LEGISLATIVE COUNCIL

Tuesday 8 November 2005

The PRESIDENT (Hon. R.R. Roberts) took the chair at 2.22 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

PAPERS TABLED

The following papers were laid on the table:

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

Reports, 2004-2005—
- Adelaide Film Festival
- Department of Trade and Economic Development
- Disability Information and Resources Centre Inc
- South Australian Infrastructure Corporation
- South Australian Museum Board
- TransAdelaide

Report, 2005—
- Section 71 of the Evidence Act 1929—Relating to Suppression Orders

Regulations under the following Acts—
- Harbors and Navigation Act 1993—Point Turton
- Motor Vehicles Act 1959—Motor Bike Licences

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

Reports, 2004-2005—
- Adelaide Cemeteries Authority
- West Beach Trust

City of Norwood-Payneham St. Peters—Heritage (Payneham) Plan Amendment Report

City of Norwood-Payneham St. Peters—Heritage (St. Peters, Kensington and Norwood) Plan Amendment Report

The Administration of the Development Act 1993—
- Report to Parliament for the period 1 July 2004 to 30 June 2005

The Planning Strategy for South Australia 2004-2005—
- Report to Parliament

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

Reports, 2004-2005—
- Actuarial Investigation of the State and Sufficiency of the Construction Industry Fund
- Administration of the State Records Act 1997
- Animal Welfare Advisory Committee
- Board of the Botanic Gardens and State Herbarium
- Construction Industry Long Service Leave Board
- Country Arts SA
- Department for Environment and Heritage
- Department of Water, land and Biodiversity Conservation
- Dog and Cat Management Board
- General Reserves Trust
- Independent Gambling Authority
- Land Board
- Maralinga Lands unnamed Conservation Park Board
- Mining and Quarrying Occupational Health and Safety Committee
- Privacy Committee of South Australia
- River Murray Act 2003
- SA Water
- South Australian Community Housing Authority
- South Australian Youth Arts Board
- State Heritage Authority
- Wilderness Protection Act 1992—South Australia
- Wildlife Advisory Committee
- WorkCover SA
- The Institution of Surveyors Australia—South Australia Division Inc.—Report for the eighteen month period ended 30 June 2005
- Upper South East Dryland Salinity and Flood Management Act 2002—
  - Report, 2004-2005
  - Report, 1 July 2004—30 September 2004
  - Report, 1 July 2005—30 September 2005

Regulations under the following Acts—
- Liquor Licensing Act 1997—Dry Areas—Copper Coast
- Natural Resources Management Act 2004—
  - Mallee Prescribed Wells Area
  - Peake, Roby and Sherlock Prescribed Wells Area.
  - Western Mount Lofty Ranges
  - Western Mount Lofty Ranges Prescribed Wells Area
  - Western Mount Lofty Ranges Surface Water Area
- Renmark Irrigation Trust Act 1936—Water Allocation
- Retail and Commercial Leases Act 1995—Adelaide Airport Limited

By the Minister for Correctional Services (Hon. T. G. Roberts)—

Department for Correctional Services—Report, 2004-2005,

By the Minister for Mental Health and Substance Abuse (Hon. C. Zollo)—

Reports, 2004-2005—
- Construction Industry Training Board
- Primary Industries and Resources SA

Flinders University—Report, 2004

Regulations under the following Acts—
- Citrus Industry Act 2005—Citrus Industry Fund
- Fisheries Act 1982—
  - Bait Net
  - Delivery and Storage
  - Rock Lobster Fisheries
  - Vessel Monitoring Scheme Unit
- Primary Industry Funding Schemes Act 1998—Citrus Growers Fund
- Primary Product (Food Safety Schemes) Act 2004—Citrus Industry Advisory Committee.

ANTI-TERRORISM LAWS

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

MINING (ROYALTY No. 2) AMENDMENT BILL

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): I seek leave to make a personal explanation.

Leave granted.

The Hon. P. HOLLOWAY: I wish to correct the record in regard to yesterday's debate on the Mining (Royalty No. 2) Amendment Bill in relation to questions asked by the Hon. Kate Reynolds regarding consultation with traditional owners.

Contrary to the advice I was given yesterday, I have now been advised that the ALRM (Aboriginal Legal Rights Movement) was not directly sent a copy of the position paper in May this year. The Executive Officer of the ALRM Native Title Unit was briefed and consulted on this matter in his capacity as a member of the Resources Industry Development

Board. He is on this board as an expert representing the interests of indigenous people and does not act in this role as a spokesperson for the ALRM.

BUSHFIRE PREVENTION MANAGEMENT

The Hon. T.G. ROBERTS (Minister for Mineral Resources Development): I lay on the table a ministerial statement relating to native vegetation made on 7 November by the Hon. John Hill.

CHILDREN IN STATE CARE COMMISSION OF INQUIRY

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I lay on the table a ministerial statement relating to the Children in State Care Commission of Inquiry report on a particular matter made on 7 November by the Hon. Jay Weatherill.

QUESTION TIME

GLENSIDE HOSPITAL

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make a brief explanation before asking the Minister for Mental Health and Substance Abuse a question about mental health.

Leave granted.

The Hon. R.I. LUCAS: Last week the then acting health minister, Hon. John Hill—

An honourable member: Which one?

The Hon. R.D. Lawson: There were six of them last week.

The Hon. R.I. LUCAS: —John Hill—did a number of interviews in relation to health policy and, in particular, the future of Glenside Hospital. The minister said, on FiveAA:

> . . . but in the short term it's not closing, there's no deadline to close it, no cabinet decision to close it, it is an ongoing facility and that's the truth of it.

Further on, he said:

> What I'm saying is that the advice I have, and I know because I sit around the cabinet table, no decision has been made to close Glenside.

Further on, on 1 November, to repeat the point, he said:

> We need to assess the long-term options for Glenside. There's been no decision to close it. Cabinet makes those decisions and there's been no decision—

to close Glenside. There are many other examples where the Minister for Health made it quite clear that cabinet had not made any decision in relation to the closure of Glenside.

Yesterday, in this council, the current Minister for Mental Health and Substance Abuse was asked a question by my colleague the Hon. Michelle Lensink about the state government's official response to the Human Rights and Equal Opportunity Commission report on mental health. She was asked whether or not she fully supported that response. I refer to *Hansard* and the minister's reply, as follows:

> The South Australian government's response to the HREOC report obviously went through cabinet, and I was aware of it.

Further, my colleague the Hon. Michelle Lensink asked this question:

> Does the minister agree with all of the comments that were contained in the government's response to the HREOC report?

The minister said:

> Yes. It went through cabinet; I do agree with it.

I refer the minister to part 8 of that official government response, which she has conceded went through cabinet and which she supported and which clearly indicates that the Labor government (this is the claim) came to office with a clear commitment to improve mental health in South Australia. Further, it states:

> Also, $80 million was allocated to build better facilities for consumers of mental health services and to enable incremental closure of Glenside Hospital whilst reconfiguring the mental health system.

I repeat: the cabinet document that the minister indicated had gone through cabinet and that she had supported makes it quite clear that the government's policy was the incremental closure of Glenside. My question is: does the minister agree now that her response to this parliament yesterday makes it clear that minister Hill did not tell the truth last week when he said publicly on a number of occasions that cabinet had made no decision to close Glenside?

The Hon. CARMEL ZOLLO (Minister for Mental Health and Substance Abuse): No; I do not agree with that.

The Hon. R.I. LUCAS: I have a supplementary question arising from the answer. Will the minister explain why she does not believe that the minister has misled the community and the parliament when he indicated quite clearly that there had been no cabinet decision to close Glenside, when yesterday she referred to a cabinet response to the closure of Glenside?

The Hon. CARMEL ZOLLO: Isn't it astounding that you are a former minister of the Crown? It is astounding—and you were a cabinet minister for so many years. This document was a 'pink' to be noted. It is amazing. There has been no cabinet submission. This is a 'pink' to be noted, and it went into the HREOC report. It is in response to what this state is doing. No cabinet submission has been considered. There has been no decision in a cabinet submission to close Glenside.

The Hon. R.I. LUCAS: I have a supplementary question arising out of the answer. Given that the minister's response yesterday indicated that she agreed with all the comments contained in the government's response, that is, 'Yes. It went through cabinet; I do agree with it,' how does she reconcile that with the feeble response that she now claims it was a 'pink' and only for noting and that it did not go through cabinet?

The Hon. CARMEL ZOLLO: 'Pinks' go to cabinet as well, and I am surprised the honourable member does not know that. It is totally consistent. We have a duty of care to the people of South Australia in relation to mental health. No part of Glenside will be shut until another place is found for those who—

The Hon. R.I. Lucas: That is not the issue.

The Hon. CARMEL ZOLLO: I said that exactly yesterday, and I ask the honourable member to check the *Hansard*.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: I rise on a point of order, Mr President. The Leader of the Opposition is completely out of order—not in making interjections, but in making those interjections, which are particularly offensive.

The Hon. R.I. Lucas: Which ones?

The PRESIDENT: All interjections are out of order when a speaker is on his or her feet and debating a question in an orderly manner. The minister was on her feet debating the question in an orderly manner, so the Hon. Mr Lucas was out of order with his constant interjections. I am sure that it will never happen again.

The Hon. R.I. LUCAS: I have a further supplementary question. Is the minister indicating that there was no discussion at all in relation to the draft response from the South Australian government, which has been designated in the covering letter as the official response from the South Australian government to the HREOC report, by her or other ministers in the cabinet?

The Hon. CARMEL ZOLLO: Cabinet discussions are confidential. I have not been a minister for that long, but I know that they are confidential. The cabinet 'pink', which—

Members interjecting:

The PRESIDENT: Order! I cannot hear.

The Hon. CARMEL ZOLLO: —we discussed and which I talked about yesterday—

Members interjecting:

The PRESIDENT: Order!

The Hon. T.G. CAMERON: I rise on a point of order, Mr President. I am sitting behind the minister, and I cannot hear what she is saying.

The PRESIDENT: I am calling the council to order. There is too much interjection on both sides of the council. The Hon. Mrs Zollo is at the far end of the chamber, and it is very distracting when the people between her and me interject. The support from the other side of the chamber is not helpful, either. The minister has the floor.

The Hon. CARMEL ZOLLO: I do not believe that cabinet ministers should be in this place giving blow-by-blow accounts of what happens around the cabinet table. South Australia was invited to respond to the HREOC report as to what we are doing. As I said yesterday, we acknowledge that we have some way to go, but we responded with a letter. It is printed in the report, as is the information underneath it. So, I am not quite sure why anybody would think it is inconsistent.

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order, the Hon. Mr Redford!

The Hon. CARMEL ZOLLO: We have said repeatedly that we have a vision for mental health in this state.

Members interjecting:

The PRESIDENT: Order!

The Hon. CARMEL ZOLLO: We have a vision which is consistent with the Brennan report, of which you took no notice and of which your former minister said exactly the same thing. We have a vision that is consistent with the Generational Health Review. We have a vision which is consistent with the HREOC report, God forbid, which is to see people—

Members interjecting:

The PRESIDENT: Order!

The Hon. CARMEL ZOLLO: —being looked after closer to where they live, in acute hospital facilities and rehabilitation centres and by people within their community. No patient will leave Glenside without the appropriate support package to follow them. It is all entirely consistent.

Members interjecting:

The PRESIDENT: Order! There is too much interjection.

The Hon. CARMEL ZOLLO: The decision as to what will be done with the Glenside campus has not been to cabinet.

MASLIN BEACH

The Hon. CAROLINE SCHAEFER: I seek leave to make an explanation before asking the Minister for Mineral Resources Development a question about Maslin Beach.

Leave granted.

The Hon. CAROLINE SCHAEFER: Late last year this parliament passed changes to the Mining Act with regard to the Extractive Areas Rehabilitation Fund. At that time the minister's own briefing paper said, amongst other things:

> The approach outlined will:
> · Reduce the direct involvement of Government in funding and managing rehabilitation projects so miners will bear more responsibility and accountability for the environmental disturbances they create. There will be more rehabilitation activity and consequently better environmental outcomes.

My questions to the minister are:

1. Why were the guidelines for application and approval to EARF funding ignored on this occasion, that is, the occasion of the rehabilitation of the mine or the quarry just out of Maslin Beach, about which we all know there has been a great deal of concern expressed in the press with regard to the erosion that is happening down there at this time?

2. Why were those guidelines ignored?

3. Why was the decision of the project assessment panel to reject this project application overturned; and why did the minister give direct approval himself?

4. Why did the engineer's designs not take into account the coastal environment, vegetation, soil types etc.?

5. Why were experienced rehabilitation experts not consulted?

6. Why were mitigating drainage designs not used to slow and dissipate the water flows?

7. Why was there no provision for adequate native vegetation establishment to prevent the erosion that is now happening?

8. How much industry funding is going into the project on land which is in fact owned by the Crown and, therefore, by the Department for Environment and Heritage?

9. Why is that landowner not expected to rehabilitate in the same way as other landowners would be?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): I assume the honourable member is referring to what was once a sand quarry right on the beachfront at Maslin Beach. A number of other operating quarries are located further back from the beach, but I assume the honourable member is referring to the quarry that was mined out 20 or 30 years ago at least and maybe more than that. That site had some rehabilitation work done on it 10 or more years ago. It was drawn to my attention that a dangerous situation existed in relation to the rehabilitation work that had been done some years ago.

As I understand it, the compaction of the cliff along the beachfront had not been performed correctly and the sea wall that was there was collapsing and it was posing a significant risk to anyone who might be in the area. There was some suggestion that there could be some liability because the work that had been originally done under the old rehabilitation scheme was not up to scratch. As a result of a number of meetings that I had, including with my colleague the Minister for Environment and Conservation and with the residents of

the Maslin Beach area, we considered options in relation to that matter, and a significant amount of work was done.

The other thing in relation to the original restoration work that was done, I understand is that the slope was regarded by modern standards as being too steep, so the erosion was much greater than it would have been if it was laid back as it now has been to a much lesser slope. What has happened at Maslin Beach is that significant work was undertaken earlier this year. It was a $750 000 project that was funded from the EARF. I do not know what guidelines the honourable member is talking about being ignored in relation to that but, as I understood it, the representatives of the extractive industry, who were very keen, and who do have a good record in relation to rehabilitation, I think they are fully aware of the fact that, because the Maslin Beach quarry is in such a prominent place, it is in the best interests of the industry that that work should have been properly completed, and also of course, as I said, there were other potential liability questions resulting from that.

Some earthworks were done. In fact, the vast majority of that $750 000 project was done earlier this year, and the whole purpose of that project was to stabilise the seaward face of the overburden dumps. It was unfortunate that when that work was done earlier this year we had, first, no rain and then some very heavy rain so that seeding could not be undertaken in relation to stabilising that work, and there has been some erosion in relation to that matter. In the next week or two rehabilitation work was supposed to be done on that to restore some of the erosion that had taken place as a result of the heavy rain. Unfortunately, we keep getting more and more rain, so I suspect that the date for that work will probably be put back significantly further because of the heavy rain we keep getting. However, once the weather does fine up, what erosion has occurred in relation to these recontoured dunes at Maslin Beach will be restored, and there is a budget provision for that. Hopefully next year we will have a more conventional season and we will be able reseed those dunes to ensure that they are stabilised.

As a result of that work, I know there is one particular individual, who I presume is the person who has been talking to the honourable member, who is unhappy but, as I understand it, the vast majority of residents at Maslin Beach are very happy with the work that has been undertaken because, as a result of that work, they will have a much more useable and safe area in that rehabilitated quarry. There is still some work to be done that is simply waiting for the fine weather but, following that, it will be a much more attractive area and a safer area as a result of the considerable amount of money that has been spent from the Extractive Areas Rehabilitation Fund.

It is certainly my belief that the industry as a whole supports the use of funds in that way because, as I said, it addresses the image problem for the industry. The industry is keen to be seen as being responsible, even though this quarry work was done in the past and you could take a legal view that 'It didn't need further work.' It is certainly my view and, I believe, the view of the industry that it is in the best interests of the industry that this work that was obviously not done satisfactorily at some stage in the past is repaired and that the new rehabilitation will provide a long-term solution to the stability of the dunes in that area.

I do not think there is much more I can add to that, other than that I hope that the work will be done as soon as possible and we can all hope that this unseasonal weather we are now having clears as soon as possible. I expect, sadly, that given the flooding everywhere else it probably has not done much good to the rehabilitation works down there, either.

The honourable member also made a number of allegations in her question and I will address them. She talked about us not taking advice. A firm of consulting engineers—I think called Geoscience—was involved and a number of consultants were involved to get the best possible advice as to how this work should be done. If there is anything further I can add in relation to specific questions I will take it on notice.

The Hon. CAROLINE SCHAEFER: By way of supplementary question, did the minister overturn the recommendation of the Project Assessments Panel and, if so, why?

The Hon. P. HOLLOWAY: The Project Assessments Panel makes recommendations to the minister. There was some early advice on this matter given some time ago now. We are talking several years ago, but I understood that the matter was referred back, following the meetings I had with residents and discussions with people concerned in that area. However, it is some two or three years ago and I will have to refresh my memory in relation to exactly what authorisation was given. Certainly it is my view that the industry at large supported the work being done—and they are the ones represented on the committee—because of the impact the unsafe seawall would have on the image of the industry. I will check as to actual procedures because the Chief Inspector of Mines is my delegate on that and would be able to make the decision.

I will ascertain who made the decision on that matter. It was some years ago and it was certainly reviewed and I believe the industry has supported the work done. One individual who lives down there is a bit unhappy with the work and it is unfortunate we have had such unseasonal weather that has eroded the work, but that will be repaired as the budget is there to do the work as soon as we can get heavy equipment on to the dunes.

MENTAL HEALTH PATIENTS

The Hon. J.M.A. LENSINK: I seek leave to make a brief explanation before asking the Minister for Mental Health and Substance Abuse a question on the subject of mental health patients and illicit drugs.

Leave granted.

The Hon. J.M.A. LENSINK: Yesterday the member for Finniss in another place asked a question in relation to a fellow by the name of Ben Harvey, an inpatient of the secure ward of Glenside Hospital. I will quote what he said, as follows:

> Last Tuesday police were called to Glenside to arrest Mr Ben Harvey because he was under the heavy influence of cannabis and alcohol. Ben Harvey was in a secure ward at Glenside and is the same person who escaped twice in the past 18 months. On 20 July last year, when I had to notify the former minister of health in this place of his escape, I explained to parliament that Mr Ben Harvey was a paranoid schizophrenic with a history of violence. After his arrest last Tuesday Mr Harvey was taken to the City Watchhouse and charged with breach of parole. He is now being held in Yatala prison.

At the start of the Minister for Health's response he said:

> I will refer the issue the member raises to my colleague the Minister for Mental Health.

My question to the minister is: how did an inpatient of a secure ward at Glenside Hospital obtain enough alcohol and cannabis to become heavily intoxicated?

The Hon. CARMEL ZOLLO (Minister for Mental Health and Substance Abuse): I thought I offered the challenge to the honourable member who asked the question not to continue being the sidekick of the member for Finniss in the other place, otherwise the questions on mental health will become very predictable.

Members interjecting:

The Hon. CARMEL ZOLLO: The same question was asked in the other place yesterday. Nonetheless, I am aware of the incident. I have asked the Director of Mental Health to investigate the matter and ensure that the correct protocols were followed in this instance. As part of that investigation, I have asked for a review of security procedures at Glenside, which prevent drug and alcohol use. Clearly I will have to bring back advice at another time.

The Hon. J.M.A. LENSINK: I have a supplementary question. Is the minister indicating that drug and alcohol use is currently permitted within Glenside?

The Hon. CARMEL ZOLLO: As I have said, I will bring back advice in relation to this matter.

The Hon. NICK XENOPHON: I have a supplementary question. What protocols, including the drug testing of patients, exist to ensure that in-patients at psychiatric hospitals do not have access to substances such as alcohol or other drugs that could exacerbate their mental health problems?

The Hon. CARMEL ZOLLO: I will bring back advice for the honourable member in relation to what protocols are in place.

The Hon. R.I. LUCAS (Leader of the Opposition): I have a supplementary question. Can the minister assure the council that the protocols about which she will bring back advice do not in any way allow the use of cannabis and/or alcohol in the secure wards of Glenside? I do not need all the details about the protocols, but will the minister give us an assurance that Glenside does not allow their use in any way?

The Hon. CARMEL ZOLLO: I am able to bring back that assurance for the honourable member.

STATE EMERGENCY SERVICE, RESCUE VESSEL

The Hon. J. GAZZOLA: I seek leave to make a brief explanation before asking the Minister for Emergency Services a question about a new rescue vessel for the State Emergency Service's northern region.

Leave granted.

The Hon. J. GAZZOLA: I was interested, as you would have been, Mr President, to hear that the Port Pirie region has recently taken delivery of a new rescue vessel and that a new headquarters has been opened. Can the minister advise the details of these new initiatives?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): Before answering the honourable member's question, I want to thank the Hon. David Ridgway for hosting me two Sundays ago at the Wasleys CFS opening.

The Hon. A.J. Redford interjecting:

The Hon. CARMEL ZOLLO: These are good news stories. I am sorry that you are not interested, Angus. Too much doorknocking in Bright, Angus? Never mind.

Members interjecting:

The Hon. CARMEL ZOLLO: I do not know about that; we are happy for him to go doorknocking. I thank the honourable member for his question and his interest. I am pleased to report that water safety in the Port Pirie region is now significantly improved, with the local State Emergency Service unit taking delivery of a new state-of-the-art rescue vessel.

On Saturday 22 October, I was delighted to visit Port Pirie to commission the new $260 000 rescue boat, which has been fully funded by the Rann government. A large number of SES members from across the region attended the commissioning. It was also pleasing to see members of SAPOL in attendance. SAPOL, through the Water Police, in particular, work closely with the SES on marine rescues. I take this opportunity to commend SES members for their contribution to emergency services in this state. On a day like today, in particular, when we have had severe storms throughout South Australia, I understand that they took around 700 calls. They are very dedicated and committed members of our community.

An honourable member: They do a great job.

The Hon. CARMEL ZOLLO: They do a very good job. The new rescue craft is a 7.8 metre Noosa Cat offshore rescue vessel, and it is powered by twin 225 horsepower outboard motors. It has been fitted with state-of-the-art navigation equipment to ensure the safety of SES volunteers who may be required to operate in rough seas, often at night. The vessel was constructed in Queensland by Noosa Cat Australia.

A competition to name the vessel was won by Napperby Kindergarten student, Nicholas Yarrow, with his entry *Sea Angel*. Over 23 000 students entered the competition. Nicholas, who had celebrated his fifth birthday the previous day, was present at the ceremony, together with his parents. Nicholas received a prize, which included an electronic game and accessories. He was one happy young gentleman.

Port Pirie SES crews have undertaken extra training to familiarise themselves with the new vessel and to ensure that they can operate it in a range of conditions and search and rescue scenarios. The round-the-clock availability of the new rescue boat will mean that Port Pirie SES volunteers will be able to provide a quick response to search and rescue call-outs. The Port Pirie SES Unit is accredited to provide marine rescue services for the northern waters of the Spencer Gulf, and the unit has been providing those services effectively and efficiently for the local community for more than 12 years.

This vessel will further enhance the unit's ability to continue to respond to emergencies and, therefore, provide even greater safety and support for the community. While I was in Port Pirie, I was also pleased to officially open the new SES North Region Headquarters building, and I was honoured to officiate at the SES North Region National Medal Presentation Dinner. I commend all SES volunteers in the North Region for their continuing effort. I was pleased to witness individual service being recognised at the presentation dinner.

As a result of the SES restructure from nine regions to four, the new centrally located regional headquarters is a merger of the previous three regions into one region, which now covers 75 per cent of the state. The new building has the capacity to conduct centralised training and meetings, and coordinate SES activities, both tactically and strategically, from one single location within the region. The building has an operations and coordinations centre incorporated into its design, which is capable of coordinating both SES and marine rescue incidents.

The *Sea Angel* and the new North Region Headquarters are further evidence of this government's commitment to ensure that our state's emergency services are properly

resourced, so that they can continue to play their vital and community support role in the South Australian community. It is a shame that members opposite and some members behind me are not interested in the good work that the SES undertakes on behalf of our community, but I certainly do commend all its members.

EDUCATION AND CHILDREN'S SERVICES

The Hon. KATE REYNOLDS: I seek leave to make a brief explanation before asking the Minister for Mental Health and Substance Abuse, representing the Minister for Education and Children's Services, a question about the lack of educational expertise within the Department of Education and Children's Services.

Leave granted.

The Hon. KATE REYNOLDS: I was reading (as I am sure most members have done) the *South Australian Education Union Journal* of September 2005. The Vice President in his column entitled 'Dealing with DECS' writes:

> Over the past months we have seen a change in the DECS industrial culture. It has moved to one that actively excludes the union, and which contrasts starkly with the election promises of Rann and the cultural reform that occurred after the 2002 election. Unlike the Spring offensive [referring to the previous CEO Mr Geoff Spring] educators are being removed from key policy positions and replaced by public servants with limited knowledge of education. . . As educators we often assume that others understand our world. The reality is they don't. . . AEU members have a strong commitment to public education built on our experiences and beliefs. We have seen a range of fads come and go, and some of us have been around long enough to see them come again. It is with this knowledge and experience that we evaluate any new government scheme and resist those we know would be detrimental.
>
> When we came to the EB process. . . We presented what was good for education. The claim should have been the government's education policy and it should have been strongly supported by DECS. So why wasn't it?
>
> In talking to members there is an assumption that in negotiations we are dealing with fellow teachers and lecturers. Many members assume that negotiators have been at the chalk face and have knowledge that assists us in presenting our case.
>
> Unfortunately this is not the case, and I believe it is going to get worse. . . The government's tactics have been to separate the discussions from the agency.

He then described how the negotiations were overseen by the Minister for Industrial Relations, and he suggests that was to let the Minister for Education and Children's Services 'off the hook when tough decisions need to be made'. The column then explains the differences in costs between providing quality education, upgrading North Terrace and driving ministers around in white cars, when members participating in these discussions have to pay their own way. The article continues:

> The real problem with DECS' industrial focus is the loss of educators with knowledge of schools in key strategic and policy positions. This will only get worse with recent retirements. There was a clear lack of understanding of the difference between us and public servants and limited knowledge of the instruments under which we are employed.
>
> Negotiations should have been handled by people with education backgrounds. I can't believe there wasn't a respected and experienced principal out there who, having managed the ups and downs of their school, was not suitably qualified for the job. It worked in the past.

So my questions are:

1. As at today, which senior positions in each of the eight sections of the Department of Education and Children's Services, as outlined in its organisational chart of August 2005, are held by employees with tertiary qualifications in education?

2. How many of these people participated in this year's enterprise bargaining negotiations?

The Hon. CARMEL ZOLLO (Minister for Mental Health and Substance Abuse): I thank the honourable member for her question. I will refer the questions that she has asked in relation to DECS to the Minister for Education in the other place and ensure that she has a response.

CORRECTIONAL SERVICES OFFICERS

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Correctional Services questions about the recruitment and retention of prison officers.

Leave granted.

The Hon. T.G. CAMERON: A major study is currently underway into why the Department for Correctional Services is finding it difficult to recruit and retain prison officers. The Department for Correctional Services is very selective about whom it recruits, with only one in every 10 applicants being accepted to train as a prison officer. Currently, the state has just over 800 prison officers. A recent PSA survey has identified a number of issues influencing turnover, including: stress, poor pay, and the lack of promotional opportunity and career paths. Under existing awards, a prison officer can stay on the same pay rate for many years, despite their experience, which has led to morale problems. I understand that issue is being looked at and a formal recognition system in the form of a level skill allowance for experienced officers is being examined.

The most disturbing concern, however, was raised by the PSA's Chief Industrial Officer, Mr Peter Christopher, who was recently reported in the *Sunday Mail* as saying that the increased stress levels caused by the number of prisoners with mental health conditions was a major issue. He stated:

> A decade ago many of them would have been in an institution but now they are in the community. This is a real issue because, sooner or later, some end up in prison and our members don't have the expertise to deal with them.

Therefore, my questions to the minister are:

1. How many of the state's prisoners, both male and female, have been diagnosed with mental health illnesses?

2. Do the state's prison officers presently receive any training to help them recognise and deal with prisoners who have mental health illnesses? If they do not receive any such training, will the government consider introducing some form of training?

3. How many officers took stress leave in the year 2004-05, and how many of these took stress leave as a direct result of having to deal with prisoners with mental health issues?

The Hon. T.G. ROBERTS (Minister for Correctional Services): I thank the honourable member for his question. I saw the article in which a lot of the questions raised by the honourable member were canvassed. They are the important issues that face the management of corrections into the immediate future, and he has highlighted some of the problems we have now in terms of recruitment. They are inter-related questions.

When I was first given the responsibility of Correctional Services, I visited some prisons interstate. It was fortuitous that the *Four Corners* program last night had a segment on the Goulburn Prison, which is one of the toughest prisons in Australia, with some of the toughest clients with gang

problems and gang leaders, and they take some controlling. It is a prison that has a lot of violence between the groups within it.

One of the things that we are trying to do in South Australia is break down the military style presence of prison officers and employ prison officers who have a wider range of skills, and that includes women. We are trying to recruit those people who would have had at least some introduction to social skills that either came with years of experience in their own lives or were learnt at a stage within their educational development.

That is restricting the number of correctional services officers we can take who are qualified in the way we would like them to be qualified in order to handle some of the difficult issues that come with this change of impetus. What we are trying to do is to have a less confrontational approach and a more humane interaction between prison officers and prisoners, recognising that it does not matter what social skills people have, or what social interaction you try to encourage, some prisoners in the system will not change their way of living and operating and therefore will attract longer sentences when they end up in prison.

As I have said, the recruitment style has restricted the number of successful applicants we have been able to encourage to join Correctional Services. However, the decision has been made not to lower the bar when trying to get the sort of people we require to work with prisoners within the prison system so that, rather than having a confrontational approach, the recidivism rate is lowered. As the *Four Corners* program pointed out towards the end, all prisoners have to leave prison and rehabilitate themselves into the community. With that in mind, you really have to change some of the attitudes people have in their day-to-day relationships in prison so that, when they get out of prison, they are able to re-socialise as normal citizens. We are trying to maintain the level of recruitment required to replace some of our retired and retiring members. There is turnover in the system due to stress; I do not have those figures, but I will try to obtain them for the honourable member. There is skills training for prison officers in the system.

Quite a number of prisoners have mental health problems, and I am told that roughly one-third of prisoners have some mental health issue. With drug and alcohol abuse, and mental health problems, more prisoners are coming into the system with those social problems, so we are now looking at exiting programs for those prisoners, with follow-up skills for prison officers to deal with the mixture of prisoners we are getting through the system. I have reported to the council before that other states are looking at different ways of dealing with mental health problems associated with prison.

I would like to visit the New South Wales prison which is trying to deal with mental health issues by building a mental health service within the prison itself. I am not quite sure whether that is the way to go, and you segregate prisoners on that basis, or whether you deal with them in the main prison system. I would like to see more information and talk to those people in the prison system who are dealing with prisoners with mental health issues to see what options can be brought to bear inside the prison system. When those prisoners leave prison, you really need to follow up with them through the mental health services that exist within the broader community.

So, we are trying to wrestle with these issues to bring about policies with the new configuration the government will have to deal with in relation to prisons and the prison services we offer. All the issues the honourable member raises are now being discussed and taken into consideration. I hope to bring back as much information as I can to satisfy the requirements of those questions I have not answered.

The Hon. IAN GILFILLAN: As a supplementary question I ask the minister: is part of the difficulty in enrolling the calibre of people who are needed currently a result of difficulty in changing the image of the warders from the sort seen on the show *Porridge* to that of the more sophisticated and sensitively trained people to do the job? When he answers that question, perhaps he could state whether the approach in South Australia is shared with other states or whether we are going alone in this more enlightened way of looking for staff.

The Hon. T.G. ROBERTS: I think each state has different problems in relation to its clients within its prisons, and different prisons have different problems associated with different clients. The *Four Corners* program highlighted that within one system within the Goulburn gaol there were two major categories of prisoners, some more difficult to deal with than others. So, there are different styles of meeting violence, and meeting the latent violence that exists within prisons can only be dealt with in a particular way. From my experience of visiting prisons interstate I would think there are different styles of recruitment for different prisons. For instance, the country gaols in the Western Districts of Victoria were recruiting mainly from the community itself around Ararat, and they were people similar to those whom we are recruiting to the Mount Gambier and Port Augusta prisons. Hopefully, they are home grown people.

At Mobilong we employ a lot of people from Murray Bridge who have life skills in the main but who do not have skills in the correctional services sector, whereas if you look at a prison in or just outside Wagga, where there are high security problems associated with prisoners, you would need highly professional people who have had experience within the prison system. So, it is horses for courses. More women are being recruited. In the past it has been people with military style backgrounds or people who can adapt to a military style background, and women were certainly not on the list for being recruited. That is starting to change now, and the methods that go with that approach depend on the nature and style of prisons and prisoners. Hopefully, the new style of management will bring about a better rate of non-return to the prison system.

EMERGENCY TELEPHONE SERVICE

The Hon. A.J. REDFORD: I seek leave to make an explanation before asking the Minister for Emergency Services a question on the topic of the emergency telephone service.

Leave granted.

The Hon. A.J. REDFORD: Yesterday I informed this chamber that a constituent—a serving MFS officer—had informed me that the 000 emergency telephone system had failed to transmit emergency calls to the MFS on 8 October 2005, a very serious matter indeed. I have been informed of similar incidents in relation to the MFS stations at Ridgehaven and Elizabeth. In response to my questions, the minister advised the council that she was unaware of these allegations, that she was very concerned about what was alleged and that she would undertake to get an immediate report and bring back a response. In light of this and the fact

that the MFS has an important role to play in any emergency, including a terrorist incident, which we understand more clearly after last night's and today's events, my questions are:

1. Has the minister now received a report on this alleged failure?

2. If so, can she inform the council of what happened in relation to these three incidents?

3. What is being done to prevent these drop-outs in future?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for his question again. Following question time yesterday, through staff we verbally contacted the Chief Officer of the MFS and I was made aware of an interruption to the communication of emergency calls to MFS headquarters last month, not of the other two at this time, but I am also aware that inbuilt redundancy of the system was triggered as a result, which is another word for backup. This redundancy involves calls going through to the 000 service of the police when there is no capacity at the MFS. I am quite serious about finding out exactly how such a communications interruption occurred and being able to ensure that the MFS can learn from any issues that have arisen from it.

In all our emergency services agencies, when things do not go as planned, we obviously need to learn and learn very quickly from any mistakes and, as such, I have asked the Chief Officer of the MFS to initiate an investigation into the communications interruption and also the reporting line, and why that did not happen, so that we can safeguard against any such interruptions and ensure that, when such an incident, as I said, does occur, we can start to work on any potential remedies immediately. I can assure the honourable member that the technical issue was rectified as soon as it was discovered and contingencies have been put in place immediately to ensure that it does not recur but nonetheless, as I said, an investigation is happening as we speak and as soon as that is ready I will come back and advise the honourable member exactly how it went wrong and what we do about to make it even better in the future.

The Hon. A.J. REDFORD: I have a supplementary question. Given the failure of the appropriate persons within MFS to report this serious incident to the minister in a timely fashion, has the minister implemented any reforms to ensure that the minister is kept properly informed of incidents as serious as this?

The Hon. CARMEL ZOLLO: I thank again the member for his supplementary, but I thought I had answered that—the reporting line as well. Obviously it is very important that I am reported to straightaway.

AUSTRALIAN PERFORMANCE SPORTSCARS PTY LTD

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister for Industry and Trade questions about Australian Performance Sportscars Pty Ltd.

Leave granted.

The Hon. J.F. STEFANI: I refer to articles published in *The Advertiser* of 21 March and 11 May 2005. The first article indicated that Australian Performance Sportscars Pty Ltd had set up in Adelaide in August 2004 and that the company had an agreement with Marcos in Britain to import and manufacture a sports car model suitable for Australia and the Asia Pacific region. The Premier, the Hon Mike Rann, introduced a TSO GT sports car at the Clipsal 500 held in March this year when Mr John Pryce, the managing director for Australian Performance Sportscars, announced that the company was hoping to manufacture the car in South Australia early next year.

The article published in *The Advertiser* of 11 May 2005 reported that the negotiations between the state government and Marcos Engineering Limited in Warwickshire, England, were well advanced and that a decision was expected soon. The article indicated that the Premier had visited the Marcos plant as part of his overseas trade mission to the UK and the US. In fact, the article reported that the Premier was driven around the company's test track in an open sports car during his visit to the plant as shown in a photograph published on page 11 of *The Advertiser* dated 17 May 2005. The Premier was quoted as saying that it made perfect sense to him that the Marcos sports car should be built in South Australia.

When asked about government assistance, Mr Stelliga, the Chief Executive of Marcos Engineering, said that he was a little reluctant to jump to carrots and that they wanted to earn their way. I also note that the Premier had visited the automotive technology company, Prodrive, which had entered into a partnership with Marcos, with a view to exploring future business opportunities for South Australia, especially in motor racing and car component manufacturing.

A recent print-out from the Australian Securities and Investments Commission indicates that there is an application for a winding up order of Australian Performance Sportscars Pty Ltd. In view of this serious development my questions are:

1. How much money did the South Australian government provide to Australian Performance Sportscars Pty Ltd by way of grants to establish a manufacturing plant in South Australia?

2. Was any other government assistance or incentive provided to this company and, if so, what was the form of assistance or incentives offered?

3. Will the minister table all documents that related to the negotiations entered into by the Premier or himself on behalf of the state government between Marcos Engineering Pty Ltd and Australian Performance Sportscars Pty Ltd?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I do not believe any financial assistance has been given to that company. Obviously the government, as it does with any proponent who puts up an offer, provides what assistance it can through the department in terms of advice and the like. Certainly that company would have been assisted in that regard by the department, but I do not believe any financial assistance has been given to the company. I will check that and get back to the honourable member if that is not the case, but I do not believe any financial assistance has been given to the company. If I need to add anything further, I will take the question on notice.

PIKA WIYA HEALTH SERVICE

The Hon. G.E. GAGO: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question about Aboriginal health.

Leave granted.

The Hon. G.E. GAGO: An article in the Port Augusta *Transcontinental*, dated 12 October 2005 and entitled 'Social wellbeing taken care of', focuses on the social and emotional wellbeing team (SEWB)—a program run by the Pika Wiya Health Service. It states that the SEWB team has a mandate

to provide social and emotional wellbeing support to what are mostly Aboriginal residents within the health service region. My question is: will the minister inform the council on other initiatives in this area?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for this important question. It gives me the opportunity to acknowledge the work Pika Wiya Health Service does in the Port Augusta regional community. It is an Aboriginal community-controlled health service operating in the northern and western parts of South Australia. It aims to advance the social, spiritual, cultural and economic status of local Aboriginal people and to pursue better outcomes for Aboriginal communities through improved primary health care. It works in addition to the mainstream health services but is considered an important link in Aboriginal communities within the north and western regions of the state in encouraging Aboriginal people to use services and link into existing services. In addition to initiatives developed and implemented by the social and emotional wellbeing team, Pika Wiya administers a wide range of preventative, curative and awareness-raising programs in areas including oral health, chronic disease and women's health.

As part of its mental health focus, the social and emotional wellbeing team runs alcohol and substance misuse programs. In 2003 Pika Wiya entered into a partnership with the Northern and Far Western Regional Health Service, initiating the 'Raise wellbeing' program. The initiative focuses on improving mental health services and making them available to Aboriginal people in the north of South Australia. This is being achieved through improving the responsiveness and cultural awareness of mainstream health service provision with respect to Aboriginal clients.

Some detractors of the service do not believe that this is necessary. However, having seen it first hand, I believe the work of encouraging Aboriginal clients to use the service is a major challenge. Before the Pika Wiya service was introduced, people with chronic health problems were not presenting at any of our health services and, without any treatment at all, their problems were getting worse. Now, Pika Wiya is building those bridges and giving Aboriginal people the confidence to deal with these chronic health problems, which many of them pick up because of poverty and because of where they live or where they come from.

Programs facilitating the sharing of valuable knowledge and expertise between Aboriginal and mainstream health services and systems are in the area covering Port Augusta, Hawker, Leigh Creek, Marree, Lyndhurst, Nepabunna and Quorn. The program continues to grow, and it is all about 'thinking outside the square', creatively and collaboratively approaching the provision of health services to both Aboriginal and non-Aboriginal clients.

The peer shadowing arrangements put in place under the initiative is one mechanism that promotes information exchange across the health sector. The creative approach to problem solving includes sharing resources and staff at times of crisis or emergency. Forums are held once a month to bring workers together across the local health services to workshop ideas for improved service delivery and to share experiences and expertise. While there is a long way to go before seamless linkages exist between the local Aboriginal and mainstream health service providers, the initiative is certainly improving existing work relationships and forging new arrangements to help improve service delivery to Aboriginal clients.

I pay my respects for and put on the record my acknowledgment of the work done by people in this area who have to cover long distances and work in very difficult circumstances to ensure that clients who really need these services make themselves available to the mainstream and the special services that have been set up for Aboriginal clients.

REPLIES TO QUESTIONS

SPEED CAMERAS

In reply to **Hon. J.F. STEFANI** (12 April).

In reply to **Hon J.M.A. LENSINK** (12 April).

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

The Commissioner of Police has advised the following:

Number of motorist caught speeding 1/7/03 to 30/6/04

JEFFCOTT STREET, NORTH ADELAIDE	NOTICES ISSUED
UP TO 60 KM/H	1164
61 – 65 KM/H	3017
66 – 70 KM/H	685
71 km/h & Over	224
TOTAL	5090

NORTH TERRACE, ADELAIDE	NOTICES ISSUED
UP TO 60 KM/H	474
61 – 65 KM/H	1141
66 – 70 KM/H	224
71 km/h & Over	82
TOTAL	1921

Number of motorist caught speeding 1/7/04 to 30/3/05

JEFFCOTT STREET, NORTH ADELAIDE	NOTICES ISSUED
UP TO 60 KM/H	1124
61 – 65 KM/H	2630
66 – 70 KM/H	571
71 km/h & Over	177
TOTAL	4502

NORTH TERRACE, ADELAIDE	NOTICES ISSUED
UP TO 60 KM/H	233
61 – 65 KM/H	504
66 – 70 KM/H	97
71 km/h & Over	37
TOTAL	871

NORTH TERRACE ADELAIDE - (fixed site)	NOTICES ISSUED
UP TO 60 KM/H	1380
61 – 65 KM/H	3546
66 – 70 KM/H	729
71 km/h & Over	249
TOTAL	5904

In response to the first supplementary question:

The Commissioner of Police has advised that for the period 1 July 2004 to 30 June 2005, one collision was recorded as occurring on Festival Drive, and that during the dates specified, Festival Drive was treated on one occasion with an electronic speed analysing device (Laser).

The deployment of speed cameras is based on an intelligence assessment of locations, which have a 'road safety risk', or locations, which contribute to a 'road safety risk' at another location.

In assessing the 'road safety risk' for a location, the following factors are considered:

- Whether the location has a crash history;
- Whether the location contributes to crashes in other locations;
- Whether the location has been identified by SAPOL Road Safety Audits as having a road safety risk;
- Where intelligence reports provide information of dangerous driving practices associated with speeding, especially speed dangerous; and
- Whether the physical conditions of a location creates a road safety risk.

In response to the second supplementary question:

The Commissioner of Police has advised that speed cameras are not camouflaged or hidden from sight, when operating on roads. The

camera unit is often enclosed in a cover, which is designed to protect the speed analysing device from the elements of the weather. Speed cameras are usually located on the footpath or side of the road, so that the unit can monitor traffic efficiently, but at the same time not be a danger or distraction to road users. On some occasions, foliage such as trees and bushes may be in the vicinity of an operational camera, as there may be no other position on the portion of the road being monitored where the camera can be safely set up. In addition, it is standard operating policy to place a speed camera advisory sign on the side of the road within 200 metres of the departure of the camera, advising motorists that they have just passed a speed camera.

In response to the third supplementary question:

The following figures have been provided by South Australia Police for the period 1 July 2004 to 30 June 2005, concerning Port Road, Thebarton (opposite the Thebarton Police Barracks). During this period, nine casualty collisions were reported. The road has been subjected to electronic speed analyser monitoring on 52 occasions. On 14 occasions, a laser monitoring device has been utilised and on 38 occasions, speed cameras were deployed.

MAWSON LAKES, TRANSPORT

In reply to **Hon. D.W. RIDGWAY** (6 July).

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

1. Construction of the railway platform is not yet complete. The level of work completed is currently 50 mm lower than the level required to provide access to trains. This allows for the final concrete surface to be placed on top of these works. The finished level will therefore match the required level for access to trains.

2. No action is required as the finished platform level will enable passengers to board and alight from a train in safety.

3. This work is part of the project scope – there is no additional cost associated with this work.

4. The construction process for the platforms has not delayed the project. The delay has occurred through the need to resolve complex design issues with affected parties.

GOVERNMENT LOGO

In reply to **Hon. D.W. RIDGWAY** (24 May).

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

1. A Minute from the Premier introducing the Common Branding Policy to the Government was distributed to all Department Chief Executives and all Cabinet Ministers (20/1/05).

The existing state logo has not changed. Two additional versions of the state logo have been introduced to add flexibility when design or application precludes the use of the standard logo.

An additional complimentary logo format has been developed for use by individual Government entities.

In recent years a number of Governments across Australia have adopted a form of common branding policy. This includes the Tasmanian, Queensland and Western Australian state Governments, along with the Australian Government.

2. Implementation across the departments is being funded from within existing budgets. Each department has been supplied with digital logo and stationery files that can then be used to execute agency specific files as required.

3. A twelve month compliance schedule with progressive targets has been developed to allow sufficient time for agencies to comply and existing consumables and print collateral to be exhausted. The policy will apply on reprint or reorder.

4. Government Ministers and Ministerial offices have been provided digital artwork files for stationery that may apply on reprint or reorder. This ensures that existing stationery stocks are consumed.

5. Standardisation of the use of the Government of South Australia logo across all Government entities supports the SA Strategic Plan objectives of Growing Prosperity, Improving Wellbeing and Building Communities. The Common Branding Policy facilitates community access to programs and services and enables the general public to easily recognise information and messages provided by the Government of South Australia.

SPEEDING OFFENCES

In reply to **Hon. D.W. RIDGWAY** (7 February).

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

The Commissioner of Police has advised that:

1. SAPOL maintains details of expiation notices issued prior to 2002.

2. Speed revenue details have been maintained by SAPOL since the implementation of the expiation notice system. Prior to programming changes, some records were not subject to electronic extraction and not released as they required manual intervention.

3. Information held by SAPOL provides a focus on offences by location or detection zone. Locations for speed camera detections are documented using a code, however other forms of detection (hand held laser, mobile radar etc) are recorded as free text and not subject to electronic extraction. Programming changes have enabled the extraction of speed camera statistics that were previously not available electronically. Information provided by SAPOL on fine revenue will reflect the dollar value of notices issued. Actual payments are a combination of notices expiated and notices enforced by the Courts.

STATE TRANSPORT PLAN

In reply to **Hon. D.W. RIDGWAY** (22 September 2004).

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

The State Infrastructure Plan was released on 6 April 2005 with the regional component of the plan released on 4 May 2005.

Along with the release of the plan, the Rann Government announced its initial $215 million commitment to several new major transport infrastructure projects for metropolitan South Australia:

- $122 million for a tunnel to take South Road under Grange Road, Port Road and the Outer Harbor rail line;
- $65 million for an underpass at the intersection of South Road and Anzac Highway;
- $47 million to widen South Road between Port Road and Torrens Road;
- $21 million to extend the Glenelg tram line to North Terrace to link with Adelaide Railway Station; and
- $7 million for a new major bus and rail interchange near the Marion Shopping Centre.

The projects announced for South Road will address the two most congested traffic bottlenecks on this primary north-south corridor. This is the first stage of a plan to transform South Road and create continuous, non-stop travel from the Southern Expressway at Bedford Park to the Port River Expressway at Wingfield – a distance of 22 kilometres.

These transport initiatives are complementary to the Government's overall development strategy for the port at Outer Harbor, which includes the Port River Expressway, Le Fevre rail freight corridor upgrade, provision of headworks at Outer Harbor, the new deep-sea grain port and deepening of the Outer Harbor shipping channel.

Stage 1 of the Port River Expressway is now operational and contracts for Stages 2 and 3 – the road and rail bridges, were awarded in July 2005 with work expected to begin in October this year. The deepening of the Outer Harbor shipping channel commenced in June 2005 and will be completed by the end of 2005.

In addition, the Government has commenced a two-year planning study to extend the Sturt Highway from Gawler to Port Wakefield Road. The Northern Expressway project will also include the upgrade of a nine-kilometre stretch of Port Wakefield Road between Waterloo Corner and Salisbury Highway, making the connection with the Port River Expressway and the South Road corridor. This is the largest infrastructure project to be undertaken in South Australia since the South Eastern Freeway in the late 1960s and when completed will provide a direct link from the Sturt Highway to the import and export facilities at Outer Harbor.

In reply to **Hon. D.W. RIDGWAY** (19 July 2004).

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

1. The only plans that existed at the time were those from the Metropolitan Adelaide Transportation Study (MATS) plan of 1968, which showed a new route for a freeway through existing suburbs that required extensive land acquisition and major impact on local access. There was wide spread community concern about the loss of commercial and residential properties along the alignment of the freeway, which lead to the scheme being abandoned.

2. In April 2005 this Government released the Strategic Infrastructure Plan for South Australia, followed in May 2005 with a companion document specifically for Regional South Australia. These plans identify a range of opportunities for infrastructure

development and sets out a strategic approach to infrastructure decisions for the coming 10 years. They cover all aspects of the state's infrastructure, including transport, and prioritises this investment so South Australia can grow our economic, environmental and social capital.

3. The Transport Plan is currently being finalised so that it is consistent and integrated with both the Strategic Infrastructure Plan for South Australia and Regional South Australia, and South Australia's Strategic Plan.

4. As part of the release of the Strategic Infrastructure Plan for South Australia, this Government announced that $187 million will be invested into South Road for an underpass at Anzac Highway and a tunnel at Grange and Port Roads extending under the railway line – the two most congested traffic bottlenecks along South Road. These two investments alone will deliver significant travel time and safety benefits along Adelaide's primary north – south corridor.

5. This Government will spend $218.5 million on transport projects in 2005-06. This compares with $129 million in 2001-02, in fact transport spending will peak in 2006-07 with $266 million allocated to transport projects across the State. Included in the 2005-06 works program is $2.3 million to improve the Penola Road entrance to Mt Gambier, $6.8 million for State black spots (two thirds of which will be spent in regional South Australia), $2.5 million to commence works on the Eyre Peninsula Grain Transport Project, and three critical South Road improvements in metropolitan Adelaide.

Regional South Australian's will benefit from this Governments clear focus on economic infrastructure projects and safety infrastructure projects.

With regard to economic infrastructure projects rural communities will continue to benefit from investments by the Government in major road projects in the metropolitan area, such as the Port River Expressway and upgrades to major network components, such as South Road. These road links significantly improve access to the Port of Adelaide and other key freight facilities, thereby providing considerable economic benefits to rural areas through more efficient movement of commodities such as grain, citrus and wine products for export.

A primary concern for this Government is ensuring as much as possible is done to improve road safety in rural areas. The Government continues to provide significant funding for the Shoulder Sealing, Overtaking Lane, State Black Spot, Responsive Road Safety, Level Crossing Safety Upgrade and Mass Action programs. Approximately two thirds of this funding in 2005-06 will be directed to road safety improvements in the rural environment.

Further, addressing deterioration of regional road infrastructure is a core component to the Governments economic and safety focus. In 2005-06, $68.3 million has been budgeted for road maintenance activities, approximately two thirds of this budget being allocated to road maintenance activities for rural roads across South Australia. The 2005-06 financial year also represents the first of a three-year $22 million Long Life Roads program. This will further contribute toward addressing the quality of this States roads, particularly in Regional South Australia.

There is no question that regional road infrastructure is a priority for this Government.

KANGAROO ISLAND RESORT

In reply to **Hon. SANDRA KANCK** (25 June 2004).

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

1. The South Australian Tourism Commission (SATC) first became aware of this development proposal in early 2003.

On 21 February 2005, a State Government interagency meeting to discuss the proposal was attended by officers from Department of Environment and Heritage (DEH), Department of Water, Land, Biodiversity and Conservation (DWLBC), Office of Infrastructure Development (OFID) and the SATC.

2. (a) The SATC has had a number of meetings with the proponent and sought collaboration and support from other relevant State Government agencies to assist in realising this development.

The proponent has sought infrastructure support for the development and has indicated assistance would be needed with the access road, provision of electrical power, water supply, wastewater treatment and bush fire protection.

(b) Yes.

3. I, as the Minister for Urban Development and Planning, declared that this project would be assessed as a Major Development to ensure that it undergoes rigorous environmental assessment.

TAXIS EXPENDITURE

In reply to **Hon. T.G. CAMERON** (23 May).

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

1. In October of 2004 'The Advertiser' lodged Freedom of Information applications with each government department to obtain information on use of taxis and hire cars (excluding Fleet SA short term hire cars) by public servants across government. The information gathered was recently published in 'The Advertiser'. The cost of taxis for the DAIS portfolio for the 2003-04 financial year was $242,967.41 (excluding GST).

Public Sector Management Act Determination 8 states "The chief executive may authorise the establishment of Cab Charge or other credit facilities for the payment of travel by taxi within the agency. Once authorised, agencies should establish clear local procedures for the use of cab charge or other credit facilities by employees.

The procedures used by Victorian government departments with regard to taxi use are unknown.

2. Use of taxis is not managed centrally, but by each government department individually. It is not intended to review this arrangement.

SWIMMING CENTRE

In reply to **Hon. T.G. CAMERON** (31 May).

The Hon. T.G. ROBERTS: The Minister for Recreation, Sport and Racing has provided the following information:

1. The State Government through the Office for Recreation and Sport, the Office for Infrastructure Development and the Department of Treasury and Finance has worked with the Marion Council, to progress a PPP project including examining funding options and the affordability of the project.

The Government has provisioned for up to $15 million for matched funding from the Federal Government and the Marion Council is committed to contributing via the provision of the site.

The Marion Council made formal application with the support of the State Government to the Federal Government seeking matched funding for the development of the Aquatic Centre.

The project was not funded in the 2005-06 Federal budget. Subsequent to this, I have both corresponded and met with the Federal Minister (Senator Kemp) and corresponded and met with Federal Minister Minchin to reaffirm the State Government's desire to continue to pursue a Federal funding contribution.

The Marion Council has also met with Senator Minchin recently to pursue the issue of Federal funding.

On a number of occasions I have voiced the Government's disappointment at the Federal Government's budget decision whilst reiterating that the Government has provisioned for matched funding to the project.

The State Government is committed to working with Marion Council to re-apply to the Federal Government for funding.

2. I recently met with Senator Minchin to progress this matter.

I have also corresponded with Federal Ministers Kemp and Minchin in May 2005 regarding the lack of funding for the project in the budget and reiterated the State Government's commitment of $15 million to the project.

GAMING MACHINES

In reply to **Hon. R.I. LUCAS** (23 May).

In reply to a supplementary question asked by **Hon. NICK XENOPHON** (23 May).

In reply to a supplementary questions asked by **Hon. A.J. REDFORD** 23 May).

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

1. I should first correct the numbers quoted by the Hon Rob Lucas. 169 gaming machine entitlements from 21 venues were offered for sale in the first round of trading. In accordance with the Regulations, 42 of those (25%) were withheld from the pool leaving 127 for distribution to purchasers. All of the applicants in priority group one (that is, those venues that incur a compulsory reduction in gaming machines of greater than 20%) were successful in receiving the entitlements available to them. The remaining entitlements were balloted between all eligible purchasers in priority

group two (that is, all venues that suffered a compulsory reduction of gaming machines).

Of the 42 entitlements withheld from the sale pool, 27 are recovered to the Crown and cancelled and the other 15 will be given to the holder of the special club licence (Club One).

It is not surprising that there were greater requests to purchase than sell entitlements. The 281 largest hotels had machines compulsorily removed from their premises. As expected a significant number of them wish to return to the 40 gaming machine cap.

The decision to sell gaming machine entitlements remains voluntary for all venues. 21 licensees (3.5%) decided to sell entitlements. I am advised that the system worked smoothly and this may demonstrate its benefits to other licensees.

The trading system has been simple and the fixed price has created certainty in the operation of the trading system. It has also provided broad access to entitlements, they were equally available to regional areas and they were not just bought by the big metropolitan gaming machine venues.

I am advised that South Australia had more venues selling gaming machine entitlements and almost exactly the same number of entitlements offered for sale by licensees than the first round of trading in Queensland which occurred last year. That comparison is even better for South Australia when you consider that there are almost 50% more entitlements in operation in Queensland and there was no fixed price in Queensland.

2. The timing of trading rounds is a matter determined by the Liquor and Gambling Commissioner.

Prior to the first round of trading having commenced the Australian Hotels Association had requested that a second round trading take place as early as possible. They have requested this timing in order to minimise any requirements and costs for removing the physical gaming machines from premises where they are subsequently able to purchase entitlements in the second round of trading. A second round of trading will occur on 21 September 2005.

3. The process of recovery of entitlements through the trading system is set out in the Regulations and they specifically state that the existing trading scheme, including the relinquishment of machines ceases when the 3,000 target is achieved. As has been stated many times the decision to sell gaming machine entitlements is voluntary and how quickly the full 3 000 entitlement reduction is achieved is dependent upon individual venues choosing to sell.

Members should also note that it will take longer to achieve a 3 000 machine reduction as a result of the decision of the Parliament to exempt non-profit venues from the compulsory reduction in gaming machine numbers.

4. The legislation specifically provides for a review of the operation of the trading scheme to be conducted by the Independent Gambling Authority by 31 December 2005.

5. The Government has no current plans to introduce further legislation on this matter

6. Of the 21 venues selling entitlements 12 licensees are selling all of their gaming machine entitlements and 9 are selling part of their entitlements.

The 12 venues that have sold all of their entitlements are:
British Hotel (Port Adelaide)
Curramulka Hotel
Eudunda Motel Hotel
Wunkar Golden Grain Tavern
Bull and Bear Ale House
Kangaroo Island Lodge
Renaissance Tower
Spalding Hotel
Adelaide Bowling Club
Grange Bowling Club
Edwardstown Bowling Club
Billiards and Snooker Assoc of SA

7. There was significant discussion regarding the price of gaming machine entitlements during debate on the Bill. I am advised that the fixed price provided broad access to entitlements. I also reiterate the favourable comparison of South Australia's trading round with Queensland as discussed in my answer to Question One.

8. The Department did not provide any estimates of the number of gaming machine entitlements that would be culled in the first round of trading. The sale of gaming machines entitlements remains a voluntary matter for gaming machine licensees.

GAMBLING, SOUTHERN SUBURBS

In reply to **Hon. T.G. CAMERON** (28 June).

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

1. The advice I have received is that there were 47 venues with gaming machines in the area covered by the Office of the Southern Suburbs in 2004-05. The Government's tax revenue from these 47 venues during that year was $49.325 million.

2. There is no link between revenue and service provision in geographic areas.

For the benefit of the Member, I am advised that in 2004-05, the Gambler's Rehabilitation Fund provided $258,000 to United Care Wesley Adelaide, Southern Metro and $216,000 to the Intensive Therapy Services for Problem Gamblers at the Flinders Medical Centre, noting that the services provided at the Flinders Medical Centre is a state-wide service. There are also significant other state-wide services provided through the Gambler's Rehabilitation Fund including the telephone counselling services, community education and demographic rather than geographic targeted services.

3. Funding for the two counselling services in the Southern Suburbs has increased from $363,000 in 2001-02 to $474,000 in 2004-05.

As the Member is aware the Government has provided a significant increase of $3 million per annum to the Gambler's Rehabilitation Fund since coming to office.

DISABILITY SERVICES

In reply to **Hon. KATE REYNOLDS** (6 April).

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

There are a total of 9 agencies providing day options to clients in receipt of Moving On funding in country South Australia. In areas where there are no agencies providing services, families can purchase individual services through Community Support Inc (CSI) using Intellectual Disability Services Council (IDSC) individual brokerage.

In order to provide this year's school leavers with five day options, funding allocations were increased and a 10% country loading was attached. This allowed country Moving On participants entering the program this year to purchase the full time services available to metropolitan clients through the Minda and IDSC pilots.

As of July 2005, 19 young people from country South Australia entered the Moving On Program.

- One young person from Port Lincoln is being provided with a five day option from LEPSH Inc.
- Two people from Whyalla are being provided with a five day service from Community Choices.
- One person from Port Augusta is being provided with a five day service from Alabricare.
- One person from Victor Harbor is being provided with a three day service from Community Living and Support Services Inc and two days of employment from the Fleurieu Work Scheme.
- One person from Piccadilly is being provided with day service for five days a week from Community Access Services of SA Inc.
- One person from Port Wakefield is being provided with day service for five days a week from Living Skills Inc.
- One person from Clare is being provided with day service for five days a week from CSI.
- Five people from Murray Bridge are currently transitioning from school to day option services and are attending Community Lifestyles Inc two to three days a week and school for the remaining days.
- One person from Murray Bridge is currently in Minda respite accommodation and will be provided with a day service when his accommodation situation is finalised.
- One person from Burra is being provided with day services through CSI for two days a week and attending school for the other three days.
- One person from Kingston is being provided with day services five days a week through CSI.
- One person from Waikerie is transitioning from school and attending Riverland Recreation and Respite Services two days per week.
- One person from Penola is being provided with day service for three days a week from Community Recreation Council of Australia Inc. There are a number of issues which have resulted in this client being unable to access day options for five days a week including extremely challenging behaviours and transport from Penola to the day service in Mount Gambier. Options such

as moving to supported accommodation in Mount Gambier are being considered.

- One person from Keith is being provided with a day service for two days a week through Millicent Work Options. The cost of transporting the client from Keith to Millicent means that more days can not be purchased.

The Client Services Office of the Department for Families and Communities (DFC) sought information from the Mid & Lower North Options Coordinator to determine the postcodes covering that region. These postcodes have been used as a starting point for the initial Lower North Regional Planning session.

The initial meeting of the Lower North Regional Planning Group was held on Wednesday 16 March 2005, with further meetings planned to continue this process. Participants included service providers, Government and non-Government agencies, and parents from the region. It was agreed at the meeting that DFC will consider and determine appropriate boundaries for each region. This work is continuing in consultation with the Lower North Regional Planning Group.

On 10 August 2005, the Minister for Disability, Hon Jay Weatherill MP, attended the official opening of IDSC's new Clare office. Staff at this office will provide case management services in partnership with Julia Farr Services and also provide information for people who are hearing and/or vision impaired.

A new respite service for people with intellectual disabilities and their families in the mid-North was also announced at the opening. The service is expected to open by the end of October 2005, and will provide for overnight respite for adults, and a social and recreational program for young people aged over 13 years.

The Government will spend $140,000 on the service, in partnership with the local organisation Country North Community Services.

PRISONER MOVEMENTS

In reply to **Hon. A.J. REDFORD** (12 September).

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

The Department for Correctional Services has a range of policies and procedures for the transfer of prisoners between prisons.

The main reasons why prisoners are transferred between prisons are to attend court, obtain medical services that are not available in the region in which they are imprisoned, or as part of each individual prisoner's Development Plan. At times it is also necessary to “free up” bed spaces for prisoners entering the prison system or those changing between high, medium and low security.

During 2004-05, 3,234 prisoners were admitted to the South Australian prison system. This large number of people requires the system to ensure the effective and efficient utilisation of available bedspace.

I am advised that in the 12 months between 1 July 2004 and 30 June 2005, 3,638 inter-prison transfers occurred.

Prisoners have the right to apply to transfer. These requests are considered in conjunction with the prisoner's Individual Development Plan, the possible risks a transfer will present and the relevant infrastructure provided.

Transfers are also, at times, the result of intelligence received at a prison that indicates that a prisoner should be removed from the environment for his/her own safety or because he/she presents a risk to the centre.

Prisoners may try to manipulate transfers. However, it is considered that current departmental policies and procedures are robust enough to identify such endeavours.

ANANGU PITJANTJATJARA LANDS

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

The Hon. T.G. ROBERTS: The Indigenous Affairs and Special Project Division have advised:

The Reverend Tim Costello is no longer a special adviser to the Premier. He was engaged in 2004 to advise the Government on the APY Lands and he gave that advice in the report he provided to the Government. The Reverend Costello last met with the Premier on 23 March 2005.

SA WATER

In reply to **Hon. A.J. REDFORD** (13 September).

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

SA Water provides the same payment terms in all suburbs. At the time of printing, accounts are given a payment period of between 19 and 23 days. This allows bills to be posted in batches over several days without impacting on customers' time to pay. The same process is followed for all suburbs.

ASYLUM SEEKERS

In reply to **Hon. KATE REYNOLDS** (7 February).

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

1. The state mental health system was alerted to the case of Ms Rau on Wednesday 10 November 2004, however limited clinical information was available at that time. It is not appropriate for me to indicate what information was provided as a person's medical details are confidential.

2. I am confident that once an immigration detainee enters our specialist mental health services, that the person receives the same level of care as other mental health consumers.

The Department of Immigration, Multicultural and Indigenous Affairs (DIMIA) has responsibility to approve immigration detainees' access to State specialist mental health Services. At all times, the duty of care for immigration detainees rests with DIMIA.

DIMIA contracts mental health services at Baxter through the detention services provider, Global Solutions Limited (GSL), who use International Health and Medical Services (IHMS) to provide psychiatry, psychology, counselling and general practitioner services from Professional Support Services (PSS).

3. A manager with the assistance of a senior policy officer has had responsibility for developing the MOU, including direct negotiation with DIMIA, re-drafting of relevant sections and consultation with health services. Those taking part in the development of the MOU have recommended that specific protocols be developed to guide access to specialist mental health services by immigration detainees within Baxter Detention Centre. This work has been undertaken by the Mental Health Unit (Department of Health) in consultation with all relevant stakeholders.

4. Work on the Memorandum of Understanding (MOU) between DIMIA and the Department of Health (DH) for the provision of health services commenced in early 2004, but was put on hold whilst specialist mental health care protocols were under negotiation between the Mental Health Unit, DH, DIMIA and all other stakeholders. The Mental Health Unit, in conjunction with both government and non-government service providers, completed a draft protocol, which was provided to DIMIA in November 2004. A written response was received from DIMIA in early February 2005.

5. The MOU is being finalised as a matter of priority and is subject to agreement with the Commonwealth. It will then be forwarded to both governments for signature. The Department is doing everything practicable to have it finalised as soon as possible.

6. As the Guardianship and Administration Act 1993 now comes under the jurisdiction of the Attorney General, it is more appropriate for the Attorney General to determine if the Public Advocate should be involved.

In response to the Supplementary Question asked by **Hon. J.F. STEFANI**.

The Minister for Police has provided the following information:

The Commissioner of Police advises that Ms Rau was not listed as a missing person on the SA Police systems. Ms Rau was listed as a missing person with the New South Wales Police on 11 August 2004. On 13 December 2004, the New South Wales Missing Persons Unit requested the South Australia Police Missing Persons Investigation Section to conduct a check of records under the name of Cornelia Rau. Ms Rau was not recorded.

ANANGU PITJANTJATJARA LANDS

In reply to **Hon. KATE REYNOLDS** (26 May).

The Hon. T.G. ROBERTS: The Premier has advised the following:

1. The Commonwealth Department of Family and Community Services and the Department of the Premier and Cabinet Government provide government funding for night patrols on the APY Lands.

SAPOL does not administer any of the night patrol funds. The Commonwealth Department of Family and Community Services administers both the Commonwealth and State governments' funds.

The funds are released directly to the communities and they are required to provide quarterly reports on the expenditure of these funds. The Commonwealth has advised that all funding for 2004-05 from the Commonwealth and State governments was released to the communities. Funding for 2005-06 will be released progressively over the financial year.

2. SAPOL is a key agency in assisting with setting up the Night Patrol program and consults continually with the Community Councils and the Community Municipal Officers about the program.

SAPOL has assisted in the supply of radios, torches and T-shirts and there are vehicles available for the night patrols. Office space in each of the communities is being supplied and initial training of night patrol workers has been conducted.

SAPOL is also establishing operational guidelines for the program. In addition to assisting with the provision of equipment and training SAPOL currently coordinates the program in consultation with the Department of Family and Community Services through the Indigenous Coordination Centre in Port Augusta.

3. The government has undertaken a number of measures to reduce crime and social disruption in communities including placing permanent police officers on the Lands and the introduction of programs to address substance abuse and related offending. SAPOL has also established a number of crime prevention initiatives such as Community Safety Committees, Blue Light Discos and the Fregon Bicycle Program where children are provided with bicycles and helmets in return for attending school.

Currently there are night patrol programs in four major communities, Ernabella, Mimili, Indulkana and Amata that are supported by a combination of Commonwealth, State and community funding.

These communities have been supported to set up night patrols by SAPOL and the SAPOL initiated Community Safety Committees which have established the need for night patrols in individual communities and have also been the catalyst for the communities to seek funding.

Communities that want to establish night patrols will be provided with support from SAPOL, which coordinates the program, to establish the program in the community, train members and establish operational guidelines. Support for specific equipment will depend on the availability of Commonwealth, State and community funding.

In reply to the Supplementary Question asked by the **Hon. A J REDFORD** the Premier advises the following:

The Government does not want to restrict media access to the Pitjantjatjara Lands. However, it will not support attempts to change the permit system against the wishes of the owners of the Lands.

MATERNITY LEAVE

In reply to **Hon. J.M.A. LENSINK** (5 May).

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

1. After significant enterprise bargaining negotiations, and following the break down in discussions in early 2004, the Chief Executive, Department for Administrative and Information Services and other named Government employer applicants filed for the making of an Award with the Industrial Relations Commission of South Australia on 27 April 2004. The Government employers sought to have the outstanding issues between the parties resolved by the independent umpire in the Commission, those issues being: salary, paid maternity/adoption leave and the duration of the Agreement. The government had offered 8 weeks paid maternity leave, a doubling of the then current paid entitlement.

Both parties have had an opportunity to put their respective cases before the Full Bench of the Commission. The Government accepts the outcome of the Full Commission consistent with the approach taken by the Government employers in bringing this matter to an arbitrated conclusion. The Full Bench decision in relations to the other matters was consistent with the government's offer.

2. During proceedings in relation to the paid maternity/adoption leave aspect of the Award application, the Government employers put Department of Treasury and Finance evidence before the Full Commission including the costs of any increases to the existing paid maternity/adoption leave provision. Based on that evidence, the cost of each additional week is estimated at $0.561 million pa. Thus providing the 12 weeks as determined by the Full Commission (i.e. an additional eight weeks) has an estimated cost of $4.49 million pa.

3. The Minister is unable to respond to this question as there is no record in Hansard of such a statement being made by the Hon Stephanie Key (Minister for the Status of Women) on 28 April 2003.

HOUSING TRUST

In reply to **Hon. A.L. EVANS**.

The Hon. T.G. ROBERTS: The Minister for Families and Communities:

All South Australian Housing Trust (SAHT) vacancies, with the exception of tenant exchanges, are inspected by a property coordinator who identifies all maintenance repairs required to return the property to the established vacancy accommodation standards.

As a minimum, all vacant dwellings are cleaned internally, any rubbish is removed and grass is cut. Other repairs are identified by the property coordinator and actioned in line with vacancy accommodation standards.

The required maintenance repairs are allocated to relevant contractors and, following completion, the work is inspected to ensure that the standard of work complies with required standards. Where the work repairs meet the required standards, payment is made to the contractor. If the work does meet the required standard, the contractor will be required to return to the property and complete the job at their own cost.

On completion of all repairs to a vacant property a SAHT officer fills out a property inspection form that rates the condition of the property elements. This form is then given to the incoming tenant to enter their assessment of the condition of the property.

Where the new tenant's assessment of the property is greatly different to the SAHT officer's opinion then revaluation of the element/s of concern is undertaken with the tenant at the property, and an agreement reached by both parties.

In the majority of cases, vacancy maintenance repairs are completed within ten days. This can vary depending on whether the dwelling has been extremely damaged by the former tenant or asbestos floor coverings need to be removed. In some instances, the SAHT may also take the opportunity to upgrade kitchens and/or bathrooms in vacant dwellings that will result in a longer period of time before it is ready for reallocation.

SAHT Housing Managers are responsible for the property handover process. As part of this process the Housing Manager is expected to meet the incoming tenant at the property unless there is a genuine reason why this is not possible, for example, where an on-site inspection is impractical due to the remoteness of the property from the Housing Manager's usual location.

At the handover the Housing Manager is responsible for ensuring that the incoming tenant completes, signs and is given a copy of the Inspection Form.

Where an on-site inspection is not conducted the housing manager is responsible for ensuring that the tenant completes the inspection form, notes the water meter reading on the form and returns the form to the Housing Manager within 7 days of occupying the property. If the form is not returned within 7 days, the Housing Manager is responsible for follow up with the tenant to ensure that the form is returned.

HOUSING TRUST LAND

In reply to **Hon. T.J. STEPHENS** (19 September).

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

The South Australian Housing Trust has not bought any land of comparable size within a two-kilometre distance from the Splashdown site. The Splashdown property has been listed for sale in the Government Circular 114, through the Land Management Corporation. Negotiations are currently taking place with other Government agencies.

SENIORS CARD

In reply to **Hon J.S.L. DAWKINS** (22 September).

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

The Department for Families and Communities (DFC) has a contract agreement with a commercial publishing and public relations company to market, produce and distribute the Seniors Card Directory. The only companies granted approval to send special offers to card holders are those businesses who have elected to become sponsors of the Seniors Card Program. These sponsors are recruited by the publishers, and approval is given by DFC.

Sponsors must be able to prove they meet the advertising conditions of being a legal business organisation and must provide a clear discount or advantage to Seniors Card holders, subject to due compliance with the provisions of the Commonwealth Trade

Practices Act 1974, the South Australian *Fair Trading Act 1987* and the South Australian Government's Advertising Code of Practice.

DFC reserves the right to delete or exclude any advertiser or sponsor if they are not providing the level or nature of services as stated.

The approved mail houses are selected by the publishers, in conjunction with DFC and the approved sponsors.

Confidentiality agreements are in place between the publishers and the approved mailing houses which include the instruction that all data is to be destroyed once the mailing is complete. DFC has also implemented an additional quality control strategy in the form of using pseudo-cardholder details to track the actual mail-outs and offers.

Each of the three sponsors for the 2004-2005 Directory injected an average of $24,500 towards the Seniors Card Program, a total of $73,500. This revenue assists in covering the costs for printing and postage of the annual Directory.

The main purpose of the Seniors Card program is to provide benefits to seniors by way of negotiating discounts and special offers with commercial businesses. DFC disclaims responsibility for goods or services offered by approved sponsors.

It is not compulsory for card holders to receive the offers and they are welcome to advise the Seniors Card Unit at any time should they wish to opt out of receiving them.

The current Seniors Card Application form provides card holders with a tick box if they wish to opt in and receive these special mailings. DFC recently approved an amended application form which provides additional information about transfer of personal details to an agency for the purposes of mailing the offers.

COLLINS, Hon. R.

In reply to **Hon. R.D. LAWSON** (15 September 2004).

The Hon. T.G. ROBERTS: The Premier has advised the following:

1. Mr Collins was paid $26,400 for his services.
2. Mr Collins was paid from the budget of the Department of the Premier and Cabinet.
3. Mr Collins does not have any ongoing engagement with the South Australian

government in relation to the APY lands.

4. The contract with Mr Collins did not include any monetary provisions in relation to termination.

CARERS POLICY

In reply to **Hon. J.S.L. DAWKINS** (26 October 2004).

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

1. The Carers' Recognition Bill, incorporating a Carers' Charter, was introduced into Parliament on September 14, 2005.
2. A Carers Reference Group will be convened by the Department for Families and Communities to provide a mechanism for ongoing communication about the issues facing carers. This Reference group will include carers and representatives of carer organisations as well as Government and non-Government agencies.

MOUNT GAMBIER DEVELOPMENT

In reply to **Hon. A.J. REDFORD** (9 February).

The Hon. P. HOLLOWAY: The question relates to an application by the Development Assessment Commission to join an existing appeal before the Environment Resources and Development Court concerning a Bunnings retail development on the outskirts of Mount Gambier.

In particular the question deals with the rationale behind "government intervention" and the government's strategy for economic growth in the region.

In mid 2004 Bunnings lodged an application for planning consent with the District Council of Grant for a Bunnings store on the edge of Mount Gambier, on a site zoned "Light Industry". The proposal is a retail outlet together with timber yard and service trade outlets.

The Council gave Category 3 Notice (full public notice with appeal rights for representors). It received a number of representations, including two from existing hardware retailers within the shopping precinct of Mount Gambier. Among other things a principal ground of objection was that the retail activity was proposed in an industrial rather than shopping zone, and that pursuant to Schedule 10 of the Development Regulations, the Development Assessment Commission is the decision maker not the Council. The planning consultant for one of the representors gave a copy of its representation to the Commission asking that it take appropriate action.

I am advised that Commission staff formed the view that the proposal is a shop, despite Bunnings trading under the name "Bunnings Warehouse". The Commission wrote to the Council on 12 October 2004 asking for its view on the representation.

Council subsequently granted planning consent on the basis that the proposal was not a shop, and advised the Commission after the decision that it considered the proposal was not "Non-complying", and that Council was the authority.

Shops are non-complying in the zone. Even if the Council is the Authority, it must seek Commission concurrence for non-complying development. Council approved the development without seeking concurrence.

The two representors then lodged appeals with the Environment Resources and Development Court. A primary argument is that the decision of Council is invalid as the Commission is the authority, not the Council.

The Commission has now sought to join in the appeals. This action led to Statements by the Council in the media and a *Border Watch* editorial criticising intervention by "the Government".

Schedule 10 to the Development Regulations states that the Commission is the authority for shops above 2000 square metres outside shopping zones across a range of rural Councils, including the District Council of Grant. In this case the proposal is for 5,250 sq metres of retailing in an industrial zone. I am advised that the representor appeals to the Court are arguing as a key point that the Commission should have been the authority, not the Council.

I am advised that the Commission has sought to be joined to the existing appeals simply to assist the Court in relation to the jurisdiction question. The Commission has made no planning assessment of the proposal, and as a result will not be arguing either for or against the planning merits. Should the Court decide the Commission is the relevant authority it will proceed to make the required planning judgement.

For the reasons outlined above I do not intend to take action on this matter. In any event Section 11 of the Development Act makes the Commission independent of me in relation to its dealings with applications.

MOTOR VEHICLE IMMOBILISER SCHEME

In reply to **Hon. R.D. LAWSON** (1 March).

The Hon. P. HOLLOWAY: The Attorney-General has provided the following information:

1. In answering this question I wish to present some background to the initiative. This initiative was proposed by the South Australian Vehicle Theft Reduction Committee (S.A.V.T.R.C.), a joint industry and government advisory committee consisting of representatives from the Royal Automobile Association of S.A., the Motor Trades Association, the Insurance Council of Australia, SAPOL, Transport S.A., and the Attorney-General's Department.

The S.A.V.T.R.C. chose to try to target older vehicles on the premise that older, unsecured vehicles, because of their lower cost, were more likely to be owned by younger people. Therefore the focus of the campaign was further narrowed to old cars owned by younger people. No other State had tried this approach to get to older vehicles in this manner. Discussion by the S.A.V.T.R.C. suggested that the cost of immobilisers was a major impediment to young people installing immobilisers so the subsidy was proposed.

S.A.V.T.R.C. has advised that there is no direct data available that proves that students own older cars. However, the consensus of the Committee was that, based on the lower purchase cost, a high proportion of students would own older, unsecured cars. Most reasonable people would arrive at the same conclusion.

2. This premis was based on evidence. Firstly, a recent study of 35,000 domestic undergraduate university students by Long and Hayden (2001) for the Australian Vice-Chancellor's Committee revealed that in 2000 the median annual income of both part-time and full-time students (from all sources including government allowances) was only $8,190. The study also revealed that 65% of full-time students and almost half of part-time students have annual budget deficits with their median annual expenditure of $12,620 exceeding their income. This suggests that students are unlikely to be able to afford the newer more expensive vehicles that have improved vehicle security.

Secondly, advice from the insurance industry is that there are impediments to young people accessing insurance that will cover the

vehicle for theft, either as comprehensive insurance or third-party fire-theft insurance. Therefore, the committee formed the opinion that, because of the cost of this insurance to younger people, they would be less likely to be insured for vehicle theft.

Thirdly, data from the National Motor Vehicle Theft Reduction Council's Comprehensive C.A.R.S. Database indicates that almost 30% of vehicle thefts within the Adelaide metropolitan area during 2004 occurred within a 1 km radius of the major tertiary institutions and thus drivers attending these institutions are likely to be parking in high-risk locations.

3 In assessing target groups that are likely to own older high-risk vehicles that are unlikely to be insured for theft and are parked in high-risk areas, it was noted that students were only one such potential population. As the Committee had limited funding, it was decided to pilot this initiative with one group. Preliminary discussions with the student unions and T.A.F.E. student services were positive to the subsidy proposal. Using students' existing communication mechanisms of newsletters, orientation week and the Internet would minimise the cost of advertising and therefore allow more of the funds to be used for installing immobilisers. It is the intention of the committee that if this more focused approach to subsidising immobilisers works with young students in high-risk areas then some of what is learnt in this campaign may be used to target other low-income groups.

4. Yes, this initiative has been established by the S.A.V.T.R.C. as a pilot project that will be fully evaluated by the Office of Crime Statistics and Research. If proved to be successful then the S.A.V.T.R.C. will seek to do this again and look at expanding it to other low-income groups.

5. The S.A.V.T.R.C. obtained $72,000 funding for this initiative, of which $30,000 was provided by the National Motor Vehicle Theft Reduction Council, $2,000 from the Adelaide City Council and $10,000 each from the R.A.A. of S.A., SAPOL, Transport S.A. and the Attorney-General's Department. As the promotional costs of the scheme have been minimised through the co-operation of student services and student unions to promote the scheme it is expected the $72,000 funding will provide subsidies for more than 1400 immobilisers.

6. As stated above, the Office of Crime Statistics and Research will evaluate the initiative. Based on the outcome of that report, the S.A.V.T.R.C. will make further recommendations about any extension of the scheme to the Attorney General and the project's other sponsors.

MARINO TO WILLUNGA RAIL TRAIL

In reply to **Hon. SANDRA KANCK** (7 July).

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

1. AV Jennings has contracted to purchase land from the Land Management Corporation (LMC) for residential development on either side of a small portion of the Marino to Willunga Rail Trail, situated between the Southern Expressway and River Road at Huntfield Heights.

In its current location, AV Jennings believes this small portion of the Rail Trail is a significant impediment to good urban design for the residential development in terms of privacy, stormwater management, connectivity and access.

To address these impediments, AV Jennings has offered to purchase the small portion of the Rail Trail for inclusion in their residential development.

The 38 km long Willunga – Marino Rail Trail is part of Adelaide's principal bicycle network, Bikedirect, which provides a safe pedestrian and bicycle route for recreation, tourism and commuter activities.

A key feature of the Rail Trail is the gentle grades of up to 2%, which makes it accessible for all commuters.

The 22 km long pedestrian and bicycle path from Darlington to Huntfield Heights along the Southern Expressway corridor connects to the Willunga – Marino Rail Trail and surrounding road, bicycle and walking networks adjacent to the Southern Expressway/Main South Road junction, near the AV Jennings land.

LMC is coordinating discussions between the Department for Transport, Energy and Infrastructure, Primary Industries and Resources SA and AV Jennings to examine options, including a possible realignment to similar gradients of the existing Rail Trail. If realigned, the Rail Trail would be retained by Government as a potential public transport corridor.

2. The amenity, safety and accessibility of the Rail Trail will not be adversely affected by any potential realignment.

3. This proposal does not involve cyclists entering South Road at any stage.

4. Any potential realignment of this portion of the Rail Trail will be to similar gradients of the existing Rail Trail.

GENETICALLY MODIFIED CROPS

In reply to **Hon. IAN GILFILLAN** (20 September).

In reply to **Hon. NICK XENOPHON** (20 September).

In reply to **Hon. J.F. STEFANI** (20 September).

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

The second supplementary question is incorrect in its assumption that nothing is or will be done by the South Australian Government. The Honourable Member fails to appreciate that the canola production and supply chain does not operate on a state by state basis, and that any helpful solution needs to be developed across the industry, and as such needs to include some consultation with both the canola industry and with other relevant jurisdictions. Further, as has been said before, all jurisdictions are waiting for the results of a detailed technical investigation to determine the source and extent of the matter, and to move pre-emptively and without firm information would be pointless. I should point out that the Honourable Member's introductory explanation further reflects his lack of understanding of the issues involved, as his statement "…nor are international marketers buying canola from Australia" is patently untrue. Whilst Australian canola exporters have been required to work closely with their clients to ensure that the issues were fully understood, there has been as a result no impediment to export sales.

I repeat advice that I have previously made that South Australia, like many other jurisdictions in Australia and overseas, understands that current remedies available for determining liability and redress are adequate.

I advise that South Australia, together with the other jurisdictions involved, is awaiting the outcome of the investigation into the source and extent of Topas 19/2 in commercial canola. I would be happy to share that information with him when it is to hand.

LIQUOR LICENSING (EXEMPTION FOR TERTIARY INSTITUTIONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 7 November. Page 2910.)

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank honourable members for their support of this bill. This bill seeks to amend the Liquor Licensing Act 1997 to allow the supply of liquor to a student under the age of 18 who is enrolled in a tertiary educational course declared by regulation to be an approved course, as long as the liquor is supplied as part of that course.

The University of Adelaide has requested that the act be amended to allow first-year students, some of whom may be minors, to participate in the university's Bachelor of Science Oenology course at the National Wine Centre. This amendment will not weaken the provisions of the Liquor Licensing Act 1997, which prohibits access to liquor, but will allow a tertiary institution to conduct an approved course where a limited number of minors may be enrolled. Again, I thank all honourable members for their contribution, and I look forward to the speedy passage of this very short bill.

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

STATUTES AMENDMENT (RELATIONSHIPS) BILL

In committee.

(Continued from 7 November. Page 2924.)

Clause 69.

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

Page 26, after line 10—

Insert:

(a1) Section 3, definition of certificated agreement—delete the definition and substitute:

certified cohabitation agreement—a cohabitation agreement is a certified cohabitation agreement if—

(a) the agreement contains a provision (the warranty of asset disclosure) under which each party warrants that he or she has disclosed all relevant assets to the other; and

(b) the signature of each party to the agreement is attested by a lawyer's certificate and the certificates are given by different lawyers.

I have already given explanations on two consecutive sitting days in relation to this matter, so I do not propose to go over the detail again. Suffice to say that the amendment passed last night, which amends the title of the De Facto Relationships Act, is actually identical to the Hon. Terry Cameron's first two amendments. I draw that to the attention of the committee. This amendment is a test clause. I suggest that we take the advice of the clerk and parliamentary counsel on this amendment. This provision sits in direct competition with the amendments proposed by the Hon. Terry Cameron.

The Hon. T.G. CAMERON: I am a bit confused about where my amendments stand in relation to the Hon. Michelle Lensink's amendments. Are they mutually exclusive? Can they both be carried?

The CHAIRMAN: The explanation that the minister gave last night contradicts that—the explanation of the Hon. Mr Cameron's amendment and that of Ms Lensink.

The Hon. P. HOLLOWAY: What I indicated yesterday was that the approach that has been adopted by the Hon. Michelle Lensink, which the government supports (the opt-in model), is incompatible with the model that is offered by the Hon. Terry Cameron (the presumptive model). However, there are certain clauses which are identical because, of course, both of them—

The Hon. T.G. Cameron: I don't know whether it is because of my 'flu, but I am having real trouble hearing.

The Hon. P. HOLLOWAY: I will start again. What I indicated yesterday was that the Hon. Terry Cameron's approach, as the government understands it, is looking at a presumptive model—an all-in model, if you like. On the other hand, the Hon. Michelle Lensink's approach to this bill, with her series of amendments, is an opt-in model—in other words, people choose whether they are recognised as cohabiting dependents. The Hon. Terry Cameron's amendments assume that everyone who meets a certain set of criteria is deemed to be in a co-dependant relationship.

Because both members are extending the government's original bill to recognise co-dependant relationships (and there will be one or two clauses that are the same, but the approach is essentially quite different and incompatible), you cannot have both models simultaneously. However, that is not to say that there will not be cases where there are particular amendments that are similar or identical. I hope that clarifies the position in relation to the clause now before us. The position the government will take is to support the Hon. Michelle Lensink's opt-in model, and therefore we will oppose the Hon. Terry Cameron's presumptive model, because the two cannot coexist.

The Hon. T.G. CAMERON: It is my understanding that the Hon. Michelle Lensink's amendment has already been carried. My question is: what happens if my amendment is carried also?

The CHAIRMAN: Your amendment is to do with a child, I understand.

The Hon. P. HOLLOWAY: I will explain to the committee, while the Hon. Terry Cameron is getting advice, that the amendments that we passed last night were essentially identical. They would apply to either Mr Cameron's approach or Ms Lensink's approach. So today when we discuss the Hon. Terry Cameron's amendments we will either support them—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Well, clause 69 is a test clause if we had proceeded to the next part. That is why I adjourned it last night, because we can now—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Well, yes. Effectively, any of the next few is a test clause. That is why I took the adjournment, as it would save us recommitting. The approach we take now will determine the course of the bill, providing always that the parliament is consistent.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Nevertheless, I think it was worthwhile, because sooner or later the parliament will have to vote on it.

The Hon. J.M.A. LENSINK: While the Hon. Terry Cameron receives advice, I add that I understand it was a test clause for the concept of domestic co-dependants to be included in the bill. I think that might be a reasonably accurate representation of what we did last night.

The Hon. P. HOLLOWAY: That is a good way of putting it. May I suggest, Mr Chairman, that we have the two sets of amendments with us simultaneously, and members can then choose between the two sets. I suggest that that would be a very appropriate test.

The CHAIRMAN: My dilemma at the moment is that we have an amendment which has been moved by the Hon. Ms Lensink and which is the property of the committee at the moment. She has put her point of view, as she is entitled to do and as she should. This is the first definition. It is amendment No. 1 of her third draft, which amends clause 69 at page 6. It concerns the definition of 'certificated agreement' and 'certified cohabitation agreement'. This comes about because of the acceptance last night of co-dependants. That was the big test last night; we were going to consider co-dependants as part of the whole package. We have established that we are, and we are now doing the definitions. The Hon. Ms Lensink is inserting the definitions of 'certificated agreement' and 'certified cohabitation agreement'. The next amendment is to be moved by the Hon. Mr Cameron regarding the definition of 'child'. These will run sequentially.

The Hon. T.G. CAMERON: My confusion arises over the adoption of the term 'cohabitation agreement'. We are lifting 'cohabitation agreement' out of an act which relates to de facto relationships and then calling that agreement the agreement that will operate for co-dependants. Any lawyer will tell you that cohabitation means living in the same house with someone in a sexual relationship. So, we have buggered this up, in my opinion. Whether or not you want to support

cohabitation agreements, we have lifted 'cohabitation agreements' out of the De Facto Relationships Act.

Of course, cohabitation applies to de factos, but it does not apply to co-dependants. So, now we have a situation where we will lump all these co-dependants into a cohabitation agreement. I know the words 'insulting' and 'offensive' were used in debate yesterday—incorrectly, I think. However, I cannot think of anything more insulting than to give co-dependants a choice so that, if they want to opt in—and I think it is actually an opt-out clause—they will have to sign a document which this act will call a cohabitation agreement. That is my understanding of it. This means they are in a sexual relationship.

I wish to support co-dependants, but I will not support an amendment which means that for co-dependants to access a cohabitation agreement they will have to sign what amounts to a statutory declaration to say they are having sex with each other. That is madness. That is what happens when you pick a little bit from this act and a little bit from that act and try to put them together. Unless anybody can explain to me that we will not create such a situation, I will find myself in the position of having to oppose the entire bill. I am not sure whether the only solution now is to resubmit the amendments that have been moved by the Hon. Michelle Lensink—

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

The Hon. T.G. CAMERON: I am not sure how we can.

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

The Hon. T.G. CAMERON: I may have buggered this up, too. I am now in a position where I will probably have to vote against my own amendment, because to support it would mean that we will lump all these co-dependants into cohabitation agreements. I am not sure whether the only way to move forward on this is to actually go back a step or two, unless somebody with a better legal mind than mine can explain to me where we are going. I am sorry I was not here yesterday, but I was crook.

The Hon. KATE REYNOLDS: I wonder whether it might be helpful for the Hon. Michelle Lensink to put on the record an explanation for how she sees us progressing through this discussion.

The Hon. J.M.A. LENSINK: If I can just explain to the Hon. Terry Cameron in terms of the technicality of how to proceed with this debate, if he wishes to support his own amendments and not my amendments, he can still do that. We do not need to recommit anything at all because, according to my reading of it—

The Hon. T.G. Cameron interjecting:

The Hon. J.M.A. LENSINK: If you just give me a chance to answer this, I will be happy to explain it. The Hon. Mr Cameron's amendment No. 1, which relates to clauses 69 and 69A, is identical to what we passed last night, so if honourable members wish to support the Hon. Terry Cameron's amendments instead of mine, I suggest that they vote against the amendment which we are debating, which is the one standing in my name. Then the committee would allow the Hon. Terry Cameron to move his. That would be the way to vote and I am quite happy with that. I will take advice from the clerk about whether we can debate the merits of the two models side by side in this debate this afternoon.

I also address the issues raised in relation to the content of amendment No. 1, which relates to a certified cohabitation agreement. I have had these amendments on the record for some time, and I understand that this might be the first opportunity that the Hon. Terry Cameron has had to turn his mind to this particular detail, and I do understand his concern with the term 'cohabitation'.

The Hon. T.G. CAMERON: I rise on a point of order, Mr Chairman. I take offence to that comment. The honourable member knows that we have discussed this matter of her amendments on three or four occasions, and yet she is informing the committee that I might not have had the time to read them.

The CHAIRMAN: There is no point of order. You might be offended.

The Hon. J.M.A. LENSINK: If the Hon. Terry Cameron finds any offence in what I have said, I am quite happy to withdraw whichever remarks he found offensive. That is not my intention. He has raised the issue of the definition of 'cohabitation' and I understand it was raised by the Hon. Andrew Evans last night. There are a variety of definitions and I would be quite happy if either of those members would like to amend the title, because we have not actually voted on this particular provision or any provision which contains the word 'cohabitation', so if some sort of alternative terminology such as 'a domestic arrangements agreement' would be acceptable to either of those gentlemen, and if that would assuage in any way their concerns, then I think we should seriously consider that.

So I just place that on the record, but I would like to state that the concept of what is currently entitled a certificated agreement within the legislation, certified cohabitation agreement, is in fact a contract between two people and, in that sense, other instruments that we have such as wills, powers of attorney, medical powers of attorney and so forth are also contracts of a similar nature in the way in which people who are what we can broadly call in close personal relationships choose to arrange their own personal affairs. So if either of the honourable members who have raised concerns about the words 'cohabit', 'cohabitation' and so forth would like to consider what term they might find palatable, then perhaps we could—

The Hon. R.K. Sneath: Have you got the definitions of that there?

The Hon. J.M.A. LENSINK: If I could just explain, it is technically a contract. What we name it is up to the committee. I think that the construction of the—

The Hon. T.G. Cameron: If you call a horse a horse, people will think it's a horse.

The Hon. J.M.A. LENSINK: Well, let's call it a horse. What would you call this horse?

The Hon. T.G. Cameron: At the moment I think I would call it somewhere between a donkey and a mule.

The Hon. P. HOLLOWAY: The term 'cohabitation agreement' is just a handle. It is nothing more than a drafting device. It only has the meaning that is applied in section 5 of the De Facto Relationships Act and, as the Hon. Ms Lensink says, one could give it another name if one wished but it only has in the legal sense the connotations provided in that relevant section of the act.

I would like to indicate at this stage that this amendment and the next three amendments that have been filed by the Hon. Ms Lensink follow from the amendments already passed amending the title of the De Facto Relationships Act. These are the substantive amendments to that act providing for domestic co-dependant partners to make certified cohabitation agreements and where they have done that to apply for property division orders if they separate after at least three years' cohabitation. The effect of these amendments is simply to extend the provisions of the act so that

they encompass those domestic co-dependant partners who wish for legal recognition. These amendments in turn will be the basis for all the consequential amendments giving general legal rights and duties to domestic co-dependants. For these reasons, and the reasons that have been discussed at some considerable length over several days of debate now, the government supports the amendments.

The Hon. A.L. EVANS: I am quite surprised that the government would support an amendment which says 'cohabitation agreement'. The *Macquarie Dictionary* says 'to live together in a sexual relationship'. What is the point of domestic co-dependants who do not live in a sexual relationship having to opt in and sign an agreement that they live in a sexual relationship? If the government supports that I would be amazed. The primary meaning of 'cohabit' or 'cohabitation', especially to the average Australian, is a sexual meaning. It is why domestic co-dependants such as two female friends would be offended by this bill's requirement for them to enter into a certified sexual agreement. They would consider that implies a sexual relationship. It is an inappropriate wording for their situation, and I would call upon this place to put more appropriate wording in this, and it will take time to look at that. Who is going to come up with the wording? Are we going to throw that in the middle of the mix and then we have to make a snap decision on it? There are many other references that I got from the dictionary and they are all along the line of 'sexual'. It would totally defeat what this amendment is trying to do. It is trying to help the people who do not live in a sexual relationship.

Members interjecting:

The Hon. T.G. CAMERON: I had the nod, Michelle. It is not ladies first in this place, I am afraid—it is first on their feet. If the Hon. Michelle Lensink was in any way implying in making her contribution that her amendments had been lodged for a long time (and that was the inference that I picked up) then why has she not read them? As the honourable member would know, I probably discussed these amendments with her on five or six occasions, so I state clearly and categorically for the record that I was across the Hon. Michelle Lensink's amendments. We are trying to do something for co-dependants, and I am not sure that we have not both messed it up in the process. This argument is about how we look after co-dependants and not whether or not the bill will have our support.

To go back a little bit, I thank the Hon. Michelle Lensink for her explanation, but I am not sure it helped me a great deal and, judging from the puzzled look on the faces of a few other members, I think they are in the same position. To go back to when the matter was referred to the Social Development Committee, clearly every member of this committee (and I include the government) can see the benefit of having referred the matter to the Social Development Committee because the government has now come to realise that there were mistakes in the original bill and it is now supporting some of the recommendations of the Social Development Committee. We have always had this problem about how or what we are going to do for co-dependants.

I place on the record that the Hon. Michelle Lensink and I had numerous discussions about that, both sitting on the Social Development Committee. We are both trying to help co-dependants here, but in the process we disagree with each other. As time went by, the government members on the Social Development Committee, persuaded by the weight of evidence put forward to the committee, moved on the issue. The only outstanding problem we had was in relation to co-dependants. The Hon. Andrew Evans came before the Social Development Committee and made a very impassioned presentation, urging the committee to do something for co-dependants. I think the Hon. Michelle Lensink even made some reference to the contribution the Hon. Andrew Evans had made to the Social Development Committee. With this bill we have basically gone around Oakbank three times and here we are coming into the straight.

Members interjecting:

The Hon. T.G. CAMERON: I think we have got over the last hurdle and we are about to hit a rabbit hole on the straight. I lobbied the Hon. Michelle Lensink, as I lobbied a number of other members in this chamber, for support for my amendment in respect of co-dependants. I apologise for not being here last night—I wish to hell I had been. When I picked up the *Hansard* transcript this morning I found that people who had committed to vote for my amendment had already voted for the amendment put before the committee, which effectively disqualifies my amendment.

Members interjecting:

The Hon. T.G. CAMERON: It disqualifies the intent of my amendment. My amendment was basically to all opt in—is that correct?

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

The Hon. T.G. CAMERON: I was prepared to live with these agreements. However, I was conscious of the problems a lot of people have when it comes to making these agreements. You only have to look at wills. Everybody knows that they should have a will. Julian Stefani would have a will as he has too much money not to have one. About 20 per cent of the population, even though they know the importance of having a will, do not have one. A lot of people will not be aware of these agreements and will not opt into them. I may well have triggered this concern with my amendment by referring back to the de facto relationships legislation.

The Hon. Michelle Lensink and I had discussions as she wanted her agreement. We even had a discussion about whether I would move a further amendment so that, if you did not opt in (or forgot to opt in), after three years, in the case of de factos, if you did not have one of these certified agreements—and this situation will arise with this proposal—we will get two old biddies who have been living together for 30 or 40 years and they do not have one of these agreements because they just were not aware of it. So, one dies, the house was in that person's name and the other old lady who had been living with her for decades has to get out and move into a nursing home. That is what will happen in the real world. So, I said to the Hon. Michelle Lensink, 'Well, okay, if someone does know about these agreements and they do want to opt in immediately, let them do so from day one.' I would be happy to support that, but in conjunction with an amendment which says that, if they forget to do this, after three years—if we have the situation like the one I referred to earlier with the two old biddies—they would have some recourse.

I may have to get this whole matter recommitted so that I can get the Hon. Ms Lensink to put on the record her explanation of the clause so that, if it does end up in court, at least a magistrate will have some idea about what this parliament was thinking when it carried this bill. It is not an insignificant piece of legislation. If we extrapolate all the way through it, it now looks like, having borrowed the wording from the de facto bill, we are now creating a situation where—and perhaps members can see what would happen—a government will claim that it is looking after co-dependants

when it is actually doing nothing at all for co-dependants by supporting this bill.

In my opinion, the government has conned the mover of this amendment. If we wanted to do something real and meaningful for co-dependants, we would support a clause that covers them all. If, at the end of the day, there is some legal doubt as to whether or not those people should or should not be included, that is not a matter for this place to sort out. The appropriate place for those matters to be determined is in the courts—that is where the matter should end up. We still have our three systems of government. We could now be creating a situation where, in order to opt-in, you would have to opt in to an agreement which says that you are, in effect, 'bonking' each other, or you are involved in some sexual relationship. That is what it means.

It would be no good for some QC—and I am not referring to the Hon. Robert Lawson—or some legal eagle to stand up later and say, 'Ah, yes, but the legal meaning of this word is such and such or the meaning of the word in the *Macquarie Dictionary* is such and such'. If you are cohabiting with someone, you are living in the same house with them, you are sharing the bed, and you are probably doing everything else that goes on in a bed people share when they cohabit with each other, and I defy anyone in this place to disagree with me.

The Hon. R.D. Lawson: Sleeping.

The Hon. T.G. CAMERON: Well, at the Hon. Robert Lawson's age that is probably what he is doing. However, I am not sure that all partners cohabiting are doing that. That is where we are right at this moment. As I see it, we are in a bit of a mess. So, unless someone can suggest a way through this, I believe that we should recommit what the Hon. Michelle Lensink has had carried and go through it and do it properly.

The Hon. R.D. LAWSON: There is a good deal of sense in what the Hon. Terry Cameron is saying. I certainly believe that the language and the nomenclature of legislation of this kind is very important, and the connotations which are attached to cohabitation are as described by the honourable member. That is a connotation I do not believe was intended by the mover but, the matter having been raised, I believe that more appropriate terminology can be found. I do support an opt-in system, namely, one where people who wish to receive the benefits of this legislation can freely agree to do so. They are not forced to do so; they are not deemed to be doing so. They can make an election—

The Hon. T.G. Cameron: A choice.

The Hon. R.D. LAWSON: A choice. They have to decide themselves whether the particular relationship into which they are choosing to enter has some connotation that is unintended—for example, the existence of a sexual relationship—and is not intended to exist in all these cases. It may in some, but in many it will not. So, I support the recommittal suggestion of the Hon. Terry Cameron to ensure that the appropriate language is found.

The Hon. P. HOLLOWAY: If the Hon. Ms Lensink now wishes to change the name from, say, 'cohabitation' to 'relationship', or some other word, we could then proceed without the need for recommitting. As I understand it, we have not yet inserted into the bill the term 'cohabitation agreement'. In that sense, there is no need to commit, but I do take the point made by the Hon. Terry Cameron and the Hon. Robert Lawson. If members look in the *Oxford Dictionary*, it states that the word 'cohabitation' means 'living together, especially husband and wife'. You can argue about how strong the relationship is but, given that it has been raised, it is really a question of what is in a name. If there is a problem with the name—and I certainly concede that it could be construed in a particular way and, given that it has been raised in this place, it almost certainly will be construed in a particular way, one can solve that problem by changing the name. However, it does not change the philosophy behind the legislation.

The Hon. CAROLINE SCHAEFER: It seems to me that we are going round and round, when most of us in this place are trying to reach an agreement whereby people who do not have a sexual relationship have the right to the benefits that will accrue from this bill. I must say that I prefer Mr Cameron's definition to that proposed by the Hon. Michelle Lensink. However, it seems to me that we really are only arguing here about language. Again, I would ask that we pause, we have the recommittal and we revisit the debate in order to come to some conclusion at the end of that time. Like the Hon. Robert Lawson, I could not agree to this amendment if there were no form of contract or opt in or opt out.

The example I use is that somewhere between four and five days a week I stay in my unit in Adelaide. A student boards with me. She has been there for two years. If she graduates and gets a job in Adelaide, she may be there for five years. I would hate to think that she would then have the right without any documentation to appeal my will and inherit against my next of kin. That is what would be implied by having no contractual agreement.

The Hon. NICK XENOPHON: This is complex in terms of the concepts involved. I direct my question to the Hons Michelle Lensink and Terry Cameron. As I understand it, the clause passed last night allowed for the concept of a co-dependant. We are now at a crossroads as to whether we go down the path of the model proposed by the Hon. Michelle Lensink or, alternatively, the model proposed by the Hon. Terry Cameron.

As I understand the current crux of concern here, by referring to a 'certified co-habitation agreement' the Hons Andrew Evans and Terry Cameron refer to co-habitation as a sexual relationship. The etymology or root of this particular word comes from the Latin 'co' and 'habitari'; 'co' means 'with' and 'habitari' means 'to dwell'. That is the original basis of the word. As the Hon. Andrew Evans correctly pointed out, some dictionary definitions give it a broader meaning, namely, a sexual relationship. That is one aspect that needs to be raised. It seems that the original meaning of the word does not refer to a sexual relationship.

The Hon. R.I. Lucas: Lots of words in the original meanings are not the ones we understand today.

The Hon. NICK XENOPHON: It is some 30 years ago that I studied statutory interpretation—and I am sure our eminent silk in this chamber can elaborate—and I recall that they do look at original meanings and also dictionary definitions. There does seem to be a case of the original definition having been modified over the years. If we were to redefine or change the name of this particular agreement, it might involve numerous amendments. I do not know what that means in practical terms as to the progress of the bill.

The Hon. P. Holloway interjecting:

The Hon. NICK XENOPHON: That seems to be the issue, but I respect the concerns of the Hons Terry Cameron and Andrew Evans. I would think there is a way through that. We are now at a crossroads as to whether we go down the path of supporting the Hon. Terry Cameron's proposed model for domestic co-dependants or the Hon. Michelle Lensink's.

The CHAIRMAN: I believe that the consideration of the committee last night established the principle that these considerations were going to take into consideration co-dependants, as well as de facto relationships. Everyone last night agreed to that. Today, members are saying that, if they are going to make this watertight—and the Hon. Caroline Schaefer has made the same contribution—there needs to be a document or contractual arrangement. The Hon. Michelle Lensink has put in her amendment what those contractual arrangements ought to be. It seems to me that the committee is bogged down. We have agreed on the principle, but we have to decide the name.

I have an amendment before me. It is now in the hands of the committee to call it a certified co-habitation agreement. If we cannot reach agreement, it seems to me we have two options: either we come up with a name right now (which will have consequential effects) or report progress to sort out the matter. That is my view of where we ought to go.

The Hon. J.M.A. LENSINK: I am in complete agreement. I have been running around the chamber discussing this matter with parliamentary counsel and the clerk. We will seek to remove the word 'co-habitation' and replace it with 'domestic relationships property', so, instead, these will be known as 'certified domestic relationship property agreements'. There is an opportunity if a member has any other suggestion to bring it to us, and parliamentary counsel is in the process of redrafting these amendments. For the sanity of all members, I add that parliamentary counsel is in the process of reconciling my three sets of amendments into one so that we will be able to follow it from start to finish.

In order to confirm what the Hon. Nick Xenophon was asking, my understanding of what we did last night was to provide a test clause to the concept of including domestic co-dependants. A lot of that debate necessitated discussion on technicalities as to certain amendments so that members could have a greater understanding of what it meant, but we did not proceed to choose a particular model, whether it is the presumptive or the 'opt in' model.

Progress reported; committee to sit again.

CHILDREN'S PROTECTION (KEEPING THEM SAFE) AMENDMENT BILL

In committee

Clause 1.

The Hon. KATE REYNOLDS: I move:

Page 3, line 3—
Delete '(Keeping Them Safe)' and substitute:
(Miscellaneous)

This amendment is quite straightforward and simply seeks to remove the words 'Keeping Them Safe' from the title of the bill and substitute 'miscellaneous'. Members will remember that our former state leader (Hon. Mike Elliott) spoke a number of times and, I believe, moved similar amendments to bills on the basis that putting in what we believe is rhetoric or program names is completely unnecessary. The title of the act was quite straightforward and we think that this is just a silly piece of rhetoric on the part of the government and completely unnecessary, so we move that those words be removed from the title.

The Hon. NICK XENOPHON: I support the amendment. I think it is a dangerous trend to try to use what some would say is spin in the context of the title of a bill.

The Hon. T.G. ROBERTS: 'Keeping Them Safe' is the name of the government's child protection reform program, and this is widely understood in the community, especially by those who support and care for children, including religious, sporting and recreational organisations. It would therefore be sensible for the title of the act to be in keeping with the reform program. However, the government will not oppose this amendment.

The Hon. R.D. LAWSON: I indicate that the Liberal opposition supports the amendment.

Amendment carried; clause as amended passed.

Clauses 2 to 4 passed.

Clause 5.

The Hon. R.D. LAWSON: Before the Hon. Ms Reynolds moves her amendment, may I ask the minister (as I should have asked during the debate on clause 2) to indicate when it is envisaged that the act will come into operation?

The Hon. T.G. ROBERTS: It is the government's intention to proclaim most of the act when it is finalised. There are sections that will take a little longer, namely, those applying to ministers of religion and sporting organisations. These sections may be a little later in their being proclaimed.

The Hon. KATE REYNOLDS: I move:

Page 4, line 31—After 'parents' insert:
and grandparents

This amendment and, in order to make the debate as brief as possible, amendments Nos 3 and 4, are intended to recognise the role and importance of grandparents in the life of a child, who may or may not be in care but who has certainly come to the attention of the state. Honourable members will remember that some months ago the Hon. Nick Xenophon organised a forum at Parliament House at which a number of grandparents told their stories of loss of relationship and contact with their grandchildren. A number of very serious concerns were raised about the approach taken by some staff from the Department of Child, Youth and Family Services and its former incarnations. What grandparents said was that they wanted some more formal recognition and that they wanted to be counted as essential to the life of their grandchildren, wherever that is possible.

Certainly, grandparents recognised that this was not always possible for every child, but they just wanted to know that, at some point along the way, when arrangements were being made for their grandchildren, their views and the maintenance of a healthy and functioning relationship would be considered. It seems to us quite appropriate, and not an unreasonably big ask, for the word 'grandparents' to be inserted, where appropriate, within the Children's Protection Act.

The Hon. T.G. ROBERTS: The government will support the amendment. Grandparents often play a central role in the life of children and, for some children, they are an essential lifeline which keeps them out of the child protection system. This is also the case for many aunties and uncles. Therefore, it should not be presumed that, in specifically mentioning grandparents, we are intending to prefer them over relatives when this is not in the child's best interests. It is also important to acknowledge that, in some families, the tensions between the grandparents and the parents of a child are so great that they cause considerable stress to the child. In addition, the meaning of family to a child is influenced by culture, especially from an Aboriginal perspective, as well as by those with whom the child identifies. In blended families, a child may identify a grandparent as more or less important

than a non-blood relative. Therefore, it is important to point out the importance of professional judgment in decision making where such complexities exist. The government recognises this as an argument to support the amendment, and it does not oppose it.

The Hon. NICK XENOPHON: I indicate support for these amendment, as it makes clear the important and, in many cases, pivotal role grandparents play, particularly for those children for whom, for whatever reason, their parents cannot be the primary caregivers. I believe that, in a sense, the amendment enshrines a very clear legislative message about the importance of the role of grandparents. Following on from that, I ask the minister: given that the government supports this amendment, and assuming it is passed (as I hope it will be), will there be a consequential change in the way in which grandparents are treated in the scheme of child protection legislation with respect to situations where, for example, either or both parents are not in a position to look after their children? If the grandparents are willing and suitable to look after the children, what precedence will they have over, say, foster carers? This is a common complaint, and I think it is something that is a consequence of or flows from this amendment.

The Hon. T.G. ROBERTS: The honourable member raises an important issue. These complexities are worked out with the case managers, and such judgment calls have to be made at the time, taking into account a whole range of complex relationships. But, in the best interests of the child, the grandparents will take precedence over a range of other permutations that might exist. I think that is the case now, and it will continue to be the case, if the grandparents are suitable. These complexities need to be weighed and measured at the time the consideration is being made.

The Hon. NICK XENOPHON: This is important to the many grandparents who are now put into that position. Flowing on from that, all things being equal, if the grandparents are suitable, pass all the suitability tests and the like, does that mean they will have precedence over foster carers? Will that be the case?

The Hon. T.G. ROBERTS: Those judgments need to be weighed up and measured with each case, such as where there is a longstanding relationship with foster parents and an application is made by grandparents not known or living interstate. Where, as the honourable member has stated, the suitability of the grandparents and all the other considerations outweigh the considerations in relation to the foster parents, all things being equal, grandparents would take precedence. But if there are complexities where the foster parents have built up relationships with the children and the grandparents may be unknown or not known particularly well, then that is a decision that will be made at a particular time.

The Hon. R.D. LAWSON: I indicate that the Liberal opposition will support the inclusion of a reference to grandparents. We believe that that form of statutory recognition is appropriate. I am a little uncomfortable at the suggestion of the Hon. Mr Xenophon that some form of order of precedence is being established in this legislation, because it is certainly not our understanding that grandparents have precedence behind or ahead of parents or foster parents or any other order. The fundamental principles that we are here dealing with are not drawn in that way. Certainly, recognition of grandparents is overdue and entirely appropriate.

The Hon. NICK XENOPHON: Perhaps I did not make myself sufficiently clear for the Hon. Mr Lawson. I am not suggesting that this amendment would of itself give precedence to grandparents, but I asked a series of questions that I believe reasonably flow from this amendment about what would be the position or current policy in relation to the precedence of grandparents. I am not suggesting for one minute that grandparents ought to have precedence over parents in the care of children. Obviously, as the minister pointed out, it depends on a range of circumstances, but my concern has been from the extensive discussions I have had with Grandparents For Grandchildren, a group that has been formed in this state of which I am a very strong supporter, and the Hon. Ms Reynolds has also dealt with them extensively and productively, as also have the minister and shadow minister. They feel that they have not been recognised. This goes one step in that direction, and the questions I asked are a reasonable corollary of that, in terms of how issues of policy are determined even in a broad sense. That was the basis of my line of questioning. I just wanted to clarify that for the honourable member.

Amendments carried.

The Hon. KATE REYNOLDS: I move:

Page 4, line 33—
After 'parents' insert:
, grandparents
Page 5, lines 7 and 8—
Delete all words in these lines and substitute:
family (including the child's grandparents) and community, to the extent that such relationships can be maintained without serious risk of harm; and

Amendments carried; clause as amended passed.

Clause 6.

The Hon. NICK XENOPHON: I move:

Page 5 after line 35—
Insert:
(2a) Section 6(1)—after the definition of department insert:
drug includes alcohol;

To say this is a test clause would not be entirely accurate, but it is linked with my amendment No. 3. That amendment is stand-alone, whereas this could almost be seen as supplementing amendment No. 3. For the benefit of the committee I will briefly outline what this and amendment No. 3 are about. I will go into more detail with amendment No. 3 when we get to that. This amendment seeks to provide a definition for the word 'drug', because I have an amendment relating to an order for drug affected parents. The point has been made that it would not be complete if we did not include alcohol in the definition of drug, because my amendment No. 3 relates to situations where the welfare of a child is at risk because of drug affected parents. Obviously, there are cases where, if the parents suffer from alcoholism or an alcohol dependency that, for instance, leads to violence or other behaviour that puts the child or children at risk, then for the sake of completeness and consistency alcohol ought to be included in the context of what is proposed, to ensure that the orders that are contemplated in amendment No. 3 also include cases where parents have a significant alcohol problem that puts the child or children at risk.

The Hon. T.G. ROBERTS: The government is opposed to the amendment put forward by the Hon. Mr Xenophon. The proposed amendment inserts the definition of a drug which includes alcohol in the interpretations. The government is not opposed to the definition of a drug including alcohol, as this reflects accepted practice in the health sector. The government, however, does not accept the amendment and those related to it regarding drug assessment and drug treatment of parents. The focus of the government is to consider a holistic view about the care of children and allow

scope for the legislation to incorporate the many issues that may impact on parenting capacity. Such a focus is essential to ensure a care and protection system that is responsive to the needs of children and families.

The Hon. R.D. LAWSON: I indicate that the opposition is not convinced that the Hon. Nick Xenophon's amendment should be supported. Obviously illicit drugs are a major issue in our community and appropriate steps ought be taken to address the problems that illicit drugs cause. Alcohol is not an illicit drug. It is a substance that does cause many medical, social and other problems and it is true, as the minister has just indicated, very often in the health sector drug and alcohol rehabilitation are treated together.

However, there is an important distinction which ought be drawn between those drugs that are licit and those that are illicit, and this particular clause is leading into a regime that the mover has foreshadowed he would like to see introduced—and the regime that he wishes to see introduced is one that makes no distinction between licit and illicit drugs—and it is that proposition that we find we cannot support at this stage, based on the arguments we have heard.

The Hon. NICK XENOPHON: I have spoken to a number of children of alcoholic parents and, when they were youngsters and they were having their parents beating the crap out of them because their father or mother was an alcoholic, I do not think they drew a distinction between whether alcohol was licit or illicit. The key issue was the harm to the child, and this is about ensuring that there is some consistency, that we do not have a blind spot for the damage caused by alcohol abuse—and I emphasise that word 'abuse'—in the community. I am surprised that such a narrow distinction is raised, given that alcohol-related problems are often a significant cause of domestic violence. It is something that has been acknowledged, quite rightly, in federal and state government campaigns in relation to that, and I would have thought that not to include alcohol would be seen to be a significant blind spot when it comes to the protection of children.

The Hon. KATE REYNOLDS: The South Australian Democrats are not persuaded by either the government's argument or the opposition's argument. I think the Hon. Nick Xenophon has articulated a very good case for his amendment. As I understand it, this state government has just spent a considerable amount of money, I think in combination with the federal government, promoting campaigns to have women not drink at all during pregnancy in order to keep their unborn babies safe. It seems a little strange that it is not prepared to extend programs that are intended to protect children to those children once they are born, and the argument about illicit drugs versus legal drugs, and alcohol being a legal substance, to us carries no weight at all. So we will be supporting the amendment.

The Hon. R.D. LAWSON: I should say in response to the Hon. Nick Xenophon where he says he has spoken to kids who have been bashed by alcohol or drug-affected parents and they do not draw a distinction between them, sure, they would not, but what about those children who are bashed by parents who have mental health problems, who have personality problems, who have a wide range of issues? Why is it that the honourable member chooses to select this particular category? No doubt he will be able to give us examples of children who have been bashed by those who are categorised as problem gamblers, or simply because they are inadequate people hopelessly trained and incompetent who cause harm to their children. We do not believe it is appropriate to say we are only going to have compulsory treatment programs for a certain category of people, when there is a wide range of personality types and people for whom similar sorts of compulsory rehabilitation might or might not be appropriate. We are simply not convinced on the basis of the arguments that the honourable member has put that this suite of amendments is appropriate at this stage.

The Hon. NICK XENOPHON: The Hon. Mr Lawson makes some good points and I deal with them as follows. Firstly, if a child is at risk with respect to a parent with mental health problems, we already have provisions in our Mental Health Act for detention orders and presumably treatment orders.

The Hon. R.D. Lawson: Not compulsory rehabilitation.

The Hon. NICK XENOPHON: The Hon. Mr Lawson says not for compulsory rehabilitation, but in relation to issues of mental illness there are provisions which allow for treatment orders, which some would say is a form of compulsory rehabilitation by another means, so that if a person has a psychotic illness that can be controlled by medication and, by controlling that medication, that person is no longer a risk to members of their family, including children, then that matter is dealt with.

In relation to the matter at hand, it seems that there is a significant factor with respect to drug and alcohol abuse, and primarily the stories I have been getting from grandparents, the majority of whom are the primary carers of their grandchildren, indicate that there appears to be a very clear nexus between drug abuse in the broad sense and, in many cases, whether it is amphetamines or heroin, where the children of those grandparents cannot look after the children involved, and therefore the burden or the responsibility for looking after those children falls upon the grandparents.

I would have thought that, given that we have a Drug Court in place and mechanisms where orders can be made for treatment—and the Hon. Mr Lawson would have greater expertise in relation to this—a system is in place where people who have committed offences because of their drug habit can go through a separate stream, be assessed in that way and be required to undergo rehabilitation. This is an extension of that, but the primary focus is not one relating to offences but relating to the safety of children.

The Hon. T.G. ROBERTS: I can understand the intentions of the honourable member, and they are honourable. One issue is that parents do not need a licence to be a parent, and rightly or wrongly our judgment calls for good and bad parents can be made whether or not people are drug or alcohol affected. It certainly diminishes the chance of a parent being a good parent by their use of illicit or illegal drugs and certainly impacts on the well-being of the child, but you would not want to be making calls of degree in relation to being affected. Drawing on my own experience, as a child I was aware of some people who had episodic bouts of binge drinking and were extremely bad parents for short periods of time but were extremely good parents for a range of reasons for a long period of time.

If an attitudinal change is recognised on the part of a parent who is drug or alcohol affected and they are prepared to go through rehabilitation, they should not be ruled out of a parenting role. If you put too many caveats on parenting, where intervention can be provided and where personality change and preparedness to change is included, that should not be ruled out as a rehabilitating factor. Some parents I know have been driven to change by the feeling that they are bad parents because they are abusive while affected by

alcohol and drugs and have given up drugs on the basis that it is impacting on their children. Some people's behaviour deteriorates when the children are taken away and self abuse becomes more apparent.

There are a wide range of issues associated with drug and alcohol abuse, and judgmental challenges by degree would make it very difficult. Again, the complexity of those relationships and the level of abuse means that it is difficult to legislate for them. It is hard to have a legislative proscription for a parent who falls into a range of those categories.

The Hon. NICK XENOPHON: The minister's comments cannot go unchallenged. This is about including drugs and alcohol, but it is broadened into the related issue of applications for orders. This is not about licensing parents, and the minister spoke in terms of it being difficult to make judgments in relation to such matters. The very scope of this bill and legislation of this nature is that there is a discretion on the part of departmental officers who need to make a judgment as to whether a child is at risk and, if they make a judgment, depending on the nature of that risk, they act accordingly. There are many judgment calls inherent in this legislation. As I understand it, it was about giving additional tools and broadening the parameters to ensure a greater degree of safety for children. This relates to simply giving an additional tool to the departmental officers and to the frameworks in place to protect children.

Under this amendment it was simply to allow alcohol to be included as a drug, so where a parent is violent because of alcohol abuse it would give a mechanism and an additional tool for the department to deal with it. There is not much more I can say. I am happy to put it to a vote subject to my colleagues' contributions. It is my intention to call for a division in relation to amendment No. 3 if I am not successful in relation to it.

The Hon. R.D. LAWSON: We do not see this amendment as being part of what the honourable member describes as an additional tool. This is more than simply a tool available to address issues of child abuse. The regime which this amendment is in aid of is one that will make it mandatory, if it were to be accepted, by the honourable member's amendment No. 3, for the chief executive officer to apply for an order if a child is at risk due to drug abuse (that is, drug or alcohol abuse) by a parent or guardian to force that person to undergo assessment, unless that has already occurred. Then, further on the honourable member's amendment No. 6 would provide that, if the minister was of the opinion that a child was at risk because of the drug addiction (including alcohol or other substance abuse) of its carers, the minister must apply to the Youth Court for an order directing the person to enter into a written undertaking to undergo treatment.

This is a far more prescriptive regime than applies, for example, in the Drug Court, which operates within the criminal justice system and which allows people who want to address their drug issues to voluntarily enter into a program which will divert them from the criminal justice system into a rehabilitation program, which is a worthy objective. We are not against drug rehabilitation; of course we are in favour of it. However, we simply do not believe that this form of mandatory referral of a particular group of people into programs would work. It sounds good in theory and, if there were in place all the necessary supports and mechanisms, it might well work. I am not sure it is mentioned at all in the report of Robyn Layton QC, which was, of course, a report prepared after a great deal of consultation with the sector and a great deal of argument and consideration—

The Hon. Nick Xenophon: Are you saying that drug-affected parents are not an issue?

The Hon. R.D. LAWSON: I am not saying that drug-affected parents are not an issue. Of course they are an issue. However, what the honourable member describes as merely a tool is more than merely a tool. What we are also saying is that drug-affected parents are not the only issue. There are other issues, such as parents who are affected by mental illness, parents with personality defects and parents with disabilities. Many factors have to be considered. We simply do not believe that the honourable member's prescription for this category is workable at the moment.

The Hon. NICK XENOPHON: The fundamental difference between the Drug Court and the efficacy of the Drug Court and whether it should have additional powers is a matter to be discussed at another time. The issue here is that the difference between the Drug Court and this amendment is that in the Drug Court, where it is voluntary, it is about the offender who has offended as a result of his or her drug problem attempting to rehabilitate himself or herself. That is how I see the nub of it. Here we are talking about children who are at risk of parents with a drug problem; that is the fundamental difference. We are talking about defenceless kids who do not have a voice because of their parents' drug addiction. That is why there is a fundamental difference between this and what occurs in the Drug Court.

Amendment negatived; clause passed.

Clause 7 passed.

Clause 8.

The Hon. KATE REYNOLDS: I move:

Page 6, after line 8—Insert:

(1) Section 8(h)—delete paragraph (h) and substitute:

(h) to provide, or assist in the provision of, services—

(i) to assist children who are under the guardianship or in the custody of the minister; and

(ii) to assist persons who, as children, have been under the guardianship or in the custody of the minister, to prepare for transition to adulthood;

This amendment is to specifically address the requirements for children under guardianship orders in this section of the legislation. We assume that this is just an omission of an accidental nature and not anything deliberate.

It has been highlighted to me that children under guardianship orders are not spelt out in this section of the bill as being specifically entitled to the provision of services. We would like the legislation to make it quite plain that the state's responsibility, through the minister, is to provide or assist in the provision of services for children who are under the guardianship or in the custody of the minister and to assist persons who, as children, have been under the guardianship or in the custody of the minister to prepare for transition to adulthood. Some might argue that it is taken as a given that these children and young people are included, but other people might argue that, given that they are not specifically named, that gives the government an opportunity to wriggle out of its obligations.

We are sure that the government will support this amendment because, if it does not, the wriggling-out argument comes into play, which is not a very good look for a government which has put so much time, energy and money into promoting keeping children safe. This amendment is really only clarifying something that we hope everyone

understands to be the intent of the legislation; it will spell it out for all to see and to feel a little more comfortable about.

The Hon. T.G. ROBERTS: Oh ye of little faith! The whole bill is part of it. The responsibilities of the minister for children in his guardianship are expressed through the fundamental principles in this bill—the functions of a guardian for children and young persons and the functions of the Council for the Care of Children. The Children's Protection Act already contains the provisions outlined to assist children under guardianship or in the custody of the minister to prepare for adulthood. However, the government does not oppose this amendment, as it does not impact on the principles stitched throughout the bill.

The Hon. R.D. LAWSON: I indicate that the Liberal Party will be supporting this very sensible amendment, not for the somewhat churlish reasons given by the government but, rather, because we think it is a good idea.

Amendment carried.

The Hon. KATE REYNOLDS: I move:

Page 6, after line 12—
Insert:

(3) Section 8—after its present contents as amended by this section (now to be designated as subsection (1)) insert:

(2) The minister must, in cases where child abuse or neglect is substantiated, ensure—

(a) that appropriate services are available—

(i) to minimise the effects of the abuse or neglect on the affected child or children; and

(ii) to foster, maintain and strengthen family relationships so far as that object is feasible in the circumstances and consistent with the best interests of the child or children affected by the abuse or neglect; and

(iii) to provide necessary material and psychological support; and

(b) that the affected families are given every possible encouragement to avail themselves of those services.

(3) The minister must ensure that, when a child is placed in the care of persons approved as foster parents under the Family and Community Services Act 1972, the foster parents are provided with appropriate and adequate support and resources to care for the child properly.

This amendment has two key parts, and I will address each separately. The first part is intended to ensure that the state, through the minister, takes certain steps to protect children. In the existing act, there are some quite useful and reasonably functioning words about what the minister must endeavour to do, but it has been put to me, and, in fact, it has been my belief for many years (as I have worked as both a paid worker and a volunteer around the edges of child protection), that the wording needs to change from 'endeavour' to 'must'. That is what we have undertaken to do in this amendment. The amendment will achieve a compulsion for the minister to provide services to minimise the effects of abuse and neglect, to foster, maintain and strengthen family relationships, and to provide necessary material and psychological support, and so on, rather than saying that the government must endeavour to do certain things. It is giving it a great deal more weight.

I will put on the record part of some correspondence I received from the South Australian Council of Social Service. I think this was written around the time the bill was being debated in the lower house, but I received it after the bill was introduced in this place. Under the heading 'Resources for supporting vulnerable families', it states:

Clearly, there will need to be a comprehensive set of related policies to implement the changes contained within the amendment bill.

I should add that earlier in the correspondence they have made a number of positive statements about what the government is seeking to achieve with these changes. It continues:

In addition to this, there is a clear need for resourcing to both the government and non-government sectors in support of the bill's introduction. As stated above, we consider that the principles underpinning the bill are sound but flag our concern to ensure that sufficient resources are provided in support of the bill's implementation.

Adequate resources is of direct concern in relation to the capacity of the community services sector to provide appropriate parenting support to vulnerable families to ensure the protection of children at risk and the right of every child to be safe from harm. In particular, greater resources are required for early intervention programs, as the most effective means of protecting children and breaking intergenerational patterns to ensure that every child is provided with a 'nurturing, safe and stable living environment'.

I assume they are quoting some words that the government itself has used. It continues:

SACOSS consistently receives advice from the sector that demand for early intervention services and more intensive supports for high risk families continues to escalate. Without the resources to maintain existing services, let alone respond to additional demand, the bill runs the risk of not achieving its stated intent of keeping children safe.

The bill places a strong emphasis upon the creation of child safe environments, with a particular focus on the responsibility of prescribed organisations to establish policies and procedures aimed at keeping children safe. SACOSS supports, subject to adequate resources and support from the state, those changes.

However, SACOSS also acknowledges that if child safety is to be the primary objective, then much more is needed to ensure children and young people are safe where they experience most risk of harm and abuse, and that is within their family. Where child abuse or neglect is substantiated in South Australia, in 95 per cent of the cases, the perpetrator is deemed to be either a natural parent, step parent, de facto step parent, sibling, or other relative or kin.

Despite the general functions of the minister contained in the Children's Protection Act (section 8) aimed at providing or assisting in the provision of preventative and support services directed towards strengthening and supporting families there has been limited attention given to the development and delivery of such services in South Australia.

This is where we come to the crunch. It continues:

Perhaps this is because the minister is only required to endeavour to provide such services in order to keep children safe within families, rather than having a statutory obligation to do so. It is SACOSS's position that all families where children are deemed to be at risk of abuse or neglect should have access to appropriate support services. Whilst in practical terms this may seem to encompass too broad a mandate for any government, such provision could be made mandatory at the very least for those families identified through any substantiated case of child abuse or neglect. At present, our system of responding to child protection matters in this state remains too focused on reporting and investigation, but with totally inadequate responses to purposeful and sustainable interventions for families where children are deemed to be at risk. It is within the context of families and family relationships where children and young people remain at greatest risk of harm or abuse. It is critical that the amendment bill deals with this area of concern more directly and SACOSS would be willing to provide input on how this might best be addressed in terms of amendments.

It is my understanding that some discussion occurred with the government and that it agreed to give favourable consideration to the amendment proposed by the South Australian Democrats. That covers and, hopefully, provides a good case for the first part of this amendment, which changes 'endeavour' to 'must' in cases where child abuse or neglect is substantiated. The second part, (3), says:

> The minister must ensure that, when a child is placed in the care of persons approved as foster parents under the Family and Community Services Act 1972, the foster parents are provided with appropriate and adequate support and resources to care for the child properly.

I think anyone who has been in this place for even a month or two would have had contact from foster parents who tear their hair out on a daily basis because of the lack of support that they receive. I am not just trying to have a go at the various agencies here, because the issues are much broader than any one agency can or should be expected to deal with with the resources made available to them. The bottom line is that our system of child protection and alternative care in this state still relies very heavily (I think, most people would agree, much too heavily) on the foster care system. We know that that system is in crisis—I think that is still the polite way to put it. Before the government gets too anxious, I acknowledge that there have been some initiatives in recent times that we hope will help to rebuild that system, and I will talk about those in a moment. But, nonetheless, the system is in dire straits, and one of the prime reasons for that is the lack of resources that have been made available to foster carers.

The government recently released a new foster carers' charter, and on the front cover it says, 'Our commitment to relative kinship and foster carers'. There are 16 pages of words about how the government intends to develop improved relationships with foster carers. That is all well and good but, as a number of foster carers have said to me, there was really nothing wrong with the old foster carers' charter except that no-one was interested in implementing it. So we now have a refreshed foster carers' charter, and that is fine, and it will take time to determine whether anyone is interested in implementing the good words within that particular document.

The bottom line remains that foster carers still have to dig deep into their own pockets to cover a whole range of basic services that are needed for the children that they care for, and that includes sometimes families who are providing short-term care for children who are in the care of the state. Certainly, for long-term carers there is a significant subsidy to the state made by foster families, some of whom really cannot afford this. They do it incredibly tough already, and we make this even bigger ask of them.

I went to the Children in Crisis picnic 10 days ago in Bonython Park and I talked to some of the foster carers there about what I was intending to do with these amendments, and I have to say that they were very pleased and relieved to know that someone was making an effort to ensure that some of the burdens they bear might be a little lightened in the future. Some of the things they currently pay for themselves, either in full or in part, include: therapy, counselling and tutoring, over-the-counter medicines, some costs of education, books, and sometimes school fees. We are talking about families who have opened their homes and their hearts to a child who is not their own. They often make a commitment over many years. In fact, I note that the new foster carers' charter on page 10, under Foster Carer Responsibilities, states, and this is a bit extraordinary:

> Relative kinship and foster carers have responsibilities to the child in their care and to agency staff and are expected to. . . where the child is placed long term with you, make a lifelong commitment to the child.

Most members in this place have their own children, stepchildren or foster children, and I think some have grandchildren, and we all know what that means in terms of the financial costs, let alone the other emotional costs and so on that families bear. So it is extraordinary to us that the state government still has not decided to professionalise our foster care system, which means not just improving training but also improving the payment that foster carers receive for looking after the minister's own children. We know it costs much less to have children in foster care than in any reasonable alternative and, in our view, it is unfair that foster carers are literally being starved into extinction. In our view, it is completely inappropriate that foster carers have to subsidise the state from their own family's budget.

For example, we know that foster carers have to pay for their own mileage to attend meetings with social workers and other people involved in making decisions about the child's life. If they want to attend training they have to pay their own costs to do that—and, often, people travel across the state because they are very committed to ensuring that they learn the appropriate skills and strategies to care for and manage some of these children, including sometimes children with extreme behaviour management problems.

As I said, the people at that picnic just the other week were extremely pleased to hear that this amendment will be considered by this place, and I have had a number of other people contact me since and some people from the foster care organisations who were very pleased. They obviously want to see the amendment pass. Certainly, the South Australian Democrats want to know that, as long as we rely upon foster carers to care for the most vulnerable children in our state, these carers will, by law, be given a more reasonable form of support than is currently the case.

The Hon. T.G. ROBERTS: I thank the honourable member for her contribution and her understanding of the circumstances and climate in which foster carers work and operate and of the commitment they make over and above the normal family commitment—that is, caring for someone else's children. I pay my respects to those foster carers and not-for-profit organisations that make this valuable commitment to assisting the state to deal with its responsibilities by fostering children under difficult circumstances. However, it is very difficult for the government to pay what could be called adequate recompense for all aspects of a child's life while they are in foster care. Great sacrifices are made at a number of levels by foster parents, some of whom have multiple children in their care.

I certainly take off my hat to foster carers who take children of all ages. As parents, we grow up with our children and foster them through the various stages of their life, while understanding them as they grow. It is much more difficult to foster children of a particular age, especially during their teenage years, which bring about many problems foster parents have to deal with. However, the state supplies support mechanisms that are valuable to foster parents, but working out adequate compensation across the board would be very difficult. Some foster parents have means of their own which make it easier (or relatively easy, as nothing is easy when raising children) for them than for others. Certainly, those who struggle with finances have to deal with more problems than just raising the child, and the finance of the household becomes an issue. The government understands that.

We are grateful for the number of people who put up their hand, and what we want to do is to continue in partnership with foster parents in order to maintain the relationship between them and the government, or the state, and to give foster parents the support they require and to be there for them when they put up their hand and ask for assistance. By

including the word 'must', the honourable member's amendment is not conducive to that partnership. The obligation then becomes paramount in people's minds and, in the government's view, achieving a partnership with foster parents remains easier, if you like, with the wording in the bill. The wording of the amendment is not considered appropriate for that partnership to prevail.

The government has consulted with organisations that provide services to children and families and wishes to take on board their advice about the need for a greater commitment by government to these services. We note their advice that the description of 'services' needs to be as broad as possible so that the service response fits the needs of a particular child and family, rather than having a prescriptive response that has no in-built flexibility. Further, the government has been advised of the importance of the partnership approach with families, which will achieve the best outcomes for children. This means that, while the government should always ensure that those families are aware of those services that will help them, any commitments made in legislation, or any other forms of policy, must be written in a way that encourages working together where possible.

The government recognises the important role played by foster parents in the lives of many children, and that commitment often went unrecognised in the past. The government is committed to doing much more to support all carers, and specific reforms are under way. The proposed amendment would be better dealt with in the Family and Community Services Act 1972, as it deals with the registration and other arrangements for carers. The Children's Protection Act is strongly focused on children.

The Hon. R.D. LAWSON: We certainly support the sentiments expressed by the Hon. Kate Reynolds in support of this amendment. However, we have reservations about the efficacy of a provision of this kind. The minister said that the wording is not appropriate to achieve the objective. We think that the policy objectives outlined in the sentiments expressed in this amendment are good. However, we have serious reservations about putting policies of this kind within the straitjacket of legislation. The minister spoke about partnerships and, of course, in the very section this amendment seeks to amend the existing act contains the primary function of the minister as follows:

> The minister must seek to further the objects of the act and, to that end, should endeavour—
>
> (a) to promote a partnership approach between the government, local government, non-government agencies and families in taking responsibility—

and so on. The general functions of the minister are outlined in a series of following subparagraphs. We believe that to insert a provision of this kind would possibly be counterproductive and would possibly create legal issues about the possibility of enforceable rights. The last thing we want to inject into the children's protection system is any possibility of litigation of, as it were, the children's protection system coming out of a ministerial and government responsibility and being the subject of litigation and resolution about the adequacy of responses being determined in the courts.

Like the government, we certainly support and have every sympathy for foster parents and believe they should be appropriately remunerated and supported with resources and the like. That should be a matter of government policy. We should hold the government to its rhetoric on these things. However, we are not convinced that the statutory solution is the appropriate one, and for those reasons and with some reluctance we will not support the amendment. Members of my party were keen to see whether there was some middle way where we could modify the language of this statutory proposal, but in the end we could not see any way to do that easily in the context of this current bill.

The Hon. T.G. ROBERTS: It appears that it might be a good point to report progress. Then we can have some discussion around the wording, as there seems to be some misunderstanding about the agreed negotiations around this clause. I would certainly like to see the rest of the bill progress without acrimony, and if we can negotiate our way through this clause we might be able to do that.

The CHAIRMAN: I refer to the practice of members wandering around the chamber expressing their aggravation and frustration at too loud a level. It is not acceptable; any members who have a question that may be answered by the adviser must address all their inquiries through the minister. I will not have a situation where members approach the advisers, who are not in a position to debate. I also ask honourable members that, no matter how frustrated they are, if they want to confer with parliamentary counsel, do it in a lower tone so they do not disrupt the flow of the committee's deliberations.

The Hon. NICK XENOPHON: I seek clarification. There are occasions when I have approached advisers, for instance, but when it has been understood that the minister does not have a problem with that; it shortcuts the debate down the track. Are you saying that under standing orders we should not do so, even with an arrangement with the minister?

The CHAIRMAN: The advisers in the committee are to assist the minister. If honourable members want to ask a question or seek advice, they should always seek it through the minister. I would prefer it that, if you want to confer with an adviser, you do not do so on the floor but use the lobby and come back. Otherwise, we will have everybody approaching the advisers. They are not there to argue anything but to advise. The clear understanding is that advisers are on the floor to advise the minister so, if members want to avail themselves of information, their questions must be addressed through the minister, who will delegate. I would much prefer that there were not conversations going on with the advisers, with the ministers trying to follow the bill. If the minister is prepared to have the adviser help any honourable member it would be much better if they would move to the back of the lobby and converse in low tones so they did not interrupt the flow of the debate and the business of the committee.

The Hon. NICK XENOPHON: I am confused. In relation to the Industrial Relations Fair Work Bill it was quite helpful to speak to the adviser, and the minister did not have a problem with that. That short-circuited and saved a lot of time. Are you saying that is not appropriate from now on?

The CHAIRMAN: It is always appropriate if it goes through the minister. What you have explained is that essentially the minister said to speak to the adviser. I do not have a problem with that, but it is becoming quite prevalent that those discussions are too loud and the table staff and I cannot hear the debate. We are either blessed or cursed with a number of ministers here who are very soft voiced. When there is a conversation taking place it is often difficult for me to hear what the minister or any other member is saying.

I ask members to recall that the basic reason the adviser is here is to advise the minister. Any inquiries to advisers should go through the minister. The other point I am making for the efficient operation of the committee is that, if you are

conversing with parliamentary counsel, as you are entitled to do, from time to time we get agitated (and we all do that, even me), you should try to keep the tone low enough so we can hear the rest of the committee's deliberations.

Progress reported; committee to sit again.

RIVER MURRAY (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 7 November. Page 2913.)

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank honourable members for their contribution in relation to this bill and their indication of support. The Hon. Sandra Kanck asked a few questions even in the second reading stage, and I will perhaps place that response on record before we go into committee. I understand she asked how it would be determined whether a project has an impact on the Murray-Darling Basin because there was no doubt in her mind that developments adjoining the river could have profound implications for the health of the basin. I am advised that changes will refine the referral of proposed amendments to development plans for those amendments that are within the Murray-Darling Basin.

Currently amendments to development plans when all or part of the council area for which the development plan relates is within the Murray-Darling Basin is referred to the Minister for the River Murray, even though the actual amendment may relate to an area outside the Murray-Darling Basin. The changes will provide for greater efficiencies between the Minister for Urban Development and Planning and the Minister for the River Murray in relation to these matters.

In relation to new developments adjoining the River Murray, the bill does not affect the processes currently in place for assessing new development applications. Schedule 8 of the Development Regulations 1993 identifies the types of developments that require referral to the Minister for the River Murray. The Murray-Darling Basin is the area in which water naturally flows on to the River Murray. It is defined under the Murray-Darling Basin Act 1993 (Attachment 1), which encompasses tributaries, flood plains and wetlands and in South Australia extends either side of the River Murray as far as Jamestown in the north-west and Pinnaroo in the east, a total area of approximately 70 000 square kilometres. Again, I thank honourable members for their contribution.

Bill read a second time.

In committee.

Clauses 1 to 9 passed.

Schedule 1.

The Hon. SANDRA KANCK: I indicated in my second reading speech that this would be the area where I wanted to ask questions, and it is not going to be exhaustive, I can assure members. Firstly, I would like an explanation of how this new part 2, particularly clause 1(3), is going to be different from what we currently have in place.

The Hon. CARMEL ZOLLO: I am advised that under section 24(3) of 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. The referral of amendments to development plans to the Minister for the River Murray when they are outside the Murray-Darling Basin provides no benefits and places unnecessary administrative processes on Planning SA and the Department of Water, Land and Biodiversity Conservation, often causing unnecessary delays in the processing of these amendments.

The inclusion of areas outside the Murray-Darling Basin was merely an oversight when the River Murray Act 2003 was prepared. Changes will mean that only amendments to development plans that relate to an area within the Murray-Darling Basin are referred to the Minister for the River Murray. Further changes to the act will provide a regulation-making power, enabling the development regulations 1993 to specify a maximum time frame for comments to be received from relevant parties when consulting on amendments to development plans, and will aid in improving the timeliness of government decision making.

To ensure consistency with the intention and administration of section 22(5) of the River Murray Act 2003, an additional amendment is proposed to ensure that these time frames do not impact on any initiatives undertaken by the Minister for the River Murray under section 22(5) of the River Murray Act 2003.

The Hon. SANDRA KANCK: I recall when we originally dealt with the River Murray bill, as it was then, that some of those concerns were raised about how fiddly it was all going to be and in many cases a waste of time, so this is sensible. My only other question relates to the next part, that is, clause 2(1)(3a) of the schedule, which says that 'the Governor may by regulation exclude specified categories of amendments from the operation of subsection (3)'. Could the minister advise me what the government has in mind in regard to exclusion?

The Hon. CARMEL ZOLLO: We do not know exactly what is in place in relation to the exclusion of specified regulations, but we will consult with the appropriate parties in the development of the regulations to ensure their suitability. Basically we need to pass this legislation to see that happen.

The Hon. SANDRA KANCK: That becomes one of those cases of 'Trust us, we're the government', which is always problematic. Part 2 of the schedule requires that any plan amendment reports, as we call them presently, would require consultation. One of the things that does not appear to be in this—it is simply not mentioned and may be back somewhere in the parent act—is that, if we got a major development proposal in this area of the Murray-Darling Basin, it would not require amendment of the development plan. To take an example that is not in the Murray-Darling Basin, there is the Hanson Bay development on Kangaroo Island, which will require the clearance of native vegetation. Within the Murray-Darling Basin that could have a significant impact. Where does something like that fit—a major project, a mine or any of those large things that will not require an amendment to the development plan?

The Hon. CARMEL ZOLLO: The honourable member has pointed out in relation to new developments adjoining the River Murray that the bill does not affect the processes currently in place for assessing new development applications. Schedule 8 to the development regulations 1993 identifies the types of developments that require referral to the Minister for the River Murray. Other processes are in place to assess new assessment applications and departmental guidelines for assessing new applications. There are in place

broader consultations with other government departments as a safeguard.

Schedule and title passed.

Bill reported without amendment; committee's report adopted.

Bill read a third time and passed.

[Sitting suspended from 6.2 to 7.50 p.m.]

VICTORIA SQUARE BILL

Adjourned debate on second reading.

(Continued from 7 November. Page 2906.)

The Hon. R.I. LUCAS (Leader of the Opposition): On behalf of the Liberal Party in this chamber, I oppose the bill before us. We are prepared to go through the committee stage of the debate, so we will not formally vote against the second reading. In the committee stage, we will be seeking answers to a lot of questions we believe that a number of individuals and organisations are asking of this government and its ministers in relation to details of this 'icon project', to use the Premier's words—that is, the tramline extension. I think I have heard descriptions for the project other than icon, but I will not put them on the parliamentary record this evening. The Liberal Party—and I support this view very strongly—believes that there are far greater priorities in South Australia at this time than spending upwards of $50 million—

The Hon. R.K. Sneath: The sports stadium and the Wine Centre?

The Hon. R.I. LUCAS: I would say to the Hon. Mr Sneath, 'Go down and watch Adelaide United every second week at the Hindmarsh stadium and hear what 14 000 South Australians tell you lot about your views on the Hindmarsh stadium.'

An honourable member interjecting:

The Hon. R.I. LUCAS: Exactly. I tell you what, Mr President, we will happily debate the former government's record on infrastructure.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: We now have the opportunity—

The Hon. T.G. Cameron: I do not think the Hon. Mr Sneath says as much on the record as he does off the record.

The PRESIDENT: That goes for a lot of people, actually.

The Hon. T.G. Cameron: He is the only member of parliament who makes more speeches by interjection than he does on the record.

The PRESIDENT: He will never beat you, the Hon. Mr Cameron; I am sure of that.

The Hon. R.K. Sneath interjecting:

The Hon. R.I. LUCAS: We particularly look forward to Basket Press Bob's contribution, particularly after the dinner break. The working man's friend, in his pink shirt and pink tie and his basket press taste.

Members interjecting:

The PRESIDENT: Order! There is too much audible interjection on both sides.

The Hon. R.I. LUCAS: Thank you, Mr President. I am trying to talk about trams, and the Hon. Mr Sneath has got me talking about basket press wines and pink shirts. Goodness gracious!

Members interjecting:

The Hon. R.I. LUCAS: These left-wing trendies! This extension we are talking about is just the first part of this icon project—this icon dream that, evidently, this Premier had whilst he was travelling overseas in relation to the tram extension. Trust me, the project will cost more than $21 million. I think the first stage of the tram project for the upgrade from Glenelg to the city, including the purchase of the trams, was originally estimated to cost much less than the $84 million it ultimately cost. I think the blowout was of the order of $10 million to $15 million in respect of that project. The Premier has talked already of extending the tram not just from Victoria Square to North Terrace but also from North Terrace, past Adelaide Oval and towards North Adelaide. I am not sure where his second stage iconic dream has its termination, whether at Brougham Place or O'Connell Street—

The Hon. J.F. Stefani: Probably Norwood!

The Hon. R.I. LUCAS: Well, he has got them going everywhere. The estimate for the second stage extension, evidently, is of the order of $20 million, or so.

The Hon. D.W. Ridgway interjecting:

The Hon. R.I. LUCAS: My colleague the Hon. Mr Ridgway says that it is a total of $51 million to Brougham Place, if you accept the government's estimates. We will be seeking from the minister handling the bill in this chamber confirmation that this government has got in the forward estimates (and for which particular years), first, the $21 million first stage extension to North Terrace and, secondly, the $30 million further extension to Brougham Place, North Adelaide.

The Hon. Sandra Kanck: What is your public transport policy?

The Hon. R.I. LUCAS: It is certainly not trams to North Terrace. I assure the Hon. Sandra Kanck that we are not supporting trams for about 5 000 people from Glenelg to Victoria Square. At a time when people all over South Australia are complaining about the state of road maintenance in South Australia, at a time when we have groups such as Dignity for the Disabled and the Mental Health Coalition, and others, lobbying members of government and saying, 'We want more of your scarce taxpayers' dollars to be spent on roads, or for Dignity for the Disabled, or for the mental health problems that this community has,' what does Mike Rann, the Premier of South Australia, say to them? He snubs his nose at them and says, 'I want to spend $51 million on trams to run from Victoria Square to North Terrace, and maybe to North Adelaide for 5 000 people who currently use the tram from Glenelg to Victoria Square.'

I would not think that it is too onerous a task for those 5 000 people who travel from wherever in Glenelg along the way to Victoria Square to walk a few hundred metres, consistent with the government's anti-obesity policies that the former minister (Hon. Lea Stevens)—

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: Well, the Hon. Mr Cameron is a bit unkind about the Hon. Bob Sneath, but I will not take the bait.

The Hon. T.G. Cameron: I was referring to the President.

The Hon. R.I. LUCAS: You were referring to the President; I thought you were referring to the Hon. Bob Sneath!

The PRESIDENT: Order!

The Hon. R.I. LUCAS: That is completely out of order, Mr President, as it is reflecting on the chair. Consistent with this government's anti-obesity policies, the fact that a small number of people—

The Hon. R.K. Sneath interjecting:

The Hon. R.I. LUCAS: I am happy to eat, but I do not need to drink as much as you do.

The PRESIDENT: Order! The council is descending into chaos. It is not a problem with what people have been eating, either.

The Hon. R.I. LUCAS: Sir, I do not think you need to worry about what some people have been eating; it is perhaps what some people might have been imbibing.

The Hon. R.K. Sneath: Having your pie without any sauce.

The Hon. R.I. LUCAS: That would not be true. I would never have a pie without sauce, I can assure you. That is a lie.

The Hon. R.K. Sneath interjecting:

The PRESIDENT: Order! The Hon. Mr Sneath will cease his un-Australian remarks.

The Hon. R.I. LUCAS: Exactly, Mr President. How can you have a pie without sauce? It is not too onerous a task to walk a relatively short distance from Victoria Square to office blocks—whether it be in Pirie Street, Flinders Street, or wherever. I ask the Leader of the Government (who is obviously a staunch defender of this policy): in the surveys the government has done, how many people who travel from Glenelg to Adelaide actually need to go to North Terrace to the railway station, which is one of the examples used as to why we need this particular tram line extension? How many of those 5 000 or so passengers have a requirement to travel to the railway station on North Terrace, as opposed to, I suspect (from the information given to me), the majority who have to travel to their place of work somewhere in and about those office blocks in Grenfell, Pirie, Flinders and Currie streets, etc.?

The Hon. Sandra Kanck interjecting:

The Hon. R.I. LUCAS: I am not sure what the Hon. Sandra Kanck said, but I am sure she will have the opportunity when she speaks to put her point of view. I would encourage the Hon. Sandra Kanck to preserve the strength of her voice for her contribution.

Certainly the Liberal Party's position is, as I said previously, that, if we have $51 million-plus to spend on projects, there are many more worthwhile projects on which that $51 million can be spent. We are quite happy to go to the next election in March having the Hon. Bob Sneath, the Hon. Paul Holloway, the Premier and the Minister for Infrastructure saying that the trams for people moving from Victoria Square to North Terrace are more important than the Dignity for the Disabled group or the Mental Health Coalition or the upgrading of roads throughout South Australia; and we are happy to be judged on the priorities that we believe are more important to the people of South Australia than this notion of spending $51 million on a tram project just because the Premier happened to be overseas looking at some trams in Portland, Oregon.

I will be asking the Leader of the Government whether this was part of the much vaunted infrastructure plan that was released with much fanfare earlier this year.

The Hon. P. Holloway: It is certainly going to be part of our infrastructure, that is for sure.

The Hon. R.I. LUCAS: But was it part of the infrastructure plan released earlier this year? The government released its much vaunted infrastructure plan for the infrastructure needs of South Australia for the next five or 10 years in April of this year with much fanfare. It is important for governments to look at the infrastructure needs of the community, and months and months have been spent within government departments and agencies in terms of the priorities for infrastructure spending as part of the infrastructure plan. Why was the tram project not on that infrastructure plan? It is a pretty simple question. There was much work, and it went in and out of cabinet a number of times. It went in and out of cabinet and was not deemed important enough to be part of the much vaunted infrastructure plan. The reason is that government departments, agencies and ministers did not believe that it was a priority. But, of course, Premier Rann, with the media in tow when he was travelling overseas, had to have something to announce, and we had extensions and more extensions being announced in relation to this tram project—a project that was not even part of the infrastructure plan, as I said.

Our question to the Leader of the Government, representing the Premier, is: why was it not included in the infrastructure plan, and on what basis did this government decide that $51 million-plus of scarce taxpayer funds would need to be expended on this unimportant project—from the viewpoint of the departments, ministers and agencies that put together the infrastructure plan?

We will seek further information from the minister in relation to the number of trees that will be cut down in Victoria Square. I understand that up to 18 trees will be cut down in Victoria Square on the western side to make way for the tram project. I remind the Leader of the Government that after years of discussion this government came up with a half-baked response to the Britannia roundabout traffic dilemma, which was the traffic light solution. After announcing it in one budget and getting a little bit of heat from the local Liberal candidate for Norwood (Nigel Smart), suddenly the Labor member, the Minister for Transport and the Premier went to water very quickly on the Britannia roundabout issue, and again the need for long-term planning and stability in future planning in respect of infrastructure needs went out the window. The excuse that was given was that a small number of trees (I cannot remember the exact number, but I think it was in the order of 10 to 20 trees) were going to be removed.

The Hon. P. Holloway: There are no 100 year old trees in Victoria Square.

The Hon. R.I. LUCAS: So it is the age of the trees, not the size of the trees, or anything like that. It does not matter. So what the Leader of the Government is saying is that in one case the excuse of tree removal, which was always known in relation to the Britannia roundabout issue, contrary to the claims of the Minister for Infrastructure—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: Those trees have always been there. They were not hiding, I can assure the minister. I drive past them frequently, and I suspect that the minister does so, too. Those trees were always there. Minister Conlon might have been walking around with his eyes closed, but anyone else would have known that those trees at the Britannia roundabout have always been there. All of a sudden, the government decides that, after a little bit of heat on the issue from the Liberal candidate for Norwood, it will go to water and throw out of the window its much-vaunted half-baked plan.

Members interjecting:

The ACTING PRESIDENT (Hon. R.K. Sneath): Order! There is too much excitement in the chamber.

The Hon. R.I. LUCAS: Thank you for your protection, Mr Acting President. However, I understand that the government is quite happy to rip down up to 18 trees in Victoria

Square as part of this project. Of course, we have the situation of the impact on traffic of the proposed tram project through the centre of the city. Whilst we have argued passionately, and will continue to do so, that there are priorities for $51 million other than this project, the issue that will impact on people—not just the residents and constituents of the marginal seat of Adelaide, but the many tens of thousands of others in the marginal seats of Norwood and others that surround Adelaide—will be the traffic flow through the centre of the city.

The Minister for Transport made some ill-advised comments (amongst the many ill-advised comments he makes) in relation to his view that there would be no impact on traffic flow through the centre of Adelaide by having the tram project go right through the centre of King William Street. I do not know which planet the Minister for Transport lives on, but he certainly does not know much about the traffic flow through the centre of Adelaide. The glossy coloured blurb on the Glenelg tramline extension to the Adelaide Railway Station from the government of South Australia (the Department for Transport, Energy and Infrastructure) outlines some of the details of the tram project. It states that stops are proposed and that the 1.2 kilometre extension will travel around the western edge of Victoria Square, ripping out trees (to the outrage of environmentalists, and I am sure that the Democrats and the Greens will be just furious at that aspect of the project) before proceeding north in a central median along King William Street. The document continues:

> Stops are proposed for Pirie Street, Rundle Mall and the Adelaide Railway Station. The existing terminus at Victoria Square will be removed, with a new stop at the western side of the Square. There will be two tracks (one in each direction), and the tram stops will be in the centre of the road, with the tracks running on each side. Each stop will have a specially designed shelter, and the general look of the tramline extension will be in keeping with the ceremonial nature of King William Street—

I am sure that we are all encouraged to hear that—

> complementing the streetscape works already undertaken by Adelaide City Council.
>
> The trams will be powered in the same way as the existing system; via a system of overhead wires. The tram corridor will not be available for other vehicles. . .

The government says that impacts on current traffic and kerbside use will be minimal, as proposed through-lane reductions in King William Street and North Terrace can be accommodated by the spare capacity that currently exists.

In an extraordinary interview with the minister he indicates that, in his view, not very many people use the centre lane or the inside lane of King William Street, because they know that they will get caught up in traffic turning right. Again, I am not sure which planet the Minister for Transport lives on, but certainly—

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: Yes, exactly. I invite him to—

The Hon. P. Holloway: We needed you in Melbourne in the 1950s. You could have got rid of all the Melbourne trams.

The Hon. R.I. LUCAS: We are not talking about getting rid of them; we are talking about whether we want to put one kilometre of tramline through the middle of the city. The document states:

> Congestion in King William Street will be alleviated, with the reduction in bus movements of up to 20 per cent, coming from the removal of the Beeline bus service, and other routing changes.
>
> The 'no right turn' traffic management system currently employed at peak times will be maintained throughout the day.

This means that all of us who, through non-peak periods, use King William Street to turn right, with the convenience that provides, will be prevented from doing so after this tram project. So, what we will have is two dedicated lanes running through the middle of King William Street, with covered tram shelters in the middle with overhead wires as the power source for the trams.

Members will be delighted to know that one of the 'frequently asked questions' is whether the trams will hold up the traffic. The government replies, 'No. Traffic modelling has been undertaken which shows that there is no overall delay caused by the tram extension.' At the committee stage, I will ask the government to make available to members of the committee who are interested the traffic modelling that has been undertaken. We will be pursuing this in some detail. I think that it will be news to some members of the Adelaide City Council.

The Hon. P. Holloway: Unfortunately, this bill has nothing to do with it: it is all to do with Victoria Square. It has nothing to do with what will happen in King William Street.

The Hon. R.I. LUCAS: Well, without Victoria Square you do not have the project.

The Hon. P. Holloway: No, we don't; that's where you're wrong.

The Hon. R.I. LUCAS: You are going to run straight through the middle of Victoria Square, are you?

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: Is that what the government is going to do?

The ACTING PRESIDENT: Order! We will leave the debating stages for the committee.

The Hon. R.I. LUCAS: I am pleased to have your protection, Mr Acting President. The Leader of the Government said by way of interjection that they do not need this but that they will just ram it through the middle of Victoria Square if the parliament does not support this proposition. Let the residents of Adelaide know that the Leader of the Government in this chamber has made quite clear in an arrogant way that the government does not need the parliament in relation to the legislation; it will not listen to the majority view of the parliament, should the parliament say, 'No, we do not want to waste $51 million on a tram extension project.' Typically of this government's arrogance, it is saying, 'We don't care if the majority view of parliament is opposed to wasting money in this way; we will just jam the tram tracks in the middle of Victoria Square and King William Street and out into the middle of North Terrace.' I think that in the March election next year the residents and electors of South Australia will tell the government where they would like to jam the tram tracks. The arrogance of this government knows no bounds.

It is important that in relation to this project the government has claimed that traffic modelling has been undertaken that shows no overall delay will be caused by the tram extension. No-one I have spoken to in relation to this issue believes that claim by the Minister for Transport and Premier Rann that the traffic modelling shows that there will be no overall delay caused by the tram extension. The Leader of the Government needs to be prepared for extensive questioning in committee and to provide copies of that traffic modelling.

The government also talks about making significant changes to bus services. It is going to get rid of the Beeline bus service and make other bus route changes as well. I think this government ought to be honest enough to put on the

public record what bus route changes it has in mind to accommodate this tram project. As we have seen from the recent bus routing changes, when some routes were changed which meant that residents from the northern suburbs were not being offered the option of being dropped off at the Royal Adelaide Hospital but in other parts of Adelaide, there was significant opposition from those residents in the northern suburbs of Adelaide. So, if there are to be significant routing changes as a result of the tram project then I think this government owes it to the people of South Australia to come clean prior to the election on what those changes will be so that when people go to the election they can vote on whether they want to support this $51 million expenditure on trams. They ought to know what the impact will be on traffic and what reductions in bus services and changes in bus routes will be implemented by this government as part of this project.

I note also that the government says that the construction on this project will start in mid 2006 and be finished in mid 2007. But then in the next sentence it says that works will be programmed to avoid major events such as the Christmas Pageant. The last time I checked, the Christmas Pageant was in about November this year, which would seem to occur between mid 2006 and mid 2007. I ask the Leader of the Government, given the first sentence where the government says construction will extend from mid 2006 to mid 2007, how it will keep its commitment, which it makes in the next sentence, that it will be programmed to avoid major events such as the Christmas Pageant.

One of the frequently asked questions is, 'How will I get to the tram stops in the middle of the road?' The answer is that stops will be located at signalised intersections to enable pedestrians to cross safely from either side of the street to the tram stop. 'Why do the wires have to be overhead?' The answer is that the new super trams are made to run on overhead power, as this is the set-up for the rest of the city to Glenelg tramline. Having permanently live rails is not an option for safety reasons and, whilst rails that liven only as the tram passes over them have been trialled in Europe, this technology is still emerging. Adelaide's tram system needs to be reliable; therefore, proven and efficient technology will be used.

The next question is, 'Why move the Victoria Square stop to the west?' The Victoria Square stop will be relocated so the track no longer splits the southern half of the square, increasing the useable space. The western side was chosen because it is nearer the Central Market and other Gouger and Grote Street attractions. I saw one suggestion from one of the ministers or the Premier at one stage indicating that they would be able to undertake some sort of fish festival or something. I think they mentioned Mr Angelakis at one stage; I am not sure which event it was. It might surprise the Premier and the minister that Victoria Square in its current formation is used significantly by organisations for major events and launches already.

The Hon. P. Holloway: There will be a whole lot more space in Victoria Square for people to use.

The Hon. R.I. LUCAS: There does not appear to have been any limitation on the use of Victoria Square that I have noticed in recent years in terms of the project and program launches in that location. The press release from Premier Rann in relation to trams returning to the heart of Adelaide states:

> This is an iconic project that will return trams to Adelaide's central boulevard, providing the opportunity to stimulate development at both Victoria Square and King William Street as the heart of the city.

I am just not sure exactly what stimulation of the heart of King William Street the Premier was talking about if he wanted to walk down perhaps the centre part of King William Street. When he visited Portland, I think he was told that tram projects, when they went through some industrialised areas and others that had seen redevelopment and regeneration, were slightly different to the main street of the City of Adelaide in terms of redevelopment options. I would ask the minister to contrast the centre of the main street of Adelaide with perhaps what the Premier witnessed or saw on his trip to Portland, Oregon.

The transport and infrastructure minister (Patrick Conlon) in that release says that preliminary work on the project will begin this year and that the construction will begin in 2006. I would ask the minister in his reply to the second reading to outline, should the legislation pass, what preliminary work is intended for this year; and, equally, should the legislation not pass—given the Leader of the Government's indication that the government will just jam this project straight through the middle of Victoria Square, anyway—what the preliminary work on the project will be this year under both of those options.

In wrapping up the second reading debate, can the government provide what estimates it has in relation to the first part of this extension in terms of increased patronage of the Glenelg tram? The Hon. Mr Ridgway has given an estimate of the current number of passengers who use the Glenelg tram from Glenelg to Victoria Square. What are the estimates that have been provided to the government in terms of increased patronage of the Glenelg tram if it is extended from Victoria Square to North Terrace? With that, I indicate that the Liberal Party's position is clear and unequivocal. There will be a point of difference on this and many issues as we lead into the March election. The Liberal Party is quite prepared to stand up and announce clearly its policies prior to the election. We will not be leaving all of our policy commitments to the March period. We are making it quite clear that we do not believe in wasting $70 million to $100 million on opening bridges just because Kevin Foley, the Treasurer, decides—

Members interjecting:

The Hon. R.I. LUCAS: We are not going to waste $70 million to $100 million on opening bridges in Port Adelaide. Just because the Treasurer had to go to a heated local meeting and Rod Sawford was cracking up—

Members interjecting:

The Hon. R.I. LUCAS: Rod Sawford, whose name has been mentioned in dispatches. Mr President, you would have been interested to note those mentions in dispatches recently. Rod Sawford and the local people in that area were turning up the wick on Treasurer Foley, so he decided that he was going to have opening bridges down there and hang the cost—$70 million to $100 million extra for a couple of opening bridges that will open for maybe half an hour in the morning and half an hour at night and that is all, if that.

As I said, this tram project will be added to that. We are quite happy to be judged on our priorities in terms of spending. We are quite happy to say that hospitals, schools, roads, Dignity for the Disabled, mental health policies and other problems are more important than $100 million for opening bridges in the port and $51 million for a tram extension project up the middle of King William Street and

on to Brougham Place in North Adelaide. We will be quite happy on this bill, on this project and on others to be judged in respect of our different priorities. We will be quite happy to be judged on those priorities. We are quite happy for the Premier and the Minister for Infrastructure to waste their money on projects like the tram line extension, the opening bridges, $7 million on a school for fewer than 50 kids in the middle of Adelaide, and various other things that they have wasted their money on over the past four years.

The Hon. T.G. Cameron: It is a marginal seat, remember.

The Hon. R.I. LUCAS: Yes, and that is the ultimate priority for this government. If it is a marginal seat or if it is the Treasurer's seat, you can spend $70 million to $100 million extra on opening bridges; or, if it is in the seat of Adelaide, you can spend $50 million on a project which was not even part of the much vaunted infrastructure plan released in April this year. The opposition's position is that we will support the second reading to allow questioning in the committee stage, but I can assure the government that we will be trenchantly opposing this waste of money on this ridiculous project at the third reading. We hope that a majority of members in this chamber will join with us in saying to Premier Rann, 'We think that money spent on roads, Dignity for the Disabled and the Mental Health Coalition is more important than your $51 million being wasted on a tram extension project jammed through the middle of King William Street in Adelaide.

The Hon. T.G. CAMERON: I support the second reading of this bill. I am undecided on whether or not we need an extension to the Glenelg to Adelaide tramline. My concerns cover a number of areas. I have long been concerned about the patronage of the Glenelg to Adelaide tramline. I was not aware that it had fallen to as low as 5 000 people a day. I was wondering whether that was a working day, the weekend or an average figure spread across the year. Perhaps the minister could check that for me. I do not think you can extrapolate from the patronage on the current tram that the link between Adelaide and North Adelaide will not be used, that it is a lemon and that we should not do it. The issues that concern me about whether or not we should extend the tramline relate more to traffic.

Will the minister indicate whether he will make the traffic modelling available to us? That is the issue I am most concerned about. I am reminded of the difficulties associated with the traffic as you go down King William Street as I drive down it when I come into Parliament House. Over the past 10 years the time taken to traverse Unley Road, Greenhill Road or South Terrace and do a left-hand turn to come into Parliament House has been getting longer and longer. The installation of a red light camera on the intersection means that if you get held up and you wish to go left you cannot even do a left hand turn against the yellow light, otherwise you will get a ticket for going through a red light.

I am interested in hearing more information on traffic modelling. I remind the government that King William Street is used by hundreds of thousands of motorists as a thoroughfare from the Adelaide Hills and the southern or eastern suburbs. It is a lot quicker to wear the traffic and come straight through the city and, if you want to go down Torrens Road or turn right or left, you do so. I am concerned about how we will put in additional tramlines, which to my way of thinking will remove at least one or two of the lanes on King William Street. Already we have what I consider to be a serious problem right on the corner of King William Street and North Terrace. Adelaide City Council does not monitor it properly. Commercial vehicles break the law every day in and around that area. Trying to manoeuvre down King William Street during the early hours of the morning, coupled with the problems created on the left-hand side of King William Street, means I am curious and puzzled as to how we could come up with traffic modelling that shows we will not have any problems.

I thought I would read the leader's speech as I was not here at the time. At the conclusion of his speech—and this tells the tale—he says 'this bill will enable the Glenelg tramline to be extended along Victoria Square, with the least amount of land taken from the square'—and these are the words that worry me—'and the best possible traffic management and pedestrian outcomes'. There is no reassurance or indication there that pedestrian and traffic outcomes will not be any worse. There is no indication of what impact extending the line will have on traffic movements through the city, particularly between the hours of 8.30 and 9.15 a.m. and 4.45 through to 6 p.m. It can be bedlam all the way up and down King William Street. I know we will not widen the street or put in double roads, so I am puzzled as to how there will not be any delays or problems. We have done the traffic modelling and everything is fine. Before I support the proposition to extend the tramline, which I do not have any problem with, I want to see what impact it will have on the traffic modelling.

I ask the minister to indicate what the costs will be. We have heard figures of $21 million, it then jumped to $50 million and I have heard figures of $70 million and $100 million. Further, has the government, as any part of overall or integrated transport analysis, established any priorities in relation to spending on transport infrastructure?

We know that, since the collapse of the State Bank, spending on the maintenance of our road network and road infrastructure here in South Australia has fallen. I used to often attack the Liberal government transport minister, Di Laidlaw, about cutbacks that were occurring in road infrastructure, but those criticisms had to be tempered somewhat on the basis that at that stage I belonged to a party which in government helped create the problem of the state's massive debt.

We know that money is tight, and we know that there is not a lot of money around, despite the desperate, even valiant and courageous, efforts by the government to increase its revenue base through the introduction of more speed cameras throughout the city. Revenue is increasing from that area, but that will not be enough to meet the problems that are now developing in the state in relation to transport, but I guess this is not the appropriate bill to speak at length about that issue. We probably have not had a fully integrated transport plan here in South Australia for about 20 years. We have gone through a Labor government, then a Liberal government, and now we are back to a Labor government and I still have not seen a proper transport plan for South Australia. It probably will not be the people of today who will pay the penalty for the failure by governments to deal with transport infrastructure. It is not the people of today who will be blighted with the cutbacks in spending on our road and transport network system—it will be the generations to come.

I am worried about just how long it will take to get from, for example, South Terrace up to O'Connell Street—perhaps not today, but what about in five, 10 or 20 years? Some of us, like yourself, Mr Acting President, have been around for a

while. We are getting on a bit, and we are in a position, unlike some of the younger members of our community, to reflect back on what has happened over the past 20, 30 or 40 years. Fortunately, the Hon. Mr Ridgway is not in a position to be able to reflect back that far, but it is a day that dawns on all of us.

I think the major weakness in this proposal is the sparse information we have been given on traffic modelling and what impact this will have. I know that it will look good. I know that the Japanese tourists, when they come here, will be able to walk out of the Hilton and go across and jump onto the tram. Heavens above, they will be able to clank and clink all the way up to North Adelaide. But that is not what transport planning should be about. It should be about meeting and servicing the needs of the entire community, not something pulled out of a magician's hat like a myxomatosis rabbit just before an election. It should not be part of some campaign to hold on to a marginal seat and to stay in office. What we should be looking at here is whether we need to spend this much money right now on a tramline extension, taking into consideration all the other competing needs there are, even within this portfolio just in relation to transport. They are the questions I would like to put to the minister. So, I guess it is now up to the government.

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

STATUTES AMENDMENT (RELATIONSHIPS) BILL

In committee (resumed on motion).

(Continued from page 2945.)

Clause 69.

The ACTING CHAIRMAN (Hon. R.K. Sneath): I understand that the Hon. Ms Lensink intends to withdraw the amendment she moved to clause 69, page 26.

The Hon. J.M.A. LENSINK: I draw to the attention of the committee the set of amendments that have been drafted since we were last discussing this bill before the dinner break. As I said at that time, parliamentary counsel was seeking to put all the sets of amendments together into one lot so that it is easy to follow it from start to finish. I take it from the hurrahs I heard at the time that it was a fairly popular move.

The amendment I will be seeking to replace the previous one with in the set of amendments standing in my name as Lensink No. 7 is amendment 85 to clause 69. The term 'certified cohabitation agreement' has been replaced with the term 'certified domestic relationship property agreement'. I hope that overcomes the concerns that have been expressed in relation to the concept of the agreements, which are currently contained within the De Facto Relationships Act. In effect, we are referring to a contract by a different name but with the same effect, so the parties can seek their own independent legal advice. The explanations I have provided in previous debate apply. The wording has been changed, which I trust will overcome concerns. I seek leave to withdraw the previous amendment.

Leave granted; amendment withdrawn.

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

Page 26, after line 10—

Insert:

(a1) Section 3, definition of certified agreement—delete the definition and substitute:

certified domestic relationship property agreement—a domestic relationship property agreement is a certified domestic relationship property agreement if—

(a) the agreement contains a provision (the warranty of asset disclosure) under which each party warrants that he or she has disclosed all relevant assets to the other; and

(b) the signature of each party to the agreement is attested by a lawyer's certificate and the certificates are given by different lawyers;

This is a test clause for the 'opt in' model, if you like. I understand that it precedes the amendment of the Hon. Terry Cameron, because the word 'certified' would appear before his first definition, which is the word 'child'.

The Hon. T.G. CAMERON: Well, I am even more concerned than I was prior to the break. I am not sure, following the recent explanation by the Hon. Michelle Lensink, that I do understand the amendments she is wishing to move. I have just come back from the afternoon break to find another copy of the amendments. This is the seventh version we have had. The last two copies, on which I have just brought myself up to speed, have been taken away and replaced by this document, which is document No. 7 and which is the one we are now dealing with. I ask the Hon. Michelle Lensink whether this is the latest lot of amendments. Is this the final lot we will deal with?

The Hon. J.M.A. LENSINK: If members in this place find other language to which they might object, I will be happy to amend those amendments. Depending on how members feel as we progress through the debate I may yet comply by amending them to overcome their specific concerns.

The Hon. T.G. CAMERON: I was aware of what the previous document meant. I have not read this document. It was handed to me about five minutes ago. Could the honourable member place on the record for the committee how this set of amendments differs from the previous set of amendments, otherwise I will have to seek an adjournment to read it. I will not vote for or against 54 pages of amendments when I do not know what they mean.

The ACTING CHAIRMAN (Hon. R.K. Sneath): At present, we are discussing the amendment to clause 69, page 26, after line 10.

The Hon. T.G. CAMERON: I understand that, but I do not think it is out of order to expect the honourable member, having lodged this set of amendments at the 11th hour, to explain them. As all members know, this is a controversial issue. We have probably been lobbied more and received more correspondence about it than just about any other matter, so we need to know exactly what the member's amendments will do, in case there is a problem about this down the track.

The Hon. J.M.A. LENSINK: I am happy to provide an explanation to the honourable member which will be consistent with the comments that were made prior to our seeking to report progress before the dinner break. I think as was stated then, and I am happy to repeat it for the benefit of the honourable member, the three sets of amendments that we had have been consolidated into one set and, as the Hon. Terry Cameron would be aware having been a member of the Social Development Committee, the government's bill is an omnibus bill which amends a series of acts and does so in an alphabetical fashion. For instance, the first act that is amended is the Administration and Probate Act and the final act is the Workers Rehabilitation and Compensation Act. The

new set of amendments that the member has before him, which is a commitment that I gave—

The Hon. T.G. Cameron: This is the document marked number 7?

The Hon. J.M.A. LENSINK: —number 7, that is correct—is the consolidated one with the new amendments, which I dearly hope will overcome his particular concerns in relation to the word 'cohabitation'.

The Hon. T.G. CAMERON: Am I to understand from the honourable member's explanation that the only difference between this set of documents and the previous set of documents that I received is that the reference to the certified cohabitation agreement has been deleted?

The CHAIRMAN: Yes, my understanding is that that has been removed and has been replaced by a certified domestic relationships property agreement, which I understand was done after you expressed your concern, Mr Cameron.

The Hon. J.M.A. LENSINK: I also add that the observant eye of the Hon. Andrew Evans very quickly picked up in amendment No. 6 that the word 'cohabit' continued to appear in these amendments, and that has been rectified. That is a drafting error which we trust will overcome some of those concerns.

The Hon. T.G. CAMERON: That was my next question. In relation to co-dependants, have we removed the term 'certified cohabitation agreement' all the way through the bill?

The CHAIRMAN: Yes.

The Hon. T.G. CAMERON: So the member is giving the committee an assurance that these amendments remove any reference to co-dependants somehow cohabiting?

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

Amendment carried.

The CHAIRMAN: I have a further amendment in the name of the Hon. Mr Cameron, which will be a test for the Hon. Mr Cameron's suite of amendments.

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

Page 26, lines 10 to 17—

Clause 69—delete the clause and substitute:

69B—Amendment of section 3—Definitions

(1) Section 3, definition of child—delete 'de facto' first occurring and substitute:

domestic

(2) Section 3, definition of child, (a)—delete 'the de facto partners' and substitute:

both of the domestic partners

(3) Section 3, definitions of de facto partner and de facto relationship—delete the definitions and substitute:

domestic relationship means—

(a) the relationship between 2 adult persons (whether of the opposite sex or the same sex) who cohabit with each other as a couple on a genuine domestic basis (other than as a legally married couple) (a de facto relationship); or

(b) a close personal relationship between 2 adult persons, whether or not related by family, who are living together, 1 or each of whom provides the other with domestic support and personal care, but does not include any such relationship where—

(i) the persons are legally married to each other; or

(ii) 1 of them provides the other with domestic support or personal care for fee or reward, or on behalf of another person or an organisation of whatever kind:

(a domestic co-dependant relationship);

domestic partner means a person who lives in a domestic relationship and includes—

(a) a person who is about to enter a domestic relationship; and

(b) a person who has lived in a domestic relationship;

The Hon. P. HOLLOWAY: Obviously the government opposes the amendment. This amendment proposes that domestic co-dependant partners should have the benefit of the De Facto Relationships Act, to be renamed the Domestic Relationships Property Act. This would enable them to make cohabitation agreements about their property and finances and, if the relationship ends, to apply for property adjustment orders. It would also ensure that property transfers resulting from adjustment orders—

The CHAIRMAN: I am sorry, minister, but I need to be clear here. What Mr Cameron has moved so far is the section on the definition of 'child'. All honourable members should be aware that we are looking at Mr Cameron's amendment 69B of the section 3 definitions, which is the definition of 'child'. What we are dealing with at this part of the consideration by the committee is (1) and (2), and the de facto partnership and de facto relationships section which is (3) will be the next question to be dealt with. At the moment we are dealing with the Hon. Mr Cameron's proposition in respect of the definition of a child.

The Hon. P. HOLLOWAY: Yes, Mr Chairman, but this is a suite of amendments, so I will make my comments.

The CHAIRMAN: You will comment on all of them?

The Hon. P. HOLLOWAY: Yes, on all of the amendments. To some extent we have already covered it, obviously, but I will do it again so we are all sure where we are. I will continue from where I was.

It would also ensure that property transfers resulting from adjustment orders would be exempt from stamp duties. The amendments do not propose more general recognition, for instance, for the purposes of compensation inherent in conflict of interest. The government is not opposed in principle to the recognition of domestic co-dependants but is concerned to be fair to these people. At the time they entered into their current living arrangements, these people had no reason to think that they would be liable to property claims by their partners.

The De Facto Relationships Act had no application to them: they are not in de facto relationships. If the law is now changed so that it does apply to them, these people will be liable to claims which they could have never foreseen and to which they have never consented. That will be true for those who have already lived together for more than three years, even if they decide now to stop living together. The problem could be mitigated by delaying the operation of these provisions so that those who want to change their living arrangements could do so.

The problem remains, however, for those who have lost legal capacity since entering into their living arrangements. These people may be able to do nothing at all to mitigate the effects of this measure. The care they thought was being freely provided because of the close relationship will turn out to give rise to claims over their property. For this reason, the government does not support the amendment. In other words, as I have said all along, we oppose the presumptive model, which just assumes that everybody in a situation is included. For the reasons we have outlined at some length in this debate, we prefer the opt-in model proposed by the Hon. Ms Lensink.

The Hon. A.L. EVANS: As to all the statements made by the minister about domestic co-dependants and the concerns

he has for them, the same must apply to same-sex couples. The mystery to me is: why are they not being shown as much concern for the problems the minister raises as the domestic co-dependant? The Hon. Caroline Schaefer said that she did not want to risk a claim on her estate by a boarder who happens to share her flat for four days a week for five years. However, if the bill passes with the amendments proposed by the Hon. Ms Lensink, homosexuals also run this risk. Research shows that homosexual relationships are generally short lived.

There being a disturbance in the gallery:

An honourable member interjecting:

The CHAIRMAN: Order! I point out to people in the galleries that they need to be silent and invisible. There will be no interjections from the floor when the honourable member is making an orderly contribution, or at any other time.

The Hon. A.L. EVANS: Two homosexuals may have a brief sexual relationship and then continue to share an apartment while having sex with others. If this bill is passed, one of the homosexual flatmates could claim, after the other had died, that he was a homosexual partner of the dead man and thus entitled to contest his estate. The dead man may not have intended this at all. The point is that, under this bill, there is the potential for fraud, whether or not we are talking about domestic co-dependants or other de facto couples. If we are fair dinkum about nondiscrimination and fraud, we would require all couples to enter domestic arrangement agreements in order to benefit under the bill—all or none, not in between. This is only fair.

The Hon. P. HOLLOWAY: I will quickly give the reason for this. As I indicated earlier, the fact is that domestic cohabitation relationships are different from de facto relationships. There is already a presumptive model for de facto relationships in relation to heterosexual couples; there always has been, and there are good reasons for that. In relation to same-sex couples, there has been extensive consultation on this bill, and it is quite clearly the wish of the vast majority of people in such relationships that this model should apply.

However, in relation to those cohabitation cases (and we have talked about a number of them today), that assumption cannot be made. The Hon. Caroline Schaefer gave a couple of very good examples today illustrating clearly how those relationships are fundamentally different. So, domestic cohabitation relationships are different from de facto relationships, whether they be same-sex or heterosexual couples. They are different, and I think we have to recognise that. The law in other states recognises it, and the law in this state has already recognised it in relation to heterosexual couples. It just does not stack up to try to say that all the cases you can think of in which people are living under the same roof are the same as the sorts of relationships which would be covered by the definition of 'de facto'.

The Hon. A.L. EVANS: I thank the minister for that attempt to try to explain the unexplainable. I ask the minister: how are they different?

The Hon. P. HOLLOWAY: The Hon. Caroline Schaefer gave an example of a student who had been living in the same house. Had that student been doing so for three years, should that give rise to a property claim? No; it would not. If a couple lives in a de facto relationship, of course there is a presumption that, as a result of the nature of the relationship, there should be some responsibility between partners. Indeed, as I said, that is recognised in the law and has been for many years in relation to married and de facto heterosexual couples. Same gender couples should be treated in the same way. That is the view of the government in relation to this bill, but different factors may apply to cohabiting couples. That is why the government supports the opt-in relationship—so that we can allow for those different sorts of relationships.

People can opt in if they wish, but they should not be forced into such an arrangement since, because of the nature of the relationship in many cases, it would be unfair, not applicable and not desirable that these measures apply.

The Hon. A.L. EVANS: From my perspective, that is really difficult to understand. It says that many homosexuals do have brief relationships, as much as we do not like that thought. In Holland, where they have had gay marriage for 10 years, the records show that gay marriage lasts for 18 months. Other surveys have shown that when there is a primary relationship there are often five, six or seven other relationships going on at the same time. How you can say they are different from what the Hon. Mrs Schaefer is talking about I find difficult to understand, but I do feel there is an attitude of bias towards this bill and an attitude of determination to push it through, and so it shall be, it would seem.

The Hon. CAROLINE SCHAEFER: I really cannot understand what the Hon. Andrew Evans is saying. His example of a short term relationship—in this case, a short term homosexual relationship—and that couple continuing to live in the same house and then the survivor of that couple then being able to make a claim would be better and more easily facilitated under the Hon. Mr Cameron's amendment, which simply requires living in the same place with the same person for a certain amount of time. So, what he is concerned about would actually be more easily facilitated under Mr Cameron's amendment than under Ms Lensink's amendment, which requires some form of signed contract. He has me totally confused, because it seems to me that the very thing he is arguing against on the other hand he is arguing for. I really would like him to tell us what it is that he is seeking.

The Hon. A.L. EVANS: I like equality. Whether it is the Hon. Mr Cameron's amendment or the Hon. Michelle Lensink's amendment, let us be equal, and that would solve a lot of problems.

The Hon. T.G. Cameron: You'd better be careful using that catchcry. It is the gay community's slogan.

The Hon. A.L. EVANS: I know; that is why I used it. The point is always raised that we are not having equality. Well, domestic co-dependants are not equal under the Hon. Ms Lensink's amendments; under yours it would be better. I am looking for equality, and I prefer the Hon. Mr Cameron's amendments, but if they do not prevail then it would be equal if the homosexual community were treated the same way as domestic co-dependants.

The Hon. R.D. LAWSON: I am indebted to the Hon. Terry Cameron and the Hon. Andrew Evans for providing me with definitions of 'cohabitation' and 'cohabit'. Before the adjournment the Hon. Terry Cameron made an impassioned address on the subject of the connotations of 'cohabit', but he has put in his definition of 'domestic relationship', which I gather is the definition which we are actually examining in this amendment, the very word 'cohabit' in paragraph (a). I understand we are considering clause 69(b)(3).

The ACTING CHAIRMAN: At this stage, we are considering subclauses (1) and (2), namely, the Hon. Mr Cameron's definition of 'child'. We will then handle subclause (3), which is a separate amendment. This has been brought about because of the Hon. Mr Cameron's concerns

about cohabitation. This is the insertion of the definitions, and this is one definition.

The Hon. J.M.A. LENSINK: To clarify, I understood that we were actually looking at clause 69(b) definitions in the name of the Hon. Mr Cameron.

The CHAIRMAN: My advice is that they have to be in alphabetical order, and we are doing (1) and (2), 'child', first then we will handle 'de facto partner' and 'de facto relationship' as a separate consideration. At the moment we are asking the committee to consider (1) and (2), and I am advised—and I think rightly—that this will be the test case for the Hon. Mr Cameron's raft of amendments. So, if you are agreeing with the Hon. Mr Cameron you are confirming his conviction that his raft of amendments is better. If you deny the Hon. Mr Cameron's amendments you are agreeing to consider the Hon. Ms Lensink's raft of amendments.

The Hon. NICK XENOPHON: For the purpose of the record, I indicate my position. I do not support the Hon. Mr Cameron's amendments, because they are part of a raft of amendments that relate to a presumptive model, and the model I prefer is the opt-in model with the contractual agreement that has been referred to, because of the concerns I have about fraud and related matters, so that a conscious decision is made with respect to a domestic co-dependency. It is on that basis that I do not support these amendments, because they are integral to the presumptive model that the Hon. Terry Cameron has established. I take on board the comments of the Hon. Mr Cameron and the Hon. Mr Evans as to why they prefer this model.

The Hon. T.G. CAMERON: I will follow up, if I can, on what the Hon. Nick Xenophon stated. In relation to what I put forward, the Hon. Mr Xenophon is referring to it as either an all-in arrangement, which is apparently what I am putting forward, or a certified agreement, but I do ask a question. I wonder how many of these certified agreements will be signed over the next few years; very few I suspect. What I was attempting to do was to provide some real protection if I could for co-dependants. The only time they are ever going to get this is with the passage of this bill. The government is desperate to see this bill carried and any chance that co-dependants ever had of securing any semblance of the same sort of rights that we are giving to same-sex couples will disappear forever the moment this bill is carried. They will disappear forever. That is why I am standing my ground on this, coming at it, I think, from a slightly different perspective to that of the Hon. Andrew Evans.

His opposition to this bill is far more wide ranging than mine, but I say it again: any opportunity to provide any assistance or any help to these co-dependants will disappear down the gurgler the moment we carry the Hon. Michelle Lensink's amendment. What it means is the only way a co-dependant will ever get anything is if somebody goes out and signs this document. I have not heard—maybe the Hon. Michelle Lensink is going to refer to it later—whether the honourable member has any commitments from the government that it is going to advertise and explain the new propositions which will apply to co-dependants. Are there going to be any attempts by the government to spend any money on training, or what have you, for solicitors? As I understand it—

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

The Hon. T.G. CAMERON: It's not my amendment.

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

The Hon. T.G. CAMERON: I will ignore that interjection.

The Hon. J.M.A. Lensink: Because it's not convenient.

The Hon. T.G. CAMERON: I will ignore that one, too. I do know what amendment we are dealing with but what I am arguing is that, the moment this amendment goes down the gurgler, the Hon. Michelle Lensink will have derogated co-dependants' rights forever. I am saying this because she will be the one responsible for it. We have seen the first, last and only time a Labor government will support something for these co-dependants. What it wanted to do for them was clearly demonstrated by its actions—its attitude—all the way through this bill. It was intent on looking after one section of the community and one section of the community only. The government's attitude was, 'The co-dependants can go and jump, as far as we are concerned.' We would not even be discussing the Hon. Michelle Lensink's amendments had my amendment to refer the matter off to the Social Development Committee not got up.

So the government has only changed its position in relation to the matters that were queried, and it has been dragged to this point kicking and screaming, because of the work by certain members of this chamber. I refer to the Hon. Andrew Evans, who has fought tirelessly to see that we get something for co-dependants, and I suspect that at the end of the day, and to my way of thinking, it is going to be a fairly poor reward for the fairly energetic campaign that he has run. So, if the Hon. Michelle Lensink cannot advise the committee as to what the government's attitude is going to be in relation to advertising, training and educating the community, I suspect we will come back here in three years and there might be three or four of these co-dependant documents fulfilled.

As I understand it, somebody has to go off and see a solicitor. Perhaps the Hon. Michelle Lensink could advise the committee on what estimates she has been given by the legal fraternity as to what the cost of preparing this documentation, signing it and registering it with the government might be. I do not know but we could be looking at thousands and thousands of dollars. Lawyers do not come cheap these days. You would have to sit down for a two or three-hour briefing with a solicitor, outline your documents, outline what it is that you want to do, and the solicitor would then have to prepare a document—the lawyers here can correct me if I am wrong—and the two people would then have to go back in, check the document, and it would have to be signed and notarised, and what have you. I guess it depends on how much a lawyer charges, but I cannot see any lawyers doing it for less than a thousand dollars, and I can see others charging perhaps $2 000, $3 000 or $4 000 to prepare this agreement.

There are a lot of co-dependants out there. They will not know what has happened here. There will be no commitment about educating the community or the legal fraternity. We have no idea how much it is going to cost to prepare this documentation, and then there may well be further legal challenges in relation to that documentation. I refute a lot of the comments that have been made about the model that I have put forward—it has been referred to as an all-in method—but at least it gives protection to everybody, and places everybody on an equal footing. This is an obscure piece of legislation, and I can tell the committee right now that the gay community will know this piece of legislation inside out, and so they should, but who is going to represent the co-dependants? Apart from someone like the Hon. Andrew Evans standing up here and championing their cause, they will have nobody speaking on their behalf. The

moment this bill is carried with whatever amendments—whether they are my amendments or those standing in the name of the Hon. Michelle Lensink—they will stand forever. That will be the end of the day for co-dependants.

The Hon. R.D. LAWSON: I certainly agree with the Hon. Terry Cameron when he says that this is the opportunity for parliament to afford recognition to domestic co-dependants. He, the Hon. Andrew Evans and the member for Hartley have been championing the recognition of domestic co-dependants, and I certainly support that. The issue here is whether the recognition is accorded to those who choose to be accorded that status or accorded to those irrespective of whether or not they wish to be accorded that status. I am attracted to the Hon. Michelle Lensink's approach in that, if this assignation of domestic co-dependant is to be given to somebody, they must agree that that is the relationship they wish to have and, if they do not, they are entitled to go on with whatever relationship or non-relationship that they choose.

The ordinary principles of freedom of association would designate that, to be accorded the recognition of domestic co-dependant and get the benefit that this act undoubtedly confers on domestic co-dependants and others, they should have the opportunity to say, 'Yes, I want to do it and I will sign a certified agreement'. The Hon. Terry Cameron then moves away from that principle and says that it is a very expensive proposition as you will have to go to a lawyer and get something signed. Perhaps you will, or perhaps there will be standard forms available at the stationer.

We do not say that we will cut out people making wills because it costs them money and it is putting money into the pockets of lawyers. We do not say that banks cannot take guarantees because these days they insist that you have somebody to explain the nature and effect of it. We in this parliament pass legislation relating to powers of attorney, enduring powers of attorney, medical powers of attorney and the like to give people an opportunity to say what are their wishes. We insisted in that legislation that people must go before a solicitor, who must satisfy themselves and so certify that the person is entering into this agreement or document understanding fully the nature and effect of the transaction. It is an aside and an irrelevancy to talk about the cost.

It is true that the government may not widely advertise this benefit. But, if indeed it is a benefit, as it is intended to be a benefit in these 93 acts, and you receive some advantage by reason of being acknowledged as being a domestic co-dependant, then people will do it. If it is to their advantage they will do it, and if it is not to their advantage they will not bother and that is fair enough.

The Hon. Terry Cameron says that he wants to recognise domestic co-dependants, and the Hon. Michelle Lensink is saying that she wants to recognise them. We are here talking about the way in which we recognise it. It seems that the voluntary system, whereby you opt in, is a better way than the compulsory 'you are deemed' to be a domestic co-dependant, irrespective of your own wishes, which is the model the Hon. Terry Cameron is advancing.

The Hon. KATE REYNOLDS: This may never happen again, but may the record show that I agree with every single word that the Hon. Robert Lawson has just said.

The committee divided on the amendment:

AYES (3)

Cameron, T. G. (teller)	Evans, A. L.
Stefani, J. F.	

NOES (14)

Dawkins, J. S. L.	Gago, G. E.
Gazzola, J.	Gilfillan, I.
Holloway, P. (teller)	Lawson, R. D.
Lensink, J. M. A.	Lucas, R. I.
Reynolds, K. J.	Ridgway, D. W.
Schaefer, C. V.	Sneath, R. K.
Xenophon, N.	Zollo, C.

PAIR

Redford, A. J.	Stephens, T. J.

Majority of 11 for the noes.

Amendment thus negatived.

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

Page 26, after line 17—Insert:

(3) Section 3—after the definition of 'de facto relationship' insert:

'domestic co-dependant' means a person who lives in a relationship of dependence and includes—

(a) a person who is about to enter a relationship of dependence; and

(b) a person who has lived in a relationship of dependence,

and 'domestic co-dependant relationship has a corresponding meaning;

'domestic partner' means a de facto partner or a domestic co-dependant;

'domestic relationship' means a de facto relationship or a domestic co-dependant relationship;

'domestic relationship property agreement'—see Part 2;

(4) Section 3—after the definition of 'property' insert:

'relationship of dependence' means a close personal relationship between two adult persons, whether or not related by family, who are living together, one or each of whom provides the other with domestic support or personal care, but does not include any such relationship—

(a) where either of them is married (whether to each other or some other person); or

(b) where either of them is in a de facto relationship (whether with each other or some other person); or

(c) where one of them provides the other with domestic support or personal care for fee or reward, or on behalf of some other person or an organisation of whatever kind.

This amendment relates to some new definitions which will enable domestic co-dependants to be included in a regime. It defines, in subsection (3), the terms 'domestic co-dependant', 'domestic co-dependant relationship', 'domestic partner' and 'domestic relationship property agreement' and, in subsection (4), it defines 'relationship of dependence'.

These definitions are borrowed largely from the New South Wales legislation, which, from memory, has been in operation since approximately 1999. These definitions have obviously been in use there and, from evidence we received in the Social Development Committee, it has operated quite effectively and without significant difficulty. I also point that, after consultation with some members in this place and also with parliamentary counsel, in subsection (4), it defines 'relationship of dependence'. I also acknowledge the assistance of both the Hon. Nick Xenophon and the Hon. Andrew Evans for their preferences in how to define this.

We are deliberately excluding people who are married from being able to be categorised as domestic co-dependants and also people who are in a de facto relationship. For obvious reasons, we are also excluding people who might provide domestic support or personal care who might be engaged on behalf of some sort of agency. We decided to exclude those other groups because we thought it would clarify the situation. If we had not done so, people who might otherwise be in a de facto relationship might avail themselves of it, instead of the domestic co-dependant provisions, which I reiterate will apply immediately. In a sense, it actually

favours co-dependants over people in a de facto relationship. In many instances, de facto couples cannot avail themselves of the rights and benefits until they have attained a cohabitation period of three years. Under the domestic co-dependant provisions I am proposing, they will be able to avail themselves of those provisions immediately.

Amendment carried; clause as amended passed.

New clauses 69A to 69L.

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

Page 26, after clause 69—

Insert:

69A—Substitution of section 4

Section 4—delete the section and substitute:

4—Application of Act

(1) This Act does not apply to a de facto relationship that ended before 16 December 1996.

Note—

The *Domestic Relationships Property Act* 1996 commenced on 16 December 1996 as the *De Facto Relationships Act* 1996.

69B—Substitution of Part 2 heading

Heading to Part 2—delete the heading and substitute:

Part 2—Domestic relationship property agreements

69C—Amendment of section 5—Domestic relationship property agreements

(1) Section 5(1)—delete 'De facto' and substitute:

Subject to this section, domestic

(2) Section 5(1)—delete *'cohabitation'* and substitute:

domestic relationship property

(3) Section 5(1)(a)—delete 'de facto'

(4) Section 5(1)(b)—delete 'de facto'

(5) Section 5(2)—delete 'cohabitation' and substitute:

domestic relationship property

(6) Section 5(2)(b)—delete 'de facto' and substitute:

domestic

(7) Section 5—after subsection (2) insert:

(3) Domestic co-dependants may only make a certified domestic relationship property agreement.

69D—Domestic relationship property agreement enforceable under law of contract

Section 6—delete 'cohabitation' and substitute:

domestic relationship property

69E—Amendment of section 7—Consensual variation or revocation of domestic relationship property agreement

(1) Section 7(1)—delete 'cohabitation' and substitute:

domestic relationship property

(2) Section 7(2)—delete 'cohabitation' and substitute:

domestic relationship property

(3) Section 7(2)—delete 'certificated' wherever occurring and substitute in each case: certified domestic relationship property

69F—Amendment of section 8—Power to set aside or vary domestic relationship property agreement

(1) Section 8(1)—delete 'cohabitation' and substitute:

domestic relationship property

(2) Section 8(2)(b)—delete 'de facto' and substitute:

domestic

(3) Section 8(3)—delete 'cohabitation' and substitute:

domestic relationship property

(4) Section 8(3)(b)—Delete 'certificated' and substitute:

certified domestic relationship property

69G—Amendment of section 9—Property adjustment order

(1) Section 9—delete 'de facto' wherever occurring and substitute in each case: domestic

(2) Section 9(2)—after paragraph (c) insert:

and

(d) in the case of a domestic relationship that is a domestic co-dependant relationship—the domestic co-dependants are parties to a certified domestic relationship property agreement.

69H—Amendment of section to—Power to make orders for division of property

Section 10—delete 'de facto' wherever occurring and substitute in each case:

domestic

69I—Amendment of section 11—Matters for consideration by court

(1) Section 11—delete 'de facto' wherever occurring and substitute in each case:

domestic

(2) Section 11(1)(c)—delete 'cohabitation' and substitute:

domestic relationship property

(3) Section 11(2)—delete 'cohabitation' and substitute:

domestic relationship property

(4) Section 11(2)(a)—delete 'certificated' and substitute:

certified domestic relationship property

69J—Amendment of section 12—Duty of court to resolve all outstanding questions

Section 12—delete 'de facto' and substitute:

domestic

69K—Amendment of section 15—Protection of purchaser in good faith, for value and without notice of claim

Section 15—delete 'de facto' and substitute:

domestic

69L—Transitional provision

After the commencement of this section, a reference to a *cohabitation agreement* or a *certificated agreement* will, where the context so admits or requires, be taken to be a reference to a *domestic relationship property agreement* or a *certified domestic relationship property agreement.*

No. 77—Clause 70, page 26, after line 23—

Insert:

(2a) Section 3(1)—after the definition of *DNA database system* insert:

domestic co-dependant—a person is the domestic co-dependant of another if—

(a) the person lives with the other in a relationship of dependence; and

(b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the *Domestic Relationships Property Act* 1996;

domestic partner means a de facto partner or domestic co-dependant;

These are amendments to the De Facto Relationships Act. They are consequential so I do not propose to speak to them, but I am happy to answer questions that any member might have.

The Hon. R.I. LUCAS: In relation to proposed new clause 69A, will someone explain what the impact of the deadline of 16 December 1996 entails? This act does not apply to a de facto relationship that ended before 16 December 1996. I note that the Domestic Relationships Property Act 1996 commenced on 16 December 1996 as the De Facto Relationships Act 1996, but I am not sure what work this clause is doing. I am not sure of the reason for it in relation to that deadline.

The Hon. P. HOLLOWAY: My advice is that it simply carries over from section 4 of the act, which provides:

> This act does not apply to a de facto relationship that ended before the commencement of this act.

The Hon. R.I. LUCAS: It is a carryover clause from what? Is it the existing act?

The Hon. P. HOLLOWAY: Section 4 of the De Facto Relationships Act provides:

> This act does not apply to a de facto relationship that ended before the commencement of this act.

This clause ensures that it is not retrospective.

The Hon. R.D. LAWSON: Will the minister assist the committee by indicating the difference between a relationship that ended on, say, 15 December 1996 and a relationship that ends on 15 December this year, on the assumption that this bill will pass by that time?

The Hon. P. HOLLOWAY: I am advised that a cohabitation agreement can be made even after parties have separated. I am advised that it is true in relation to either kind of relationship, but relationships that have already ended when

the act commences are not affected. We are talking about the Lensink amendment No. 77, new clause 69A, substitution of section 4. The existing section 4, which we are deleting, provides that this act does not apply to a de facto relationship that ended before the commencement of this act. That was back in 1996. So, it is simply reinstated through this amendment. Section 4 that I have just read out is gone, but in its place it says:

> This act does not apply to a de facto relationship that ended before 16 December 1996,

Of course, that is the date that the De Facto Relationships Act applies. The reason we have to put in (2) is to make the same rule for domestic co-dependants. Subsection (2) says:

> This act does not apply to a domestic co-dependant relationship that ended before the commencement of this subsection.

So it simply applies the non-retrospective provision to domestic co-dependant relationships.

The Hon. R.I. LUCAS: Mr Lawson might be able to throw more specific light on this, but my recollections are that in relation to de facto relationships they contemplate periods of time and periods within which couples may well end their relationship or separate, which nevertheless count towards an ongoing description of being in a de facto relationship. I do not have the definition with me, but they certainly contemplate the circumstances where, just because you have had a separation—

The Hon. P. Holloway: You are not thinking about putative spouses?

The Hon. R.I. LUCAS: I am. Am I in the wrong section of the law?

The Hon. P. HOLLOWAY: I am advised that property adjustment orders can be made if there is a de facto relationship that existed for at least three years or there is a child of the de facto partners.

The Hon. R.I. LUCAS: Again, the Hon. Mr Lawson may be able to throw greater light on this than can I, but my recollection was that in the understanding of a de facto relationship there was acceptance that there may well be periods that couples do not spend together and they separate, but that within a period of time they nevertheless could still qualify under certain circumstances for what can be described as a de facto relationship or, as I think the minister indicated, putative spouse.

I am not sure what the arrangements are in relation to domestic co-dependants. Is there a similar legal construct in relation to that—that is, it contemplates similar periods of separation of a domestic co-dependant relationship, or must it be a continuous arrangement over a period of time?

The Hon. P. HOLLOWAY: I am advised that it does not apply to either. The definition of 'de facto' under the De Facto Relationships Act is:

> 'de facto relationship' means the relationship between a man and a woman who, although not legally married to each other, live together on a genuine domestic basis as husband and wife.

So it could apply after one day. But the three year period comes in in relation to a property separation order. The definition of a de facto has no time limit under the act.

The Hon. R.I. Lucas: Is a de facto partner a putative spouse?

The Hon. P. HOLLOWAY: A putative spouse is a relationship created under a different act for a different purpose. It is under the Family Relationships Act 1985; and that provides, I am advised, for discontinuous cohabitation. This is the general provision in this act for such matters as inheritance, compensation and those sorts of matters. That is the definition that is used through the Family Relationships Act, whereas the De Facto Relationships Act is specifically for property. In other words, all we are really dealing with here is the Hon. Michelle Lensink's amendment which applies to the De Facto Relationships Act, so it is essentially about property.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: It is not part of the Hon. Michelle Lensink's amendments but it is part of the bill. In order that same sex couples can be recognised, the Family Relationships Act is amended in part 31 at page 30, clauses 85 onwards, 'Amendment of Family Relationships Act'.

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

The Hon. P. HOLLOWAY: That is part of the bill, yes.

The Hon. R.I. LUCAS: So I guess we will have the debate when we get there, but so that I can understand this, the government's bill contemplates the amendments to the Family Relationships Act accepting periods when same sex partners might discontinue their relationship at various stages but still be entitled to the provisions of the Family Relationships Act?

The Hon. P. HOLLOWAY: It is obviously not relevant to this particular clause but, to help the debate, I will go back to the clause regarding putative spouse, which is clause 11 in part 3 of the Family Relationships Act. It says:

> A person is, on a certain date, the putative spouse of another if he is, on that date, cohabiting with that person as the husband or wife defacto of that other person and—

and there are two parts—

> has so cohabited with that other person continuously for the period of five years immediately preceding that date—

so that is one qualification, continuously cohabiting for five years, or—

> has during the period of six years immediately preceding that date so cohabited with that other person for periods aggregating not less than five years;

or has a child.

The Hon. R.I. Lucas: So, you can have one year of time-out in six.

The Hon. P. HOLLOWAY: Yes, effectively.

The Hon. R.I. LUCAS: That sounds like long service leave to me. Proposed new subclause (2) provides:

> This Act does not apply to a domestic co-dependant relationship that ended before the commencement of this subsection.

In order to assist my understanding of this new subclause, I ask: is it clear, in terms of the definition and understanding of 'domestic co-dependant relationship', when a co-dependant relationship ends? Is there any concept similar to the concept included in 'putative spouse', or is it a period of continuous living in the same residence as a domestic co-dependant, if that is the way I am meant to describe it? Does it have to be continuous? Is that the concept that exists for co-dependant relationships now? Therefore, is it clear that, in relation to its ending, it is just when, after a continuous period, two people no longer live together?

The Hon. P. HOLLOWAY: My advice is that, in order to have one of these domestic relationship property agreements, one would have to have lived in the same household and also have signed one of these domestic relationship property agreements. So, one would have to have signed one of the agreements and been living together. You do not have to live together for any particular length of time to sign the agreement but, to get a property transfer agreement, the

agreement has to have existed for three years. Essentially, that puts it on the same plane as a de facto property agreement. You can sign the agreement after one day, but it must have been in place for three years before the property agreement comes into effect.

The Hon. R.I. LUCAS: Under this bill, you can be in a domestic co-dependant relationship after one day. So, the notion of years and years of caring for each other does not necessarily come into it because, after one day, you can enter into this arrangement. But, if something happens to one of the persons within three years, even if they have signed the agreement after one day and the person might have cared for the other person for 2½ years, in essence the agreement is null and void, or does not action in terms of the property arrangement or settlement.

The Hon. P. HOLLOWAY: I have probably been a little careless in talking about one day. We must remember the definition we have just passed in Ms Lensink's amendment. A relationship of dependence means a close personal relationship between two adult persons, whether or not related by family or living together, one or each of whom provides the other with domestic support or personal care, and the provision excludes marriage and de facto relationships. So, it is clearly different in that sense. I am not sure that one day would be sufficient to establish that one person provides the other person with domestic support or personal care.

The Hon. R.I. LUCAS: Given that this is based on New South Wales law, are there any precedents in New South Wales as to the sort of minimum accepted period for a relationship of dependence?

The Hon. P. HOLLOWAY: I am not sure whether the Hon. Ms Lensink can help us, but we are not aware of one. I am sorry; I do not have that information.

The Hon. R.I. LUCAS: Proposed new subclause (2) provides:

> This Act does not apply to a domestic co-dependant relationship that ended before the commencement of this subsection

What is the understanding of the Hon. Ms Lensink or the government of how you end a domestic co-dependant relationship? We have gone through the notion of whether it is one day, a period of time, or whatever it might happen to be to establish it, and the issues have been explained in relation to the agreement having to survive for three years before it activates. However, in terms of the relationship ending, is the legal understanding that the two people who are living together just stop living together—that is, they move into separate houses? Is the legal understanding the same as that of the layperson?

The Hon. P. HOLLOWAY: The understanding would be the same as that which applies to de factos—that is, once one of the two people moves out of the house, that is it. I guess it is the same as it would be in relation to de facto couples. It is not defined within the act, but that would be the general understanding.

The Hon. R.D. LAWSON: Perhaps I will tell the committee my understanding of the difference. Marriage is a relationship we quite well understand. It is a form of marriage, and it may last 50 years, or it may last one day because the husband is killed on the way to work the next day. All the connotations of the relationship then exist, even though the marriage has lasted only a short time. The De Facto Relationships Act, introduced in 1996, enables people who are living in a genuine domestic relationship, for however long, to sign an agreement which states that they agree to cohabit and to certain property conditions. That sort of relationship can last for one day or 50 years. It might end voluntarily, or it might end because one of the parties dies. One of the consequences is that an application can be made to the court for the division of the property of these de facto partners, and justice can be done in relation to that.

Now, under the Family Relationships Act there is an entirely different concept of putative spouse, which enables the court, usually after one or other of the parties has died or departed, to make a declaration that, because in the past certain people were living together for a period of five years continuously or five out of the last six years, at a certain date—which is usually the death of one or other of them—the relationship existed of putative spouse, and the consequence of that follows in relation to the division of superannuation or property or whatever. As I understand it (and I am not entirely certain I do understand it), the 'domestic co-dependant' relationship will be one where, if the parties agree to enter into a domestic co-dependency as at day one, they will be treated and deemed as domestic co-dependants. That relationship can end with the death of one or the other, or it can end with their agreeing to terminate the relationship.

The Hon. R.I. Lucas: It is not ended with their moving out? They have a legal agreement.

The Hon. R.D. LAWSON: They do have a legal agreement, and it depends on the terms of the agreement, I suppose. I do not know what these agreements will say.

The Hon. R.I. Lucas: If the agreement says that if someone moves out that is not part of the agreement, you are still a domestic co-dependant.

The Hon. R.D. LAWSON: One's imagination runs wild. It might say that if you go to the pub five nights out of six it is over. That depends on the terms of the agreement.

The Hon. P. HOLLOWAY: The definition throughout Ms Lensink's amendments is that a person is a domestic co-dependant of another if (a) the person cohabits with the other in a relationship of dependence. Do we still define 'cohabit'?

The Hon. R.D. Lawson: Wash your mouth out!

The Hon. P. HOLLOWAY: Yes, I may have to do that. We are using the old amendments here. A person is the domestic co-dependant of the other if the person lives with the other in a relationship of dependence. That is one test that has to be met. The person has to live with the other in a relationship of dependence, as we are now calling it. Also, (b) provides that the person must be party to a certified domestic relationship property agreement as well. So, as well as having the agreement, which one could get, perhaps not on day one but at some earlier time, the person still has to be living with the other in a relationship of dependence, and that is within the meaning of the Domestic Relationships Property Act for the benefit to accrue, whatever that benefit or qualification.

The Hon. R.I. LUCAS: We have not done clause 61 yet. I do not understand why we went to clause 69 first. Clause 61 is instructive in trying to understand the amendment we are currently considering. Given the provisions in clause 61, to which the minister has just referred, I take it that in legal terms it provides that a person is a domestic co-dependant if (a) and (b) both apply. So, I assume that, if you are living together in a relationship of dependence and you have signed your agreement, you are a domestic co-dependant for the purposes of the legislation.

Therefore I assume that, legally, as soon as someone moves out, even though you have an agreement, in essence they have automatically become not a domestic co-dependant.

So, even though you have a legal document you have signed, as soon as one person moves out of the house or the unit for one day—that is, they have moved away, not just gone on holiday; they have had a disagreement or whatever—even though they have an agreement, that agreement is in essence in legal terms automatically null and void, because they are no longer complying with both provisions (a) and (b) of the definition of being a domestic co-dependant. Is that the legal understanding the government wants us to have?

The Hon. P. HOLLOWAY: Yes, that is my advice, but one would have to leave for the purpose of leaving the relationship. It would not be just if you went on a holiday or something like that, so clearly there must be the intention to leave the relationship.

The Hon. R.I. LUCAS: But, bearing in mind that, whether one is in a marriage, a de facto relationship or whatever, it is not uncommon to have an explosive, short term separation—not for holiday purposes—and the relationship comes to an explosive ending even though it might be short. In the discussion we had earlier we noted that the definition of 'putative spouse' obviously contemplates that arrangement where, as long as you have had five years out of six (so you can have any number of short-term, explosive separations as long as they do not add up to more than one year in six), you still comply with the putative spouse definition. Under this, one short-term explosive separation, not for the purposes of holiday or whatever else it might happen to be, to all intents and purposes means you are no longer a domestic co-dependant and your agreement is null and void.

The Hon. P. HOLLOWAY: If you had the explosive event that I think the Leader of the Opposition referred to, and if the operative event for legal purposes happened during the separation, then no benefit would accrue, or the relationship would legally not be regarded as a domestic co-dependency. On the other hand, if the couple were reconciled and the event happened after the reconciliation while they were living together then the situation of domestic co-dependency would apply.

The Hon. R.I. LUCAS: Not being a lawyer, I think there are some interesting legal constructs that might end up being argued in certain circumstances, but I do not intend to delay the committee any longer. As a non-lawyer thinking through some of the circumstances, I think there are certainly a significant number of very interesting legal questions from my viewpoint, I suspect, but I will leave it at that.

The Hon. P. Holloway: It would probably still apply in domestic or even, I supposed, married relationships, although marriage is different.

The Hon. R.I. LUCAS: Marriage is special. I think we are all saying that. As I said, I will not pursue that and delay the committee. I must admit I have become a little confused. We have a definition in amendment No. 75 of the Hon. Ms Lensink of 'relationship of dependence' and we have the definition in amendment No. 64 of 'domestic co-dependant', and we have just discussed that. I understand the definition of domestic co-dependant. What work is the definition of relationship of dependence doing that is different to the work of domestic co-dependant?

The Hon. P. HOLLOWAY: As we have just discussed, there are two conditions which apply for a person to be a domestic co-dependant. The first of those is that a person lives with the other in a relationship of dependence, and that term is then defined. The relationship of dependence needs a definition, and that is provided in the Hon. Ms Lensink's amendment No. 75.

The Hon. R.D. LAWSON: Just on that point, given that extended definition in amendment No. 75 and in particular paragraph (b) which is that it includes as a domestic co-dependant a person who has lived in a relationship of dependence, how does that reconcile with the two-phase test previously described that one has to: (a) have an agreement; and (b) be living?

The Hon. P. HOLLOWAY: The definition of domestic co-dependant in amendment No. 75 is specifically referring to the De Facto Relationships Act and therefore applies to domestic relationship property agreements. So it will apply in those cases. However, the other definition of domestic co-dependant applies to a raft of many other acts, which apply to all sorts of different rights under those particular acts, but here relationship of dependence is specifically in relation to the De Facto Relationships Act and that has specific reference to property agreements.

The Hon. R.I. LUCAS: I am indebted to the Hon. Mr Lawson for that question. I do not understand why we have two definitions. I understand the question I asked, that is, we have a definition of domestic co-dependant in amendment No. 64 and that refers to the term 'relationship of dependence', so the minister has explained why we have a further definition of relationship of dependence in amendment No. 75. However, as the Hon. Mr Lawson has pointed out, we have another definition of domestic co-dependant in amendment No. 75 which is different to the definition of domestic co-dependant, exactly the same term, in amendment No. 64.

So in amendment No. 64 we say a domestic co-dependant is if a person lives with the other in a relationship of dependence and the person is party to a certified domestic relationship property agreement in the other. In amendment No. 75 we are saying domestic co-dependant means a person who lives in a relationship of dependence and includes a person who is about to enter a relationship of dependence and a person who has lived in a relationship of dependence. So it is not 'or'; it is 'and'. So in this definition there is no reference to the requirement in relation to having a certified domestic relationship property agreement with the other.

The Hon. P. HOLLOWAY: We must remember that, in the De Facto Relationships Act, a person has to be eligible to make a domestic relationship property agreement before you can actually make that agreement. That is why this clause 69 was chosen as the test clause because really it is the definition of domestic co-dependant, or the concept of domestic co-dependence, that is most important here under the De Facto Relationships Act because here we are talking about property settlements and the like.

Of course, we are now introducing the concept with the Hon. Ms Lensink's amendments to domestic relationship of property agreements. However, in the many acts we cover, a domestic co-dependant will have different meanings, but this is the key amendment, which is why it has been chosen as the test clause, because that is where the concept of domestic co-dependants is at its most acute.

New clauses inserted

Clause 4.

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

Page 13, after line 9—Insert:

(1a) Section 4—after the definition of deliver insert:

domestic co-dependant, in relation to a deceased person, means a person who was, on the date of the deceased's death—

(a) living with the deceased in a relationship of dependence; and
(b) party to a certified domestic relationship property agreement with the deceased,

within the meaning of the Domestic Relationships Property Act 1996;

domestic partner means a de facto partner or domestic co-dependant;

We have dealt with the test clauses, and these are the consequential amendments which amend each of the separate acts in the government's bill. I have not proposed any changes to the government's regime for treating de facto couples. I have simply sought in my amendments to include domestic co-dependants to enable them to access the same benefits. This amendment is the start of the alphabetical list of acts amended by the government's omnibus bill and refers to the Administration and Probate Act. My amendments Nos 1 to 11 all relate to this act. Many are very similar. Wherever the word 'de facto' appears in the government's bill, it will be replaced by the term 'domestic', so where 'de facto partners' are referred to in the government's bill that will be replaced by 'domestic partner', which is defined as either a de facto partner or a domestic co-dependant.

Amendment carried; clause as amended passed.

Clause 5.

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

Page 13, line 17—Delete 'de facto' and substitute 'domestic'.

The Hon. R.D. LAWSON: The Administration and Probate Act presently provides that, in the event of a person dying intestate, that is, without a will, the person's spouse or de facto spouse or, in the case where a putative spouse is declared, the putative spouse will share certain benefits in the distribution of that estate. I understand that the effect of these amendments is that domestic co-dependants will now be in a similar position and will be equated with spouse, de facto spouse or putative spouse. Will the minister confirm whether that is the case, and are any other benefits conferred on people of this class within the Administration And Probate Act and, if so, what are they?

The Hon. P. HOLLOWAY: I am advised that the Hon. Mr Lawson has correctly described the impact of the amendments on this act.

Amendment carried; clause as amended passed.

Clause 6.

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

Page 13—Delete 'de facto' wherever occurring and substitute in each case 'domestic'

Amendment carried; clause as amended passed.

Clause 7.

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

Page 13, line 27—Delete 'de facto' and substitute 'domestic'

Amendment carried; clause as amended passed.

Clause 8.

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

Page 13—Delete 'de facto' wherever occurring and substitute in each case 'domestic'

Amendment carried; clause as amended passed.

Clause 9.

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

Page 13, line 35—Delete 'de facto' and substitute 'domestic'

Amendment carried; clause as amended passed.

Clause 10.

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

Page 14, line 3—Delete 'de facto' and substitute 'domestic'

Amendment carried; clause as amended passed.

Clause 11.

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

Page 14—Delete 'de facto' wherever occurring and substitute in each case 'domestic'

Amendment carried; clause as amended passed.

Clause 12.

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

Page 14, line 19—Delete 'de facto' and substitute 'domestic'

Amendment carried; clause as amended passed.

Clause 13.

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

Page 14—Delete 'de facto' wherever occurring and substitute in each case 'domestic'

Amendment carried; clause as amended passed.

Clause 14.

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

Pages 14 and 15—Delete 'de facto' wherever occurring and substitute in each case 'domestic'

Amendment carried; clause as amended passed.

Clause 15 passed.

Clause 16.

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

Page 15, after line 14—Insert:

domestic co-dependant—a person is the domestic co-dependant of another if—

(a) the person lives with the other in a relationship of dependence; and
(b) the person is party to a certified domestic relationship property agreement with the other, within the meaning of the Domestic Relationships Property Act 1996;

'domestic partner' means a de facto partner or domestic co-dependant;

We have now progressed to the amendments to the Aged and Infirm Persons Property Act.

The Hon. R.D. LAWSON: This may be an appropriate time for me to ask a question that perhaps I should have asked a little earlier. As we are now dealing with a different act, is it possible for a person to be the domestic co-dependant of more than one other person? Of course, it is possible for a family to live together in the same house, providing all the mutual support, etc. It would be possible also for three, four or five people to execute an agreement relating to their property and have that agreement certified. Can the minister indicate where such a type of menage is excluded?

The Hon. P. HOLLOWAY: Well, the answer is no. Remember, we have already dealt with the Hon. Ms Lensink's amendment No. 75 to clause 69 of the bill, which applies to the De Facto Relationships Act. The definition of 'relationship of dependence', as defined there, means the following:

. . . a close personal relationship between two adult persons, whether or not related by family, who are living together, one or each of whom provides the other with domestic support or personal care, but does not include. . .

It then goes on to exclude married and de facto relationships. The Domestic Relationship Act does specify that the 'relationship of dependants' is between two adult persons.

Amendment carried; clause as amended passed.

Clause 17.

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

Page 15, line 19—Delete 'de facto' and substitute 'domestic'

Amendment carried; clause as amended passed.

Clause 18.

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

Page 15, line 22—Delete 'de facto' and substitute 'domestic'

Amendment carried; clause as amended passed.

Clause 19.

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

Page 15, line 25—Delete 'de facto' and substitute:
domestic

Amendment carried; clause as amended passed.

Clause 20.

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

Page 15, line 28—Delete 'de facto' and substitute:
domestic

Amendment carried; clause as amended passed.

Clause 21.

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

Page 15, line 31—Delete 'de facto' and substitute:
domestic

Amendment carried; clause as amended passed.

Clause 22.

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

Page 16, after line 6—
Insert:
domestic co-dependant—a person is the domestic co-dependant of another if—
(a) the person lives with the other in a relationship of dependence; and.
(b) the person is party to a certified domestic relationship property agreement with the other.
within the meaning of the Domestic Relationships Property Act 1996;
domestic partner means a de facto partner or domestic co-dependant;

I indicate to members that the government's amendment is to the ANZAC Day Commemoration Act.

Amendment carried; clause as amended passed.

Clause 23.

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

Page 16—Delete 'de facto' wherever occurring and substitute in each case:
domestic

Amendment carried; clause as amended passed.

Clause 24.

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

Page 16—
Line 17—Delete 'de facto' and substitute:
domestic.
After line 24—Insert:
domestic co-dependant—a person is the domestic co-dependant of another if—
(a) the person lives with the other in a relationship of dependence; and.
(b) the person is party to a certified domestic relationship property agreement with the other.
within the meaning of the Domestic Relationships Property Act 1996;
domestic partner means a de facto partner or domestic co-dependant;
Line 32—Delete 'de facto' and substitute:
domestic

Amendments carried; clause as amended passed.

Clause 25.

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

Page 17, line 5—Delete 'de facto' and substitute:
domestic

Amendment carried; clause as amended passed.

Clause 26.

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

Page 17—
After line 11—
Insert:
domestic co-dependant—a person is the domestic co-dependant of another if—
(a) the person lives with the other in a relationship of dependence; and
(b) the person is party to a certified domestic relationship property agreement with the other,
within the meaning of the Domestic Relationships Property Act 1996;
domestic partner means a de facto partner or domestic co-dependant;
Line 16—Delete 'de facto' and substitute:
domestic

Amendments carried; clause as amended passed.

Clause 27.

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

Page 17, line 19—Delete 'de facto' and substitute:
domestic

Amendment carried; clause as amended passed.

Clause 28.

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

Page 17, after line 25—
Insert:
domestic co-dependant—a person is the domestic co-dependant of another if—
(a) the person lives with the other in a relationship of dependence; and
(b) the person is party to a certified domestic relationship property agreement with the other,
within the meaning of the Domestic Relationships Property Act 1996;
domestic partner means a de facto partner or domestic co-dependant;

Amendment carried; clause as amended passed.

Clause 29

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

Page 17, line 30—Delete 'de facto' and substitute:
domestic

Amendment carried; clause as amended passed.

Clause 30.

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

Page 18, after line 6—
Insert:
domestic co-dependant—a person is the domestic co-dependant of another if—
(a) the person lives with the other in a relationship of dependence; and
(b) the person is party to a certified domestic relationship property agreement with the other,
within the meaning of the Domestic Relationships Property Act 1996;
domestic partner means a de facto partner or domestic co-dependant;

Amendment carried; clause as amended passed.

Clause 31.

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

Page 18, line 11—Delete 'de facto' and substitute:
domestic

Amendment carried; clause as amended passed.

Clause 32.

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

Page 18—
After line 18—Insert:
domestic co-dependant—a person is the domestic co-dependant of another if—
(a) the person lives with the other in a relationship of dependence; and
(b) the person is party to a certified domestic relationship property agreement with the other,
within the meaning of the Domestic Relationships Property Act 1996;

domestic partner means a de facto partner or domestic co-dependant;

Line 20—Delete 'de facto' and substitute:

domestic

Amendments carried; clause as amended passed.

Clause 33.

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

Page 18—

After line 29—

Insert:

(1a) Section 4(1)—after the definition of director insert:

domestic co-dependant—a person is the domestic co-dependant of another if—

(a) the person lives with the other in a relationship of dependence; and

(b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the Domestic Relationships Property Act 1996;

domestic partner means a de facto partner or domestic co-dependant;

Line 32—Delete 'de facto' and substitute:

domestic

Amendments carried; clause as amended passed.

Clause 34.

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

Page 19—Delete 'de facto' wherever occurring and substitute in each case:

domestic

Amendment carried; clause as amended passed.

Clause 35.

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

Page 19, line 12—Delete 'de facto' and substitute:

domestic

Amendment carried; clause as amended passed.

Clause 36.

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

Page 19, after line 18—

Insert:

domestic co-dependant—a person is the domestic co-dependant of another if—

(a) the person lives with the other in a relationship of dependence; and

(b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the Domestic Relationships Property Act 1996;

domestic partner means a de facto partner or domestic co-dependant;

Amendment carried; clause as amended passed.

Clause 37.

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

Page 19, line 23—Delete 'de facto' and substitute:

domestic

Amendment carried; clause as amended passed.

Clause 38.

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

Page 19, line 26—Delete 'de facto' and substitute:

domestic

Amendment carried; clause as amended passed.

Clause 39.

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

Page 19—

After line 32—

Insert:

domestic co-dependant—a person is the domestic co-dependant of another if—

(a) the person lives with the other in a relationship of dependence; and

(b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the Domestic Relationships Property Act 1996;

domestic partner means a de facto partner or domestic co-dependant;

Line 34—Delete 'de facto' and substitute:

domestic

Amendments carried; clause as amended passed.

Clause 40.

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

Page 20, after line 8—

Insert:

domestic co-dependant, in relation to any cause of action arising under this Act, means a person who was, on the day on which the cause of action arose—

(a) living with another in a relationship of domestic co-dependancy; and

(b) party to a certified domestic relationship property agreement with the other,

within the meaning of the Domestic Relationships Property Act 1996;

domestic partner means a de facto partner or domestic co-dependant;

Amendment carried; clause as amended passed.

Clause 41.

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

Page 20—Delete 'de facto' wherever occurring and substitute in each case:

domestic

Amendment carried; clause as amended passed.

Clause 42.

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

Pages 20 and 21—Delete 'de facto' wherever occurring and substitute in each case:

domestic

Amendment carried; clause as amended passed.

Clause 43.

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

Page 21, line 7—Delete 'de facto' and substitute:

domestic

Amendment carried; clause as amended passed.

Clause 44.

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

Page 21, line 10—Delete 'de facto' and substitute:

domestic

Amendment carried; clause as amended passed.

Clause 45.

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

Page 21, line 13—Delete 'de facto' and substitute:

domestic

Amendment carried; clause as amended passed.

Clause 46.

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

Page 21, line 16—Delete 'de facto' and substitute:

domestic

Amendment carried; clause as amended passed.

Clause 47.

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

Page 21—Delete clause 47

Amendment carried; clause as amended passed.

Clause 48 passed.

Clause 49.

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

Page 22—Delete 'de facto' wherever occurring and substitute in each case:

domestic

Amendment carried; clause as amended passed.

Clause 50 passed.

Clause 51.

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

Page 22—

After line 17—Insert:

(1a) Section 3(1)—after the definition of development lot insert:

(a) the person lives with the other in a relationship of dependence; and

(b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the Domestic Relationships Property Act 1996;

domestic partner means a de facto partner or domestic co-dependant;

Line 20—Delete 'de facto' and substitute:

domestic

Amendments carried; clause as amended passed.

Clause 52.

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

Page 22—

After line 28—Insert:

(1a) Section 3—after the definition of director insert:

Domestic co-dependant—A person is the domestic co-dependant of another if—

(a) the person lives with the other in a relationship of dependence; and

(b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the Domestic Relationships Property Act 1996;

domestic partner means a de fact partner or domestic co-dependant;

Line 30—Delete 'de facto' and substitute: domestic

Amendments carried; clause as amended passed.

Clause 53.

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

Page 23, line 2—Delete 'de facto' and substitute:

domestic

Amendment carried; clause as amended passed.

Clause 54.

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

Page 23, line 7—Delete 'de facto' and substitute:

domestic

Amendment carried; clause as amended passed.

Clause 55.

Page 23, after line 13—Insert:

(1a) Section 4(1)—after the definition of District Court insert:

domestic co-dependant—a person is the domestic co-dependant of another if—

(a) the person lives with the other in a relationship of dependence; and

(b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the Domestic Relationships Property Act 1996;

domestic partner means a de facto partner or domestic co-dependant;

Amendment carried; clause as amended passed.

Clause 56.

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

Page 23, line 18—Delete 'de facto' and substitute:

domestic

Amendment carried; clause as amended passed.

Clause 57.

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

Page 23, line 23—Delete 'de facto' and substitute:

domestic

Amendment carried; clause as amended passed.

Clause 58.

Page 23, line 26—Delete 'de facto' and substitute:

domestic

Amendment carried; clause as amended passed.

Clause 59.

Page 23, after line 32—Insert:

(1a) Section 4—after the definition of doctor insert:

domestic co-dependant—a person is the domestic co-dependant of another if—

(a) the person lives with the other in a relationship of dependence; and

(b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the Domestic Relationships Property Act 1996;

domestic partner means a de factor partner or domestic co-dependant;

Amendment carried; clause as amended passed.

Clause 60.

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

Page 24, line 4—Delete 'de facto' and substitute:

domestic

Amendment carried; clause as amended passed.

Clause 61.

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

Page 24—

Line 12—Delete 'de facto' and substitute:

domestic

After line 12—Insert:

(2a) Section 3—after the definition of document insert:

domestic co-dependant—a person is the domestic co-dependant of another if—

(a) the person lives with the other in a relationship of dependence; and

(b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the Domestic Relationships Property Act 1996;

domestic partner means a de facto partner or domestic co-dependant;

Amendments carried; clause as amended passed.

Clause 62.

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

Page 24, line 19—Delete 'de facto; and substitute:

domestic

Amendment carried; clause as amended passed.

Clause 63.

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

Page 24, line 23—Delete 'de facto' and substitute:

domestic

Amendment carried; clause as amended passed.

Clause 64.

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

Page 24, after line 29—Insert:

domestic co-dependant—a person is the domestic co-dependant of another if—

(a) the person lives with the other in a relationship of dependence; and

(b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the Domestic Relationships Property Act 1996;

domestic partner means a de facto partner or domestic co-dependant;

Amendment carried; clause as amended passed.

Clause 65.

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

Pages 24 and 25—Delete 'de facto' wherever occurring and substitute in each case:
domestic

Amendment carried; clause as amended passed.

Clause 66.

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

Page 25, line 14—Delete 'de facto' and substitute:
domestic

Amendment carried; clause as amended passed.

Clause 67.

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

Page 25—
Line 19—Delete 'de facto' and substitute
domestic
After line 23—Insert:
(2a) Section 3(1)—after the definition of DNA database system insert:
domestic co-dependant—a person is the domestic co-dependant of another if—
(a) the person lives with the other in a relationship of dependence; and
(b) the person is party to a certified domestic relationship property agreement with the other,
within the meaning of the Domestic Relationships Property Act 1996;
domestic partner means a de facto partner or domestic co-dependant;

Amendments carried; clause as amended passed.

Clause 68.

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

Page 25—
Line 29—Delete 'de facto' and substitute:
domestic
After line 7—Insert:
domestic co-dependant—a person is the domestic co-dependant of another if—
(a) the person lives with the other in a relationship of dependence; and
(b) the person is party to a certified domestic relationship property agreement with the other,
within the meaning of the Domestic Relationships Property Act 1996;
domestic partner means a de facto partner or domestic co-dependant;

Amendments carried; clause as amended passed.

Clause 70.

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

Page 26, after line 23—
Insert:
(2a) Section 3(1)—after the definition of DNA database system insert:
domestic co-dependant—a person is the domestic co-dependant of another if—
(a) the person lives with the other in a relationship of dependence; and
(b) the person is party to a certified domestic relationship property agreement with the other,
within the meaning of the Domestic Relationships Property Act 1996;
domestic partner means a de facto partner or domestic co-dependant;

Amendment carried; clause as amended passed.

Clause 71.

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

Page 26—
Delete 'de facto' wherever occurring and substitute in each case:
domestic

Amendment carried; clause as amended passed.

Clause 72.

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

Page 27, line 6—
Delete 'de facto' and substitute:
domestic

Amendment carried; clause as amended passed.

Clause 73.

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

Page 27—
After line 12—
Insert:
(1a) Section 4(1)—after the definition of document insert:
domestic co-dependant—a person is the domestic co-dependant of another if—
(a) the person lives with the other in a relationship of dependence; and
(b) the person is party to a certified domestic relationship property agreement with the other,
within the meaning of the Domestic Relationships Property Act 1996;
domestic partner means a de facto partner or domestic co-dependant;
Line 14—
Delete 'de facto' and substitute:
domestic
Line 18—
Delete 'de facto' and substitute:
domestic
Line 20—
Delete 'de facto' and substitute:
domestic
Line 22—
Delete 'de facto' and substitute:
domestic

Amendment carried; clause as amended passed.

Clause 74.

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

Page 27—
After line 29—
Insert:
(1a) Section 3—after the definition of defendant insert:
domestic co-dependant—a person is the domestic co-dependant of another if—
(a) the person lives with the other in a relationship of dependence; and
(b) the person is party to a certified domestic relationship property agreement with the other,
within the meaning of the Domestic Relationships Property Act 1996;
domestic partner means a de facto partner or domestic co-dependant;
Line 32—
Delete 'de facto' wherever occurring and substitute in each case:
domestic
Line 36—
Delete 'de facto' wherever occurring and substitute in each case:
domestic
Page 28—
Line 5—
Delete 'de facto' wherever occurring and substitute in each case:
domestic

Amendment carried; clause as amended passed.

Clause 75.

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

Page 28—
Line 12—
Delete 'de facto' and substitute:
domestic
After line 17—
Insert:
domestic co-dependant—a person is the domestic co-dependant of another if—

(a) the person lives with the other in a relationship of dependence; and
(b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the Domestic Relationships Property Act 1996;
domestic partner means a de facto partner or domestic co-dependant;

Amendment carried; clause as amended passed.

Clause 76.

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

Page 28—
After line 24—
Insert:
1(a) Section 3(1)—after the definition of domestic activity insert:
domestic co-dependant—a person is the domestic co-dependant of another if—
(a) the person lives with the other in a relationship of dependence; and
(b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the Domestic Relationships Property Act 1996;
domestic partner means a de facto partner or domestic co-dependant;
Line 28—
Delete 'de facto' and substitute:
domestic

Amendment carried; clause as amended passed.

Clauses 77 and 78 passed.

Clause 79.

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

Page 29, after line 20—
Insert:
domestic co-dependant—a person is the domestic co-dependant of another if—
(a) the person lives with the other in a relationship of dependence; and
(b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the Domestic Relationships Property Act 1996;
domestic partner means a de facto partner or domestic co-dependant;

Amendment carried; clause as amended passed.

Clause 80.

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

Page 29—
After line 28—
Insert:
1(a) Section 4(1)—after the definition of determination insert:
domestic co-dependant—a person is the domestic co-dependant of another if—
(a) the person lives with the other in a relationship of dependence; and
(b) the person is party to a certified domestic relationship property agreement with the other,

within the meaning of the Domestic Relationships Property Act 1996;
domestic partner means a de facto partner or domestic co-dependant;
Line 30—
Delete 'de facto' and substitute:
domestic

Amendment carried; clause as amended passed.

Clause 81.

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

Page 29, line 35—
Delete 'de facto' and substitute:
domestic.

Amendment carried; clause as amended passed.

Clause 82.

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

Page 30, line 3—
Delete 'de facto' and substitute:
domestic

Amendment carried; clause as amended passed.

Clause 83.

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

Page 30, line 11—
Delete 'de facto' and substitute:
domestic

Amendment carried; clause as amended passed.

Clauses 84 and 85 passed.

The Hon. P. HOLLOWAY: Given that we now have an amendment coming up from the Hon. Mr Xenophon which will require greater consideration, it is probably a good time to report progress.

Progress reported; committee to sit again.

ADJOURNMENT

At 10.59 p.m. the council adjourned until Wednesday 9 November at 2.15 p.m.