of provisions under the *Road Traffic Act 1961* that are deemed to include a reference to a qualified supervising driver proposed sections 47EAA and 47GB, Schedule 1 and the amended and redesignated section 47G (now proposed section 47K) of the *Road Traffic Act 1961* as inserted by the Bill, along with making consequential amendments to the section.

4—Amendment of section 75A—Learner's permit

This clause amends section 75A of the principal Act to reflect the redesignation of section 47G (now section 47K), and to include proposed sections 47EAA, 47GB and proposed Schedule 1 in the provisions listed in subsection (5a) of the section, and makes other consequential amendments.

5—Amendment of section 81A—Provisional licences

This clause makes similar amendments to clause 4 of this Schedule.

6—Amendment of section 81AB—Probationary licences

This clause makes similar amendments to clause 4 of this Schedule.

7—Insertion of section 81D

This clause inserts a new section 81D into the *Motor Vehicles Act 1959*, providing for Registrar-imposed disqualifications in the case of an offence against proposed section 47BA(1) that has been expiated.

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

CAPE JAFFA LIGHTHOUSE PLATFORM (CIVIL LIABILITY) BILL

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

MINING (ROYALTY No. 2) AMENDMENT BILL

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

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): 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 *Mining Act 1971* to provide a new approach in relation to the assessment and payment of mineral royalties under the Act.

The Bill establishes a fairer and more equitable assessment of royalty by valuing minerals at the mine gate, using a market value-based approach. At the same time, the setting of a royalty base rate of 3.5 per cent, up from the current range of between 1.5 per cent and 2.5 per cent, will increase in the financial return to the community for the exploitation of the State's non-renewable mineral assets.

The shifting of the assessment of royalty from the current methodology of Ministerial assessment to that of the ex-mine gate value of the minerals (which consists of the genuine market value of the minerals less prescribed costs incurred in delivery of the minerals to the point of sale) brings the assessment of royalty in the State in line with that of other States. It also provides for a more accurate assessment of royalty.

A key strategy of this Bill is to encourage investment in the development of new mines, leading to a targeted increase in mineral production in the State to $3 billion by 2020. To do this, the Bill introduces a discounted royalty rate for new mines of 1.5 per cent for the first 5 years. This will encourage the development of new mines, as the lower royalty rate will improve the viability of a mining operation in the early years of development, when operators are under pressure due both to the large set-up costs and a restricted cashflow until production tonnages increase. There are a number of potential new mines in South Australia that will benefit and this may assist in their development.

Equally importantly, the development of regional populations and economies will be stimulated through new mineral discoveries encouraged by the reduced rate of royalty payable in relation to new mines.

These amendments will assist in achieving strategic targets set for mineral production, processing and exports by encouraging investment in new mines in remote areas of the State.

For mines that are in existence at the time this Bill comes into operation, a transition period for phasing in the changes to the royalty assessment regime is provided. The currently methodology for assessing royalty is preserved by the inclusion in the Bill of a table setting ex-mine gate values for certain minerals. These ex-mine gate values reflect the values currently used to assess royalty in relation to those minerals, and will expire on 31 December 2008. Similarly, an agreement between the Minister and a person liable to pay royalty will continue (subject to any necessary or prescribed modification reflecting the amendments made by the Bill) until the agreement expires, or is brought to an end in accordance with its terms or by agreement. Thereafter, the new methodology will apply.

The Bill increases penalties for non-compliance with the royalty assessment and payment provisions, and also for non-compliance with the provisions relating to returns. These amendments will significantly increase the timeliness and efficiency with which royalty is paid and returns provided by industry, and will ensure that the finalisation of the State's mineral production statistics can be produced within a reasonable timeframe.

The Bill also makes amendments of a minor "housekeeping" nature, particularly in the area of retention of records under the Act.

The South Australian Chamber of Mines and Energy along with many mining industry operators and organisations (including the Cement, Concrete and Aggregates Association and the Australian Mining and Petroleum Law Association (SA Branch)) were consulted during the preparation of the Bill. A position paper advising of the proposed changes to Act was also circulated and responses sought from, and provided by, the mining industry.

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 *Mining Act 1971*

4—Substitution of section 17

This clause repeals section 17 of the principal act and substitutes the following clauses:

17—Royalty

This clause replaces the current royalty provision, although the minerals on which royalty is payable is unchanged. The royalty in relation to extractive minerals is unchanged. Subject to the transitional provisions of this measure, royalty on non-extractives will be equivalent to 3.5 per cent of the value of the minerals. The value of the minerals will be the ex-mine gate value, and the clause sets out matters relevant to determining that amount, including defining the concept of "contract price" to include consideration other than simply the cash price of the minerals. Prescribed costs, to be set out in the regulations, are not included in the ex-mine gate value.

The clause continues the ability of the Minister to waive or reduce the royalty rate in certain circumstances, and also to enter an agreement with a person liable to pay royalty on minerals (other than extractive minerals) that royalty will be payable according to the weight or volume of minerals recovered or some other basis.

17A—Reduced royalty for new mines

This clause provides that a new mine (declared by the Minister by notice in the Gazette) will pay a reduced royalty rate of 1.5 per cent for the first 5 years of its operation.

The clause sets out factors the Minister may have regard to when determining whether a mine is to be declared a new mine.

17B—Assessments by Minister

This clause enables the Minister to make an assessment of royalty if he or she is of the opinion that a person liable to pay royalty has not made the necessary payment when due, or has not paid in accordance with the royalty assessment principles under proposed section 17 (or with an agreement or determination under proposed sections 17 or 17A), or has not paid royalty in accordance with any other relevant requirement.

An assessment under this proposed section will be taken to be a new assessment.

The clause sets out procedural matters regarding such an assessment, including providing a right of appeal to the ERD Court.

17C—Recovery of royalty where appeal lodged

This clause provides that the fact that an appeal has been lodged under section 17B but not yet determined does not in the meantime affect the assessment to which the appeal relates, and the amount of any royalty or civil penalty amount determined as being payable under the principal Act as a result of the assessment may be recovered as if no appeal had been lodged.

17D—When royalty falls due

This clause sets out when royalty falls due, including a power for the Minister to exempt a person from the operation under proposed subsections (1) or (2).

17E—Penalty for unpaid royalty

This clause sets out a penalty regime in the case where royalty is not paid on time. The penalty amount is $1 000 plus the prescribed amount for each month for which the royalty remains unpaid. The formula for calculating the prescribed amount is set out in the clause.

17F—Processed minerals

This clause provides that, in relation to royalty, a reference to minerals includes a reference to processed minerals.

17G—Means of payment

This clause provides that royalty must be paid in accordance with any requirement prescribed or authorised by or under the regulations.

5—Amendment of section 73E—Royalty

This clause makes a consequential amendment.

6—Substitution of section 76

This clause substitutes section 76 of the principal Act, increasing the penalties for false returns and non-compliance with the proposed section to a maximum fine of $5000. The clause also corrects obsolete references in the current section, and provides that the regulations may exempt a person or class of persons from the requirement under proposed subsection (1).

7—Amendment of section 77—Records and samples

This clause amends section 77 of the principal Act to enable the Director of Mines, or a person acting under his

written authority, to specify a place where records etc required to be produced under that section are to be produced.

The clause also inserts a new subsection (2a), allowing the Director of Mines, or a person acting under his written authority, to make copies or take extracts of such records.

8—Insertion of section 77A

This clause inserts new section 77A into the principal Act, requiring records under section 77 to be kept for 7 years, and setting out procedural matters related to such keeping of records.

Schedule 1—Transitional provisions

1—Interpretation

This clause sets out definitions used in the Schedule.

2—Continuation of existing arrangements

This clause provides for the continuation of arrangements relating to the ex-mine gate value of certain minerals. The minerals, and their respective values, are set out in the table provided. This continuation of existing arrangements will end, subject to some other agreement being entered under the principal Act as amended by this measure, on 31 December 2008 with the expiration of the clause.

3—Agreements

This clause provides that an agreement under the principal Act relating to royalty on any minerals between the Minister and a person liable to pay the royalty in force immediately before the commencement of this Act will continue to have effect after the commencement of this Act. The agreement may be subject to any modifications that may be necessary in the circumstances or that may be prescribed by the regulations (and on the basis that the agreement will cease to have effect in any event when the agreement expires, or is brought to an end in accordance with its terms or otherwise by agreement between the parties).

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

RIVER MURRAY (MISCELLANEOUS) AMENDMENT BILL

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

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I move:

That this bill be now read a second time.

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

Leave granted.

Introduction

The *River Murray (Miscellaneous) Amendment Bill 2005* seeks to make administrative and minor changes to the *River Murray Act 2003* and two associated Acts (being the *Development Act 2003* and the *Renmark Irrigation Trust Act 1936*) that relate to the protection and enhancement of the River Murray. The Bill seeks to clarify certain matters and to reduce current ambiguities associated with administration of, and compliance with, those Acts as well as improving government timeliness.

River Murray Act 2003

The Bill proposes a number of changes to the *River Murray Act 2003* that will provide greater protection for the River Murray. The definition of activity is to be revised to recognise that an activity can also mean a series of acts. The cumulative impact of an activity is frequently as great a cause of environmental degradation as an individual act and that it may be a series of acts that will constitute a breach of the general duty under the *River Murray Act*, rather than a single activity. Amending the definition to include a series of acts will provide added protection to the River Murray.

At present, a prosecution for breach of a River Murray Protection Order must commence within 6 months, and breach of any other order, within 2 years. For an environmental offence, these time frames are often too short as it can be expected that a breach of a Protection Order may not become evident until after the six-month period has elapsed. Expanding the timeframes in which proceedings for an offence under the *River Murray Act 2003* must occur will provide added protection to the River Murray. Changes to time frames to commence prosecution will provide consistency with the *Environment Protection Act 1993*, which allows prosecution to commence within three years of commission of the offence, or within 10 years with the consent of the Attorney-General.

Further amendment to the *River Murray Act 2003* relates to minor wording changes to provide greater clarity within the *River Murray Act 2003* that will help to aid in the more effective administration of the Act. An example in this regard relates to the publication of the Implementation Strategy, which will be widely published and, in relation to which, notice of the publication of the strategy will be given in the Gazette.

Development Act 1993

Currently under the *Development Act 1993*, the Minister for Urban Development and Planning must consult with the Minister for the River Murray on amendments to Development Plans when all or part of the Council area for which the Development Plan relates is within the Murray-Darling Basin, even though the actual amendment may relate to an area outside of the Murray-Darling Basin.

As a result of amendments to the *Development Act 1993*, a more efficient process for referring amendments to Development Plans to the Minister for the River Murray will be established. Firstly, it will only be those amendments to Development Plans that relate to the Murray Darling Basin that will need to be referred to the Minister for the River Murray. Secondly, the proposed amendments will also enable procedures and timelines for any referrals of amendments to Development Plans to be established under regulations.

To ensure that these changes do not impact on the Minister for the River Murray's activities relating to policy development and consideration of activities under the *River Murray Act 2003*, a further amendment clarifies that the changes will not affect or limit these operations.

Overall, these amendments will improve government service delivery and improve timeliness.

Renmark Irrigation Trust Act 1936

Changes to the *Renmark Irrigation Trust Act 1936* will enable the Renmark Irrigation Trust to undertake payment transactions using any method that the Trust agrees to by resolution. This will remove dated and over restrictive methods for making payments whilst still ensuring that an appropriate level of accountability is maintained and documented.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

The measure will be brought into operation by proclamation.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *River Murray Act 2003*

4—Amendment of section 3—Interpretation

The definition of ***activity*** is to be revised so that it is clear that it includes an act carried out on a single occasion or a series of acts.

5—Amendment section 14—Powers of authorised officers

This amendment is of a minor drafting nature.

6—Amendment of section 21—Implementation Strategy

Section 21(7)(a) of the Act currently requires that the Implementation Strategy must be published in the Gazette. The amendment will mean that such publication in the Gazette is not required, but that notice of the availability of the Implementation Strategy is to be published in the Gazette. Copies of the Implementation Strategy will continue to be available at a place or places determined by the Minister.

7—Amendment of section 23—General duty of care

These amendments are consequential on the revision of the definition of ***activity***.

8—Amendment of section 29—Interim restraining orders

This amendment addresses an incorrect cross-reference.

9—Insertion of section 37A

This clause makes specific provision with respect to the period within which proceedings for a summary offence may be commenced.

Schedule 1—Related amendments

Part 1—Preliminary

1—Amendment provisions

This clause is formal.

Part 2—Amendment of *Development Act 1993*

2—Amendment of section 24—Council or Minister may amend a Development Plan

Section 24(3) of the Act is to be revised so that the consultation requirement involving the Minister for the River Murray will only apply if the amendment to a Development Plan relates to a part of the Murray-Darling Basin (rather than the current provision under which any amendment to any Development Plan that relates to a part of the Murray-Darling Basin must be referred to the Minister for the River Murray). It has also been decided that provision should be made so that the regulations can prescribe appropriate procedures and timelines in connection with the consultation requirements under subsections (2), (3) and (4) of section 24. However, it is to be made clear that these arrangements are not to derogate from the operation of section 22(5) of the *River Murray Act 2003* (which allows the Minister responsible for the *River Murray Act 2003*, or any other Minister, to refer an unresolved issue that has arisen between two Ministers to the Governor for determination).

Part 3—*Renmark Irrigation Trust Act 1936*

3—Amendment of section 97—Receipt and payment of money

This amendment revises the manner in which the Renmark Irrigation Trust may make payments. However, the trust will be required to ensure that there are proper systems in place to record the receipt, depositing and payment of money by or on behalf of the trust.

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

ADJOURNMENT

At 11.07 p.m. the council adjourned until Thursday 20 October at 11 a.m.