LEGISLATIVE COUNCIL

Wednesday 23 November 2005

The PRESIDENT (Hon. R.R. Roberts) took the chair at 2.18 p.m. and read prayers.

OMBUDSMAN'S REPORT

The PRESIDENT: I lay on the table the report of the Ombudsman of South Australia 2005.

LEGISLATIVE REVIEW COMMITTEE

The Hon. J. GAZZOLA: I bring up the 31st report of the committee.

Report received.

QUESTION TIME

TRADE AND ECONOMIC DEVELOPMENT DEPARTMENT

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make an explanation before asking the Leader of the Government a question on the Department of Trade and Economic Development.

Leave granted.

The Hon. R.I. LUCAS: My question is in relation to what was previously known as the Centre for Innovation, Business and Manufacturing which, without going through all the details I have highlighted on a number of occasions, the government ultimately abolished, in essence, in the past financial year. The government then announced a new policy, in the past financial year, of supporting a centre for innovation, and a number of statements were made by the Deputy Premier and others highlighting the good things the government believed were going to be achieved by that centre. For example, in one of many statements made in June of this year the Deputy Premier indicated that the government was establishing a new innovation centre—to help companies develop new products, processes and technologies—at a cost of $4 million over two years.

Information provided to the opposition in relation to the way in which the minister and his chief executive are managing their budget states that, as of October of the new financial year, a number of significant staffing appointments had still not been completed in this supposed Centre for Innovation and that, as a result, Treasury has not approved carryover applications from 2004-05 and 2005-06 because of the ineptitude of the minister and his Chief Executive Officer in relation to the management of the staffing resources of the Centre for Innovation. My question is: can the Leader of the Government confirm that, in the past month, Treasury has told him that important money, which was meant to have been expended through the Centre for Innovation, would not be approved for carryover because he and his Chief Executive Officer had not concluded a number of key staffing appointments within the supposed new Centre for Innovation?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): As I told the Leader of the Opposition yesterday, the carryovers recommended by Treasury are subject to the approval of the ERBCC of cabinet, and then they are endorsed by cabinet. That process is still under way at present, and I have no intention at all of discussing matters that are before cabinet. However, in relation to the Centre for Innovation, I repeat the point I made yesterday—namely, that, in relation to staff positions, if Treasury recommends that carryovers should not be given for salaries for the appointment of individuals, if there is ongoing funding into the future for those salaries, it is scarcely surprising. It would be rather extraordinary indeed if Treasury were to do so. In relation to the Centre for Innovation, there is certainly an ongoing budget with respect to the organisation. The centre is in the process of being established by the government—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Sorry? What's your problem?

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: I am not in any trouble at all. You are the one in trouble over carryovers. Let us put the question to the Leader of the Opposition. If you were treasurer, would you approve carryovers for salaries?

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Well, it is going to work like this. I am asking: would he do it? Would this person as treasurer approve a carryover for salaries? Would he do it? Of course, the silence speaks for itself.

The PRESIDENT: Order! The minister should be answering questions and the Hon. Mr Lucas should be asking them.

The Hon. P. HOLLOWAY: The silence will speak for itself. It is probably a good opportunity to put on the record some of what has been done in relation to the Centre for Innovation. The Centre for Innovation has been designed to act as an information conduit capable of analysing the needs of individual enterprises across the scope of its requirements (products, processes, management techniques, business models, supply chain, and so on) and linking it to service providers, including the universities and research organisations, as well as the private sector.

In addition, it maintains an awareness-raising role in terms of the issues which impact the future competitiveness of firms, businesses and industry sectors. The centre will provide the following services: innovation support to enterprises through a range of advanced tools and techniques; commercialisation support for early stage high potential companies; collaboration with universities and research institutions, as well as private sector service agencies; and promoting cultural change through awareness raising and information brokering.

The centre will operate in support of both manufacturing and service sector companies (particularly the high growth ICT sector), targeting companies with growth potential or the imperative to adopt innovation as a competitive edge. It will operate in conjunction with the BECs and RDBs in terms of accessing and supporting enterprises. A 'hub and spoke' model has been adopted with existing DTED resources providing central research, product and specialist resources, as well as regional delivery. North and south nodes operating out of the Mawson and Flinders innovation precincts respectively will provide an initial point of contact with local industry and the capacity to tailor programs to the needs of the local region.

The Centre for Innovation will be an important component of the regional innovation system within South Australia and will serve to complement and not compete with existing service providers. In relation to the staff appointments, there has been some issue particularly in relation to the southern

node. Obviously, to make this Centre for Innovation effective, we must negotiate with Flinders University and other bodies in that area. As I said, the purpose of this centre is not to compete with existing research bodies but rather to complement the work they do.

It is therefore important that we do work satisfactorily with bodies such as Flinders University. In relation to that southern node, there have been, I know, some fairly lengthy discussions in relation to the appropriate model out of there, but those efforts have been just about completed. Of course, appointments have been made at the northern node, the Mawson innovation precinct. As I said yesterday, there is a significant skill shortage in this country. Yes, it is difficult to attract and retain the sort of people into government that we would like, particularly given that, under this government, public sector salaries have been appropriately restrained because wages are a big cost to the government.

Of course, in some areas of the private sector, we have seen an explosion of wages in these sorts of professional sectors, and the medical sector would be a particularly good example of that. Of course, that does put significant pressure on budgets and the ability of agencies to attract and retain suitably qualified people. In relation to carryovers, the Leader of the Opposition's question is a complete red herring because, as I said, it is not relevant to decisions in relation to the Centre for Innovation.

WALLAROO HOSPITAL

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Minister Assisting in Regional Health a question about the Wallaroo Hospital.

Leave granted.

The Hon. R.D. LAWSON: In September 2002 the member for Goyder, John Meier, to whom I am indebted for this information, wrote to the then minister for health, pointing out that there was no dialysis machine at the Wallaroo Hospital. He was writing on behalf of constituents in Kadina, and the member said that his constituent's husband would, in the near future, need the use of a dialysis machine and they had no wish to move to Adelaide to access the machine. In October 2002, the Hon. Lea Stevens provided a reassuring response, saying that steps were being taken, to quote her words, 'in order to meet the needs of locally based renal dialysis patients'.

At the end of October this year Mr Meier received the following letter, which I will quote, from the same constituent at Kadina. She says that her husband 'is a 68 year old pensioner who is visually impaired. . . has acute renal failure, diabetes, asthma, and walks on a frame due to arthritis'. She also says:

> I have to transport him to Clare, a 200 km round trip, three times a week to receive his dialysis to keep him alive. We don't, or are unable to receive any financial assistance. With the wear and tear on our motor car and the price of petrol, we are finding things very difficult on our pensions. But of course if we don't do this my husband will die.
>
> I have approached organisations for help financially or otherwise, but because we live in the country, beyond Gepps Cross, nobody wants to help, everyone passes the buck. . . The government advocates that they try to keep older people in their own homes, but personally I find this very hard to believe. . . In passing I would like just to mention that I have had a stroke and have problems with the left side of my body and the sight in my left eye. So these trips are also taking its toll on me. But until we get a machine locally, or some help, we will continue to struggle on.

My questions are:

1. Will the minister confirm that the Wallaroo Hospital does not have a kidney dialysis machine?

2. When will the Wallaroo Hospital be furnished with such a machine, and what steps does the Minister Assisting in Regional Health intend to take to ensure that the residents of the Copper Triangle receive this important service?

The Hon. CARMEL ZOLLO (Minister Assisting in Regional Health): I thank the honourable member for his question. I cannot confirm on-the-spot whether Wallaroo Hospital does or does not have a kidney dialysis machine. I know that the Hon. Lea Stevens, at the end of September, announced a $9.2 million boost to be spent on country hospitals. I am not certain whether Wallaroo was one of those hospitals. I undertake to get some advice and bring back a response for the honourable member.

The Hon. J.F. STEFANI: I have a supplementary question. Would the minister be kind enough to establish, through her officers, whether the Wallaroo Hospital has a machine, so that this chamber is informed, and can she also give some detail as to when the hospital is likely to get a dialysis machine?

The Hon. CARMEL ZOLLO: I do not know whether it is just me, but I think that is a repeat of the question the Hon. Robert Lawson asked, and I said I will bring back advice straight away.

BUSHFIRES

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking the Minister for Emergency Services a question about bushfire preparedness.

Leave granted.

The Hon. A.J. REDFORD: Following the Wangary bushfire in January this year, the government commissioned a series of reports, including the Phoenix report, the Smith report and a report on the post-bushfire response—in the latter case, a report into itself where it found that it had acted very well. The Phoenix report made a number of recommendations, including the establishment of a partnership between local government and the native vegetation unit of the Department for Environment and Heritage for fire prevention in native vegetation.

It also recommended that the CFS develop tools and practices to better work with private firefighting units and other local resources. There was a specific recommendation that a good and effective relationship between the CFS and the Tumby Bay, Mitcham and Burnside councils be developed. It also recommended that relationships between the CFS and the Local Government Association be established regarding prevention. Some few months later, the Smith report was tabled in this place, completed in September this year, and it recommended at page 64:

> The CFS region 6 enter into a memorandum of understanding with local government for the use and conditions of use of their plant and equipment.

My questions are:

1. Given the new fire season is now upon us, has the CFS entered or signed the memorandum of understanding with local government for the use and conditions of use of their plant and equipment?

2. Has a partnership been established with local government and the native vegetation branch regarding native vegetation?

3. What has been done in relation to development of practices to better work with private firefighting units?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for his question. He is, of course, correct. There were some very good recommendations coming out of Project Phoenix, the lessons learnt, and also Dr Bob Smith's report in relation to preparedness. I think he is aware in relation to native vegetation that the Native Vegetation Council and the CFS, and the South Australian Farmers Federation, have set up, I understand, even a working committee to ensure that in future any applications are expedited through the Native Vegetation Council. Also, in relation to the memorandum of understandings with local government, they certainly either have already been signed off or would well and truly be well on the way at this time. The CFS obviously undertook, in particular with the Port Lincoln councils, to ensure that did happen on a call when needed basis. The other question I think was in relation to looking at bushfire preparedness overall. The CFS—

The Hon. A.J. Redford interjecting:

The Hon. CARMEL ZOLLO: Farmer firefighter units, did you say? Yes, I understand that there have been some very good initiatives and they have been approved. They were approved before, but I understand now that we have a model, a format, that one of the local firefighters actually put forward and everybody agrees that it really is a very good model in terms of call when needed as well. In relation to looking at the whole issue of bushfire preparedness, I have had some discussion with the CFS chief officer, Euan Ferguson, that we will see I believe in the future, leading up to the review of the legislation, a review of how we actually are doing these things, and we are looking at a terms of reference which will involve a more holistic approach. We are looking at—

The Hon. A.J. Redford: You have already had three reviews.

The Hon. CARMEL ZOLLO: No, a legislative review in the future, as to how we prepare ourselves in the future, because what you have just identified in particular is that it is not just the CFS that has a role. Very many people in our community have a role in preparing us, and not just the owners of the land. As you said, the local community is involved. We would be looking at even some of the service organisations as well. A lot of people have identified they want to be involved. So we will set up some terms of reference and I will have to look at that in the next few months and we will take that forward. I think the bushfire prevention officers already have been involved in some discussion, because it is something we want to get right.

The Hon. A.J. REDFORD: I have a supplementary question. Could the minister outline the good initiatives that she alluded to in her answer in relation to better relationship with private firefighting units?

The Hon. CARMEL ZOLLO: Are you talking about farm firefighters?

The Hon. A.J. Redford: Private firefighting units—tanks on back of trucks and stuff, knapsack sprays.

The Hon. CARMEL ZOLLO: I do not have all the finer details with me, but obviously the CFS and the farming community have worked well from the beginning. We have encouraged them, the CFS and the South Australian Farmers Federation, which has also had discussions, and one of the farm firefighters themselves has prepared a model code. I do not have it with me, but they have prepared a little card that they can put in their windscreen, which says, 'I'm a farm firefighting unit' and it gives a number you can call. I can bring back further information and detail exactly what is on the card, but I do not have it with me.

The Hon. A.J. Redford interjecting:

The Hon. CARMEL ZOLLO: Yes, it has been done.

OIL REFINING

The Hon. R.K. SNEATH: I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about the refining of oil in South Australia.

Leave granted.

The Hon. R.K. SNEATH: The closure of Port Stanvac a few years ago meant that South Australia became reliant upon imports for diesel supply. Has there been any change in this situation?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): I am happy to tell the council that there has been a change to the situation. Adelaide based energy group Stuart Petroleum Limited has today committed to a front end engineering design (FEED) study, with a view to establishing a diesel refinery in the Cooper Basin in the Far North of South Australia. This means that it is possible that some refining capacity will return to South Australia within the next two years. The refinery will produce up to 100 million litres of diesel a year, which is up to 10 per cent of the total diesel consumed annually in South Australia. The proposed facility is estimated to require investment of around $20 million by Stuart Petroleum.

The refinery will treat crude oil produced from Stuart's existing and future field developments in the Cooper Basin. Stuart produced 832 000 barrels of oil last financial year and the company is expected to be soon producing up to 3 000 barrels of oil a day from its seven South Australian fields. Today's announcement of the $900 000 FEED study comes after the completion of a feasibility study, which established the economics and viability of a South Australian diesel refinery.

I am advised that the initial feasibility study demonstrated the robust economics for a South Australian refinery, but further work is required, particularly relating to processed technology, statutory approvals, quality of crude FEED, diesel distribution and detailed plant design. The entire project could be built and commissioned within 15 months of the green light from Stuart Petroleum's board of directors at the completion of the FEED study. The board of Stuart has now given approval to move forward with the FEED study, which will commence immediately and is expected to take 16 weeks to complete. I welcome these developments. It is a vote of confidence in the future of both the Cooper Basin and South Australia in general.

The Hon. D.W. RIDGWAY: Will the minister indicate when his ministerial colleague will upgrade the Outback roads so Stuart Petroleum will be able to truck the diesel to its customers?

The PRESIDENT: You have that long bow out again, Mr Ridgway.

The Hon. D.W. Ridgway: They can't sell their diesel if they can't shift it, Mr President.

The Hon. P. HOLLOWAY: It depends how they move it, doesn't it? There is a liquids pipeline that goes from the Cooper Basin and it could be possible. It is owned by Santos at the moment, but it provides liquid feed stock down to Point

Longnose. That is really a matter for the Minister for Transport and I will refer it to him.

Members interjecting:

The PRESIDENT: I did not hear one word of the answer because of the interjections.

KANGAROO ISLAND ROADS

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister for Industry and Trade, representing the Minister for Transport, a question regarding the presence of B-double semitrailers on Kangaroo Island roads.

Leave granted.

The Hon. SANDRA KANCK: During the next 10 years the blue gum industry on Kangaroo Island will begin to harvest its crop. Recent figures released by the industry indicate that each year 9 000 B-double truckloads of chips will need to be transported to a port facility. This represents 18 000 actual trips for these trucks. Depending on the industry's ability to stockpile chips and the impact of inclement weather, the number of trips on working days will be between 60 and 90 per day. Ninety truck trips a day will result in the main arterial road between Gosse and Ballast Head carrying a possible seven trucks per hour or roughly one every eight to nine minutes.

It is my understanding that Kangaroo Island roads are not rated for B-double trucks, so it is possible that single semis will have to be used, and that would mean that a truck would pass along the road every four minutes. Aside from wear and tear on this Kangaroo Island major road, the scenario suggests there will be increased danger for local residents and tourists. My questions to the minister are:

1. Will there be facilities to stockpile chips near Kingscote on Kangaroo Island?

2. Does the state government intend to upgrade Kangaroo Island's main arterial roads to a standard requisite for B-doubles?

3. How does the current accident rate for Kangaroo Island roads compare with the state average?

4. What measures will the state government implement to ensure that the massive increase in the number of trucks on the island does not result in increased road trauma?

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

BETFAIR

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the minister representing the Minister for Gambling questions in relation to Betfair.

Leave granted.

The Hon. NICK XENOPHON: On 13 April this year I asked for questions to be directed to the Minister for Gambling in relation to Betfair, the betting exchange business based in Britain which allows people also to gamble on a losing event. That has caused a considerable amount of concern regarding the possibility of corruption amongst various sporting codes and the racing industry. I understand that concern has also been raised by industry sources. I have not yet received a response to the questions I asked on 13 April 2005.

I also refer to an article in the sports section of *The Advertiser* of 4 November this year headed 'Wright moves against Betfair' and minister Wright's comments this morning on ABC Radio regarding the introduction of legislation in this state to ban online betting exchanges such as Betfair. The minister's comments relate to legislation introduced in the Tasmanian parliament which would provide a five-year licence to a joint-venture between Betfair and Kerry Packer's Publishing and Broadcasting Ltd. The deal signed by Tasmanian Premier Paul Lennon has yet to be approved by the Tasmanian parliament. I note that what the Tasmanian government has done has been condemned by both the racing industry and welfare agencies such as the Salvation Army.

The Hon. A.J. Redford: And me.

The Hon. NICK XENOPHON: And the Hon. Angus Redford—it's a trifecta. The Salvation Army has expressed its concern in a media release which refers to church gambling task forces in Victoria, South Australia and Tasmania to condemn the Tasmanian government on its decision to grant a licence to Betfair and the implications that would have with respect to problem gambling. The minister has indicated that South Australia will introduce legislation to make it an offence for South Australians to place wagers with the exchange in the next session of parliament. He also indicated in his media interview today:

> The internet will need to be monitored, and once again we will take advice from the Liquor and Gambling Commissioner and the IGA as to how we could police that.

My questions to the minister are:

1. What consultations have already taken place between the minister's office, the Liquor and Gambling Commissioner and the Independent Gambling Authority regarding Betfair's operations in Tasmania and, in particular, how South Australians could be impacted by this?

2. What consultation has been entered into between the minister and his office and the Tasmanian government in relation to Betfair?

3. Does the minister share the concerns of the welfare sector that access to Betfair would lead to an increase in problem gambling?

4. What extra resources will the minister provide to police such legislation that has been flagged?

5. What role will the Independent Gambling Authority have in monitoring the effect of such legislation?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): What times we live in! Bluey and Curly, the cartoon characters, used to say that you had a betting problem only if you could not back a winner. Now you have a problem if you cannot back a loser. I will refer the questions to the minister in another place and bring back a reply.

The Hon. A.J. REDFORD: I have a supplementary question. Is the passage of the Betfair legislation yet another reason that parliament should sit in January and February next year?

The Hon. T.G. ROBERTS: That is the opinion of the honourable member. It is probably not shared by too many others in this place.

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order! It is a question and answer session, not a debating forum.

EYRE PENINSULA BUSHFIRES

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Emergency Services a question about the Eyre Peninsula bushfires.

Leave granted.

The Hon. CAROLINE SCHAEFER: The Smith report on the Eyre Peninsula bushfires clearly identifies that a request for water bombing was made by the Wanilla brigade captain at 6 p.m. on 10 January, but it was not passed on to the state emergency operations centre. On 20 September in the other house the former minister undertook to get a report on this matter. Will the minister provide us with that report, or at least tell us what progress is being made in providing the report?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): It is my opinion that I should not be making any comments, as we have a coronial inquest happening at present in relation to the Wangary bushfires. Indeed, I think it would be very inappropriate.

SOUTHSIDE CHRISTIAN CHURCH

The Hon. G.E. GAGO: I seek leave to make a brief explanation before asking the Minister for Correctional Services a question about the Southside Christian Church and the Adelaide women's prison.

Leave granted.

The Hon. G.E. GAGO: I have heard a number of very positive comments in relation to the work of a group of women from Southside Christian Church. The women have formed a group which is assisting female prisoners at the Adelaide women's prison. Will the minister provide the council with further details about this wonderful initiative?

The Hon. T.G. ROBERTS (Minister for Correctional Services): This question gives me an opportunity to thank the Southside women who have been providing support to the Adelaide women's prison. Each Christmas for the past four years Southside women have distributed Christmas gift packs to female prisoners. The gift packs contain cosmetics, chocolates and Christmas cards handmade by children at Bethlehem school. During the past year, prisoners from the living skills unit expressed a wish to decorate their accommodation areas. One of the Southside women, who is an interior designer, arranged for one of the suppliers to donate a large quantity of curtain material. She and a colleague ran a course every Wednesday evening for six weeks, teaching curtain making to the prisoners. I am informed that the prisoners thoroughly appreciated the experience, not least because they learnt additional skills while, at the same time, improving the conditions of their living area.

Southside women have a focus on rebuilding the prisoners' self-esteem and confidence, and, to this end, three Southside women, who are professional hairdressers running their own businesses, attended the women's prison on Wednesday evenings and offered the female prisoners a new haircut and style—which was very much appreciated. I understand that this was particularly well received as some of the women had not had a decent haircut for years and enjoyed encouraging each other in choosing new styles. In order to complement the hairdressing visits, one of the Southside women, who is a beautician and works at TAFE, visited the prison over a number of weeks and taught the women how to look after their skin, using everyday products available in supermarkets.

Following on from the success of those programs, the Southside women ran a basic cooking course, presented by a home economics teacher, who I hear is very skilful in engaging and communicating with all those involved in the project. It may not seem a lot to us here in this council, but a lot of these life skills are gaps in the development of many women who find their way into the prison system. The Southside women have filled some of those gaps in the women's lives. Using basic ingredients available through the prison stores—and they would be basic—the women were taught to follow recipes, prepare meals and manage their time when cooking more than one course. I am advised that the dishes, which were prepared from basic ingredients, were well received. They were able to make satisfying, nutritional meals and were able to learn some of those life skills which, as I said earlier, were gaps in the early development of many of their lives and which, in many cases, had led to their incarceration.

POLICE, COOBER PEDY

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

Leave granted.

The Hon. T.J. STEPHENS: The Coober Pedy township has a population of 3 500, which is approximately the same size as Ceduna. However, Coober Pedy has only 16 full-time equivalent officers to deal with issues arising from the AP lands when they are closed over the summer, to service the town itself, and to provide service in Oodnadatta. Ceduna on the other hand has 26 full-time equivalent officers and, whilst it has some of the issues that Coober Pedy has to deal with, it is certainly far better resourced to deal with those issues.

Due to the incredibly long period of time needed to get police attendance after hours from the Port Augusta police station, many residents have stopped reporting incidents because it literally takes hours for a response if it is serious and, if not, it often takes until the next day—and the seriousness of an incident is frequently determined by a person 550 kilometres away. My questions are:

1. Does the government acknowledge that there is a serious under-resourcing of police in Coober Pedy?

2. Will the government commit to informing the community, with some urgency, of a decision to properly resource the Coober Pedy police station?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I will have those details checked by the Minister for Police, but I remind the council that, under the Rann government, the levels of policing in this state are the highest they have ever been.

The Hon. T.J. STEPHENS: I have a supplementary question. What does that have to do with the under-resourcing of police in Coober Pedy?

The Hon. P. HOLLOWAY: If we have the highest level of police we have ever had in this state, it means that the Rann government is very serious about increasing police levels. Given their record, it is quite extraordinary for members opposite to raise these issues; the fact is that they had eight years to do that and they failed. Under this government police resources are at the highest levels ever and, thanks to some of the other law and order measures this

government has taken, we have also been able to very effectively reduce the crime rate.

The Hon. T.J. STEPHENS: I have a further supplementary question. Given the minister's statement that there are more police on the beat at the moment than ever before, and given that they are drastically under-resourced at Coober Pedy, does that mean that this government does not care about the needs of the people of Coober Pedy, that they are unimportant?

An honourable member: They are under-staffed in Oodnadatta as well.

The PRESIDENT: There is a bit of debate, a bit of opinion, in that.

The Hon. P. HOLLOWAY: The allegation from the honourable member is that they are under-staffed, but I will get the Minister for Police to ask for a report from the Police Commissioner (who is responsible for the allocation of resources) in relation to the strength of police numbers in that area. In relation to Coober Pedy, I can say that this government has done an enormous amount for the people there. In my own portfolio we have recently provided $100 000 for a drilling rig, and that has enabled some success in the opening up of new opal fields in that area—which is, of course, the essential ingredient of the economy of that town. We have also relocated officers of PIRSA there into new offices and, of course, the area has been extremely well represented by the member for Giles, who is—

An honourable member: She never goes there.

The Hon. P. HOLLOWAY: That is an outrageous and incorrect claim.

An honourable member: When were you last up there?

The Hon. P. HOLLOWAY: I have been up there at least three times this year. I regularly go up there because it is important within my portfolio. We have had a community cabinet up there—I wonder whether members opposite, in all the years they were in government, ever had a cabinet meeting in Coober Pedy. The member for Giles is, of course, an extremely effective representative who is a regular visitor to that area.

Members interjecting:

The PRESIDENT: Order! There is too much audible conversation. The minister is trying to give a sensible answer.

The Hon. P. HOLLOWAY: The member for Giles (Lyn Breuer) is an extremely effective member, and I know that she certainly regularly badgers me in relation to the needs of her community there. I am sure that, if there are any issues related to any other area, she would do the same with other ministers. However, I will obtain a report from the Commissioner of Police, through the Minister for Police, and bring back a response.

The Hon. T.J. STEPHENS: I have a further supplementary question. Can the minister report to the council whether he has made any representations whatsoever to the Minister for Police regarding the underresourcing of police in Coober Pedy?

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

The Hon. J.M.A. LENSINK: I have a further supplementary question. Will the minister undertake to provide a report to the council on the operational duties and location of all the alleged new police officers since this government came to office?

The Hon. P. HOLLOWAY: This is the sort of reason why the people of South Australia do not want them. If they really think that the resources of the police force of this state are better utilised in providing that sort of information, and if they think that police officers should be gathering that sort of information (because where else would it come from?), rather than being out on the beat and catching crooks, there is something wrong with them.

AUTISM

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 bullying of students with autism.

Leave granted.

The Hon. KATE REYNOLDS: The South Australian Autism Spectrum Disorder Parent's Education Committee invited all honourable members to attend the launch this morning of its school survey. As the host of the launch, an email was sent by my office to invite members to join with parents, children and representatives from Autism SA and hear from parents about their experience of the education system for their children, who have either autism or Asberger's Syndrome. The survey was sent out by the Parents Education Committee to about 1 400 South Australian families during August this year. It generated a significant amount of valuable information and data that highlight many areas of concern to parents and also some problems—in fact, many problems—with the education of students with autism or Asberger's Syndrome in South Australia.

Of particular concern were issues relating to bullying. Some of the major findings show that 70 per cent of families report that their children experience bullying at school, that 30 per cent of this bullying occurs on a daily basis and that most was physical bullying. Twenty-six per cent of the respondents indicate that they had been asked, inappropriately, to pick up their children from school or that their children had been inappropriately suspended or excluded. Concern was also raised about a perception of coercion by DECS staff in planning the school placement of their children.

In their personal stories to me, the parents who attended the survey highlighted the stories provided by other parents in the responses to the survey. People said that they felt that their children were being discriminated against, because they believed that these children had a right to an appropriate full-time education and to feel safe at school.

The parents also said that they should have some choice about their children's education. The survey pointed to some key challenges for the Department for Education and Children's Services and, in particular, the challenge of ensuring that there was effective and sufficient training for school staff; the challenge of ensuring that students with Aspberger's or autism spectrum disorder (ASD) have appropriate, individualised and flexible education plans; and ensuring that the educational needs of all students with ASD can be met through consistent planning and the creation of sufficiently supported school placements.

One of the parents this morning said to me (and I thought that this summed up many of the statements in the survey results), 'The Education Department is not set up to design or make a box to fit our children. They expect our kids to fit their box.' As I said, those personal stories were very disturbing. My questions are:

1. Why has the Rann Labor government not developed an autism spectrum disorder specific education policy before now?

2. Does the minister believe that all children are entitled to a safe learning environment; and, when I say 'all', I mean all children, not just those without challenging behaviours?

3. Does the minister believe that all children are entitled to a full-time education?

4. What action will the minister take to address the high bullying rate experienced by students with autism spectrum disorder?

5. Will the government commit to publishing an autism spectrum disorder education policy by June 2006?

6. Will the government commit to implementing best practice models for students with autism spectrum disorder and, if so, when will this begin?

The Hon. CARMEL ZOLLO (Minister for Mental Health and Substance Abuse): I will refer those questions to the minister in the other place and bring back a response for the honourable member.

MENTAL HEALTH

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Mental Health and Substance Abuse questions about the funding of mental health services in South Australia.

Leave granted.

The Hon. T.G. CAMERON: I recently received a letter from Mr Geoff Harris, Executive Director, Mental Health Coalition of South Australia (MHCSA) containing its policy document 'Mental Health—Let's Make It Work'. The document was developed using the experience of its member organisations. It is based on research and evidence collected by the coalition, and it provides a road map for mental health in this state for the next five years. While recognising recent initiatives by the Rann government, the coalition argues that the government still has a long way to go to balance and correct the state's under-investment in mental health.

The document states that over the past 15 years South Australia has spent 98 per cent of its mental health budget in acute and ambulatory care and just 2 per cent on supports in the community (and that includes both Labor and Liberal governments). Currently, South Australia also has the lowest mental health spending per capita of any state in Australia. The MHCSA policy document lists 11 actions which it believes the state government should implement in order to build a better health system, and these include:

- moving from a model that is designed to treat people only when they are ill to one that supports people to stay well in the community;
- the need for a mental health reform plan with targets and a measuring and reporting framework;
- a community action task force to help drive the major changes required to achieve mental health reform;
- a $50 million initial recurrent investment building to $100 million over the next five years; and
- that 50 per cent of this new investment should go to services that help people to stay well in the community.

Supporting people to stay well in a community will not only improve their quality of life but also reduce their use of acute and hospital-based services. MHCSA provides some very powerful figures to support its claims. For example, a recent New York City study revealed a benefit of up to $34 for each $1 spent on the psycho-education of family members of people with mental illness. Savings were made in reduced psychotic relapse, symptoms status, medication compliance, re-hospitalisation, and increased employment. My questions therefore are:

1. Has the minister received a copy of the MHCSA policy document, and is the government considering (or will it do so) implementing any of its 11 recommendations?

2. Will the government consider the formulation of a community action task force to help drive the major changes required to achieve mental health reform? If not, why not?

3. Does the minister agree with MHCSA's statement that supporting people to stay well in the community will not only improve their quality of life but will also reduce the use of acute and hospital-based services?

4. If so, why is the government spending only 2 per cent of its mental health budget on community mental health support?

5. Will the government, as a matter of priority, increase its funding for mental health to reach the Australian state per capita average? I just want us to be on par with everyone else.

The Hon. CARMEL ZOLLO (Minister for Mental Health and Substance Abuse): I thank the honourable member for his question in relation to the Mental Health Coalition. I have had the opportunity, whilst being the minister assisting, of meeting Mr Geoff Harris on several occasions, and he has had some input into several discussions, even with the former minister. I was at the launch of his group's policy, which must have been about a month or so ago, I think. It was very well received by the people there on the evening.

I know that there were some statistics presented in that policy launch and, whilst I would never take anything away from the important work that obviously had been undertaken to arrive at those statistics, I am not certain of the manner in which those figures were arrived at and the way they were counted, and whether in fact in South Australia they had looked through other contributions that are made, perhaps by the Department for Families and Communities. We can look at something like $18.3 million over four years for in-home care of people with disabilities, mainly psychiatric disabilities, and also we can look at the work of the Social Inclusion Board and the $28 million for a program aimed at mental health. So at this time I must admit that I cannot entirely agree with the statistics that have been presented. I must say that, by coincidence, I had an appointment to meet with Mr Harris this morning and, regrettably, my office had to cancel because I had another commitment. However, it has obviously been rescheduled and we will continue with that debate.

In relation to the mental health spend, again I can only reiterate that we have put in over $200 million more than the previous government. The community sector is a very important sector to deliver our services, and that is what we have endeavoured to do with that once-off injection of $25 million, and very many programs have been identified which would be of benefit to the coalition members that Mr Harris represents.

In addition, I am working very closely with Monsignor Cappo and the Social Inclusion Board. The Hon. Terry Cameron may be aware that they have been tasked to assist with mental health reform in this state as well, by value adding and providing constructive commentary, advice and feedback. The Social Inclusion Board has already set up some interest panels, and I am pretty sure they have written to several groups already, and we will see that happening

probably next month and the next two months after that as well. The Mental Health Coalition will have representation on one of those panels to assist us with our reform agenda. If there is any other advice that I have not spoken about, I will bring back a response.

The Hon. T.G. CAMERON: I have a supplementary question. Question 4 was, 'Why is the government spending only 2 per cent of its mental health budget on community mental health support?' I am just wondering whether the minister would care to address that. It was one of the five questions. Only one was answered and I am happy with that, but I would like question 4 answered.

The Hon. CARMEL ZOLLO: I was endeavouring to explain to the honourable member that I am not certain that it is 2 per cent, from the viewpoint that I am not certain whether they are counting all those other things.

The Hon. T.G. Cameron: You would be unhappy with 2 per cent if that figure was correct?

The Hon. CARMEL ZOLLO: We are always wanting to see more money. We know that we are coming from a low base. We know that demands continue to grow.

The Hon. G.E. Gago: A very low base.

The Hon. CARMEL ZOLLO: A very low base indeed. I am not certain those statistics are correct, but we have put more money in and we will continue to assist in that area.

The Hon. T.G. CAMERON: I have a further supplementary question. I would be the first to admit that I make mistakes, but if or when the minister checks these figures, if we are spending only 2 per cent of our health budget on community mental health support, would that be a figure that would concern her? Would she seek to address that anomaly?

The Hon. CARMEL ZOLLO: One of the reasons why the money spent on our community services is of concern is that South Australia did not devolve its mental health services in the past 10 years like the other states did.

The Hon. P. Holloway: They want to keep all their money in big institutions.

The Hon. CARMEL ZOLLO: That's right. What we have done—

The Hon. T.G. CAMERON: I rise on a point of order. I directed my question to the Minister for Mental Health, not the Leader of the Government.

The Hon. CARMEL ZOLLO: I can assure the Hon. Terry Cameron that everybody is interested in mental health because it is everybody's business, but I do take your point. What we have done since coming to government is recognise that we need to deliver services. As I was saying, since coming to government we have had the generational health review, and we recognise that we need to deliver services in the areas in particular where people live, which usually means very strong community support. So over the next five, six, seven years we will see the devolution of our mental health services with acute beds in public hospitals, with rehabilitation step-down services, as well as services being delivered by community organisations, and we have commenced on that task. However, I recognise that we have a long way to go.

The Hon. T.G. CAMERON: I have one further supplementary question. The minister used the term 'we' when talking about six and seven-year terms. Is she automatically assuming they are going to win the next election?

The PRESIDENT: I do not know that that is actually a supplementary question.

The Hon. J.F. STEFANI: I have a supplementary question.

The Hon. R.K. Sneath interjecting:

The PRESIDENT: Order! The Hon. Mr Sneath should come to order.

The Hon. J.F. STEFANI: Can the minister advise the chamber whether she is aware that Monsignor Cappo, in his role as the Chairman of the Social Inclusion Unit, has made contact with the mental health units in each of the public hospitals?

The Hon. CARMEL ZOLLO: We have a mental health unit, of course, here in the city but our services are delivered within the regions. I am not certain whether he has personally spoken to these people. I will have to get advice and bring that back for you.

DEFENCE SKILLS INSTITUTE

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Industry and Trade a question in relation to the Defence Skills Institute.

Leave granted.

The Hon. J.S.L. DAWKINS: Early in its term, the government announced that it would establish a Defence Skills Institute in a joint initiative with the defence industry. I understand that it was intended that the new institute would work in consultation with the Defence Teaming Centre, which was established by the previous government in 1996. Despite the short life of the institute to date, I understand that it will undergo what has been described within the industry as a major shake up in January 2006. My questions are:

1. Will the minister inform members of the structure of the institute, including the level of industry representation?

2. What level of communication and cooperation has been developed between the institute and the Australian government's Skilling Australia defence industry program?

3. Will the minister also indicate whether the institute will develop links with the new Australian technical college to be established by the Australian government at Elizabeth West?

4. Will the shake up of the institute result in its being absorbed into the Defence Teaming Centre?

5. If so, will the minister indicate what level of additional funding and staff will be required for the Defence Teaming Centre to run the institute?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): With the success of this state in winning the air warfare defence (AWD) destroyer—

The Hon. R.D. Lawson: Thanks to Liberal ministers.

The Hon. P. HOLLOWAY: Is that right? Thanks to the success of this state winning the AWD contract, it will mean a significantly increased need for defence skills within this state and as a result there will be a need for a big upgrading. That matter reports directly to the Premier, and I will get that information through him and bring back a reply to the honourable member.

ATTORNEY-GENERAL, REMARKS

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

Leave granted.

The Hon. SANDRA KANCK: Yesterday the opposition asked a question in the House of Assembly about an incident that occurred around 11 o'clock on Monday night in the Legislative Council members' lounge, in which I believe the Attorney-General referred to me as a criminal defamer. He responded in question time yesterday that he was neither speaking to me or of me. Today the opposition followed this up by asking who he was referring to. In answer he indicated that it was a private conversation and that I was effectively eavesdropping. The truth of the matter is that the Attorney-General came into the room white faced and approached one of the members of the Let's Get Equal Campaign, who I was standing right next to. There was no eavesdropping. His comments were made in a voice that was loud enough for all of the 20 guests in the room to hear. When he stormed out it left even those people in the furthest corner of the room asking, 'What was all that about?', with the most amazed expressions on their face. I am not an eavesdropper and there was no eavesdropping.

MATTERS OF INTEREST

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Gago has the call.

Members interjecting:

The PRESIDENT: Order! There is too much—

The Hon. T.G. Cameron interjecting:

The PRESIDENT: Order! The Hon. Mr Cameron should come to order.

FEDERAL INDUSTRIAL RELATIONS

The Hon. G.E. GAGO: Under the federal Liberal's draconian proposed industrial relations changes, virtually no worker will be left unaffected. I would like to outline one section of our working community—nurses—who will be adversely affected.

Members interjecting:

The Hon. G.E. GAGO: Mr President, I cannot hear myself.

The Hon. T.G. Cameron interjecting:

The PRESIDENT: Order! The Hon. Mr Cameron shall come to order.

The Hon. G.E. GAGO: This is a very important issue. Under the federal Liberal's draconian proposed industrial relations changes there will be virtually no worker left unaffected. Today I would like to outline one section of our working community—nurses—who will be adversely affected by these changes. From my personal experience as a nurse, I understand fully the enormous and valuable contribution nurses make to our community, and I am greatly concerned by the effect industrial relations changes will have on both nurses and the wider community.

Under the new laws proposed by the Liberals' work choices bill, award conditions will no longer be protected by law. Instead, award conditions will be replaced by just five minimum conditions: minimum wages, annual leave, unpaid parental leave, personal carer's leave and ordinary hours. It should be noted that two weeks annual leave can be cashed in and that 38 hours per week ordinary time can be averaged over 12 months. So, a worker may work 30 hours one week and 70 hours the next.

Apart from these five minimum conditions and the appalling insecurity that they will produce, all other entitlements such as notice of termination, jury service and long service leave will be negotiated away when an employee enters into an AWA or an individual enterprise bargaining agreement. Entitlements such as penalty rates, rostered hours, overtime payments and other allowances are also excluded under the new bill and, again, can be negotiated away. The no disadvantage test using the award as a point of reference for the terms of the agreement will also be abolished.

As most nurses are shift workers, they will particularly feel a blow from this dreadful bill. After the federal Liberal changes are introduced, I have been informed that nurses could lose up to 33 per cent of their income which, on average, amounts to $18 688 per annum—lost because of this legislation. This annual amount includes lost conditions such as qualification allowances and the two weeks annual leave as well as the 23 per cent of take-home pay that is earned by working shiftwork.

Our current industrial relations system rightly recognises that workers should be compensated for the impact that shiftwork has on them, their families, their social life and their physical health. Under the proposed changes, penalty rates are no longer guaranteed. Once a collective agreement expires, such as the current award which guarantees penalty rates, all an employer is required to do is to give employees 90 days' notice in order to claim the workplace award-free and collective agreement-free. Then, the only obligation of the employer is to comply with the government's five minimum conditions.

As well as losing award conditions such as penalty rates, the introduction of an AWA will also mean that two nurses doing the same job with the same level of qualifications, skills and experience could be working under two separate sets of conditions and receiving two different take-home pays. How fair is that? Many believe that this will have a very destabilising effect in the workplace—and I am sure it will.

The state Liberal Party has done nothing to try to protect nurses or, for that matter, any other workers from the federal Liberal proposal. I noted with bewilderment that the state Liberal Party has recently said that it would create 45 new nursing places at the state's three universities if elected at the next state election. You lot over there need to wake up. There is no point in creating new places while at the same time reducing the very wages and conditions which help to attract and retain nurses to the profession.

If the state Liberal Party was really serious about looking after nurses in our health system, it would do something about protecting their wages and conditions by speaking out against the federal Liberal Party's work choices bill. Instead, members opposite sit there like Mr Howard's little lap dogs. The state Liberal Party might also need to be reminded that while it is sitting on its hands a record number of 600 nurses will be graduating from the state's universities this year, and there is a record low for vacancies for nurses in the public system. The Rann state government has also allocated $2.7 million per year specifically to support many initiatives to recruit and retain nurses.

It is shameful that the state Liberal Party cares so little about South Australian nurses and their families in light of the pending IR changes. These changes will create real

hardship for thousands of nurses and their families. They will have an enormous impact on the recruitment and retention of nurses—an impact that will not be fixed by creating 45 new nursing places.

Time expired.

ALP CANDIDATES

The Hon. D.W. RIDGWAY: I rise to speak today on the ALP candidates for the 2006 state election. Recently, there has been some media scrutiny surrounding some of the ALP's newly preselected candidates and the fact that a large number of them are paid employees of this government. It is strange that we have public funding of federal elections. I think the way this government is lining up its candidates, we have public funding of this election, as well.

Yesterday in another place the member for West Torrens lamented the lack of replacements for the shadow cabinet within the Liberal Party. I strongly disagree with him. We do not need a bloated cabinet like the Labor Party. Mr Acting President, I draw your attention, and that of the council, to the alarming lack of diversity among the new ALP candidates. The ALP's own web site proudly displays no less than four ministerial staffers and at least two career academics. In contrast, the Liberal Party is offering voters a team with a wide breadth of experience at the next election.

In our ranks of new candidates, we have a PR executive (Diana Carroll), an elite sportsman (Nigel Smart), two farmers (Adrian Pederick and Tim Keynes), a former nurse (Tina Wakelin), an engineer (Pat Trainor), two police officers (Mark Osterstock and Andy Minnis), business people (Tim Blackamore and Anna Baric), a journalist (Peter Gandolfi), a dentist (Jack Gaffey)—

The Hon. A.J. Redford: And a lawyer, too!

The Hon. D.W. RIDGWAY: And a lawyer, the Hon. Angus Redford, in Bright. This is a clear difference from the Labor Party and shows the community that the Liberal Party is representative of all people—not union organisers, staffers and thugs.

Who has the ALP machine thrown forward at the next election? Among the staffers is Justin Jarvis from the Premier's office, who has been conveniently placed in the electorate of Stuart via the Office of the Upper Spencer Gulf, the Flinders Ranges and the Outback. This office is a sham and has done nothing except provide a taxpayer-funded base for Justin Jarvis's campaign. Recent FOI records show that just over $59 000 of South Australian taxpayers' money was spent upgrading the office in Port Augusta before Mr Jarvis moved in, as well as his having the use of a ministerial vehicle and the office spending over $17 000 on travel while he has been there. He is supposedly the Premier's regional affairs adviser—

The Hon. T.G. Cameron: He has to have money to campaign.

The Hon. D.W. RIDGWAY: As the Hon. Terry Cameron interjects, he has to have money to campaign. He is supposedly the Premier's regional affairs adviser and the manager of the regional ministerial offices, but he accompanied the Premier on a trip to India. I am not sure how many regional offices are there. I hope the electors of Port Augusta and the rest of Stuart are wise to remember that on polling day.

Another of the government's regional ministerial offices (the defunct Office of the Murray) garnered a bill of over $70 000 for refurbishments. It is now the Office of the Murray-Mallee. That is a job for the former Labor candidate for Heysen, Jeremy Makin—who now works for the Leader of the Government of this council. I am sure he will pop up again in an electorate before too long.

A member of the Leader of the Government's own staff, Tom Kenyon, is contesting the Liberal-held seat of Newland. According to his biography, he has had a varied career as a union organiser, before working for the Labor government. Yet another member of the government's staff, Ms Grace Portolesi, is standing for the seat of Hartley. While being well looked after by Rann in the form of electorate visits and plenty of advertising, she will lack appeal with voters other than the ALP die-hards due to her long career in the Labor Party. Recently, I saw Grace Portolesi and Leon Bignell—the Labor candidate for Mawson—in taxpayers' time at a function schmoozing donors. I do hope they were taking time off in lieu, Mr Acting President.

Leon Bignell, the ALP candidate for Mawson, is the chief of staff for the Minister for Transport. Mike Smithson commented in last week's *Sunday Mail* on Mr Bignell's behaviour around the electorate. The article states:

> This past week he took annual leave to press the flesh around the southern suburbs, trying to capitalise on his good poll showing.

All members will be aware that candidates employed by ministers of the crown are prevented from electioneering whilst being paid by the taxpayer. Given that Mr Bignell has been sighted repeatedly in the electorate, I hope he has saved up some leave for the March 2006 election. I am interested to see who makes government announcements in the electorates of Chaffey and Mount Gambier—

Time expired.

INDUSTRIAL RELATIONS

The Hon. R.K. SNEATH: Today I would like to take the opportunity to talk about the complacency of the state Liberal opposition in relation to protecting the wages and working conditions of the most disadvantaged workers in our state. Over the past couple of weeks there has been heated debate in federal parliament, the national media and community groups over the Howard government's work choices bill.

The Hon. T.G. Cameron interjecting:

The Hon. R.K. SNEATH: The Hon. Terry Cameron interjects and says that this is a re-run of the Hon. Gail Gago's speech. Well, industrial relations and the protection of workers' wages are important to the Labor Party, unlike the Hon. Terry Cameron, who does not care about the workers or their wages—

The Hon. T.G. CAMERON: I rise on a point of order. How dare the Hon. Bob Sneath accuse me of not caring about workers. I ask him to withdraw and apologise for that comment.

The Hon. T.G. Roberts interjecting:

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): There is no point of order, and I do not need the advice of the Minister for Aboriginal Affairs and Reconciliation to tell me that.

The Hon. R.K. SNEATH: Thank you for your protection, Mr Acting President. We have seen MPs ejected from the house daily, front page headlines, concerned churches and community groups, and the constant stream of talkback radio hosts and listeners questioning the fairness of this rushed and incredibly complex legislation—yet the state Liberals sit on their hands.

Not only is this legislation considerably more difficult to interpret than our current legislation but it has also been

pushed through parliament at a pace similar to that showed by Makybe Diva in the Melbourne Cup. MPs were given little more than 24 hours to read the legislation. The Howard government claims there is no hidden agenda behind this legislation, but how can that be when Australian workers at the lower end of the scale are being punished while those at the upper end—namely, big business—are handed benefits on their already shiny silver platters? Yet still the state Liberals sit on their hands.

The Howard government obviously has a lot to hide within this great wad of paper or else they would not have spent millions of dollars of taxpayers' money trying to convince Australians what a good idea it is. In fact, its advertising campaign emphasises what is not in the legislation rather than explaining what is in it. Even the government-controlled senate committee inquiring into the provisions of the work choices bill looks like recommending greater safeguards to protect workers. Thankfully, some Liberal members in federal parliament do have a conscience and are now starting to say to their colleagues and to the minister responsible for this bill that it is not good for workers; they are saying that their own government legislation is inadequate and unfair to workers and does not provide protection from the bad employers who will take advantage of this the day it is introduced.

Throughout this entire process members of the state Liberal opposition have had next to nothing to add to this debate. They have hidden behind their desks while their federal counterparts strip away the working conditions of the people they represent. The state Liberals refuse to support retaining our state system to protect South Australians. Why do they not come out and say, 'Protect the state system; leave the state system in place'? South Australia has had no industrial relations unrest for the past 10 years—or hardly any—but the opposition says, 'Abolish the state system.' They are not protecting South Australian workers; they do not care about South Australian workers. You are a disgrace, Mr Lucas—

The ACTING PRESIDENT: Order! The Hon. Mr Sneath will address his remarks through the chair.

The Hon. R.K. SNEATH: Thank you, Mr Acting President. In other words, in its current form this legislation will contribute to the creation of a new sub-class of Australian working poor for workers already at the bottom end of the scale, slogging away 12 hours a day and living from cheque to cheque. This is a terrifying prospect indeed. How can the Howard government claim that this disastrous legislation will benefit Australian workers when there is nothing other than slash and burn policies designed to further drive a wedge between the haves and have-nots of our state? We know how the Liberals look after the battlers. Along with their federal Democrat mates they put the first tax on ordinary people—

The Hon. T.G. Cameron interjecting:

The ACTING PRESIDENT: Order! The Hon. Mr Cameron is out of order.

The Hon. R.K. SNEATH: Let him go; all the workers in South Australia know how he protects them. Along with the Democrats, the federal Liberal government taxed ordinary pensioners for the first time through the GST. As I said, we have the churches, the community groups and the rallies, and if you had been to those rallies you would have seen ordinary mums and dads there—not full of trade union members or, as the Hon. Mr Ridgway calls them, trade union thugs. Ordinary mums and dads and ordinary workers in their thousands have turned out to protest against this legislation, and opposition members sit on their hands. They are a disgrace.

ROBERTS, Hon. R.R.

The Hon. R.I. LUCAS (Leader of the Opposition): I want to talk about the imminent political killing of the President of the Legislative Council (Hon. Ron Roberts) and the role played by the Hon. Bob Sneath, his colleagues and the member for West Torrens, Tom 'The Welcher' Koutsantonis who, as you know, Mr Acting President, is the only person ever to have welched on a bet in the history of the South Australian parliament.

Over a series of months, a number of stories have been leaked to *The Australian* newspaper, in particular, about the view of the Hon. Ron Roberts held by Labor members. It is clear that senior faction brokers, such as the Hon. Mr Sneath, Mr Koutsantonis and Mr Farrell, have made a decision to cut the President's throat in a political sense. On 13 September, *The Australian* quotes a senior party source as saying that 'Mr Roberts was almost certain to get dumped'.

The Hon. T.G. Cameron: That's because Bob Sneath is on a promise for his guernsey. He's going to be the next president. That's the deal.

The ACTING PRESIDENT: Order!

The Hon. R.I. LUCAS: Bob Sneath has the deal, has he?

The Hon. T.G. Cameron: Yes; he's going to be the next president. They're going to get rid of Ron so that he can get up there on the chair.

The ACTING PRESIDENT: Order! There is too much conversation in the chamber.

The Hon. R.I. LUCAS: The source made it clear that they would not cut his throat at the impending state convention. The reason is as follows:

> The Upper House ticket is likely to be decided in a special state conference to be held as late as possible before the election. Nobody wants Ron Roberts to go feral and derail us in the Legislative Council. He hasn't got an excuse to go native, because he hasn't been told he'll be deselected in the ballot,' the source said. 'He has no factional support whatsoever. The way most of the factional leaders feel about it, no-one wants another eight years of Ron. He's too much of a liability.

That is why the Hon. Bob Sneath, Mr Koutsantonis, the Attorney-General and others from the right have decided that the special conference will be conducted on 10 December, because the parliament was meant to rise on 1 December. I would never reveal the nature of any private discussion I have had with the Hon. Bob Sneath. His secrets will go to the grave with me and, I trust, with him. I have had no discussions with the member for West Torrens about this issue. It has been quite clear that he has been talking to anyone around the parliament prepared to listen that he is in it up to his neck in terms of slitting the throat of the Hon. Ron Roberts and that he is not to be trusted. The member for West Torrens is quoting freely from police transcripts of records with Mr President which make it quite clear that the Hon. Ron Roberts sees himself more of the left wing rather than the right. The member for West Torrens has been saying, 'Well, if that's what the Hon. Ron Roberts thinks, don't think he's going to be coming to us to get any support.'

As I said, I will always protect the nature of any conversation I have had with the Hon. Mr Sneath, and I will not reveal it. However, members of the left faction (other than the Hon. Bob Sneath), who belong to the same faction as the Hon. Mr Sneath, make it quite clear that they are quite intent on

shafting the President of the Legislative Council. There has been a conspiracy to shaft the Hon. Ron Roberts. I am sure that, without revealing the nature of any discussions, the Hon. Bob Sneath will certainly be prepared to vote for that position. Whether or not he has a deal to take over the presidency, as the Hon. Mr Cameron has indicated, in the event that the Labor Party is in a position to provide it, only time will tell.

The Hon. T.G. Cameron: That's the deal: first four years Bob; second four years Gazzola; Gago into the ministry; and Ron Roberts out the back door.

The ACTING PRESIDENT: The Hon. Mr Cameron is out of order.

The Hon. R.I. LUCAS: What I want to say to the President of the Legislative Council is that he ought to know of the conspiracy and what the member for West Torrens and others are saying about him in the corridors. What they are going to do to him, and the reasons why, is not nice.

Members interjecting:

The ACTING PRESIDENT: Order!

The Hon. R.I. LUCAS: The Atkinson-Ashbourne select committee will meet on 16 December—after 10 December—and he has a lot of important things to say about the Atkinson issue. Should he wish to appear before that select committee, we would love to see him on 16 December.

CHILD PROTECTION

The Hon. KATE REYNOLDS: I am still trying to recover from seeing the caring and sharing side of the Hon. Bob Sneath, and contemplating the President of the Legislative Council going native. Last week the Victorian Attorney-General announced that court proceedings would be changed for sexual assault cases. As you can see, Mr President, I intend to talk about something serious. He said that children and people with cognitive impairment will be spared unnecessary trauma when giving evidence in sexual assault cases under the bill introduced in their parliament. Mr Hulls said:

> In addition to changes to court proceedings, the new laws will increase penalties for people convicted of grooming or procuring and soliciting children to take part in sexual activity. These changes are about protecting those in our community who are the most vulnerable to sexual assault and who are the most vulnerable in the criminal justice system.

In Victoria, up to 150 cases involving sexual offences against children and people with a cognitive impairment proceed to trial each year. Mr Hulls went on to say:

> Children and people with cognitive impairments who have been sexually abused are highly traumatised and the criminal justice system should not compound their trauma.

Of course, the South Australian Democrats agree absolutely with that view. He further said that, under the new laws, proceedings for committal hearings would change so that children and people with cognitive impairment are required to give evidence only once and are no longer subject to cross-examination at committal hearings. If a matter proceeds to trial, the courts and the judiciary will have greater responsibility to prohibit improper questioning during cross-examination.

The purpose of these changes is to make court rules and processes fairer and less intimidating for children and people with a cognitive impairment who report sexual assault. Various other changes were flagged, including allowing evidence of children and victims with cognitive impairment to be pre-recorded or given via closed circuit television and in the presence of a support person; and, as I said, banning cross-examination and accused sex offenders from personally cross-examining their alleged victims.

In South Australia the Evidence Act has a number of provisions to help protect witnesses from embarrassment. The court can order special arrangements such as video links, partitions or allowing a friend to accompany the person to the witness stand. However, the witnesses are still required to give sworn evidence and be cross-examined. What our laws allow them to do is to share the trauma with someone else. Where there is a vulnerable witness the court must consider whether it should (but it is not obliged to) make an order for any special arrangements.

These vulnerable witnesses include people under 16, people suffering from an intellectual disability, victims of a sexual offence to which proceedings relate or someone with a special disadvantage. Our provisions do not go nearly as far as the amendments recently announced in Victoria. I believe that the South Australian parliament's Legislative Review Committee will table its report next week on sexual assault conviction rates, and I expect that it will make a number of useful recommendations that may or may not be taken up by the next parliament. But in a blatantly obvious attempt to steal the limelight from that bipartisan committee, the Premier recently stated:

> I have asked the Attorney-General, in conjunction with the Minister for the Status of Women, to investigate the law relating to rape, sexual offences and domestic violence and make urgent recommendations for changes.

Assuming that that particular review is carried out and actually results in recommendations, these changes will not happen until some time after the state election, if at all. This is another case of 'trust us. We'll fix it if and when we get around to it.' I note that Robyn Layton QC (as she was then) refers in her report 'Our Best Investment—A Plan To Protect and Advance the Interests of Children' to the systemic abuse and revictimisation that is experienced by child witnesses in the criminal courts. This report was tabled nearly three years ago, that is, in the life of this government.

In chapter 15 (Children and the Courts) Justice Layton (as she is now) made 37 recommendations in an attempt to ensure that the best interests of the child were taken into account when a child is exposed to the South Australian courts system. The South Australian Democrats challenge the Rann Labor government to declare publicly before the March election which of those recommendations it has acted on in the past three years before it makes any loud announcements about what it intends to do in the future. The same challenge, to announce what it will do, is of course extended to the opposition.

GOVERNMENT ADVERTISING

The Hon. T.G. CAMERON: I have a speech that I prepared about speed cameras, which is something I have campaigned long and hard about for many years, but I think I will put that speech away and speak off the cuff for what will be probably my last grievance speech in this place. I take the opportunity to congratulate the Australian Labor Party, Ian Hunter, David Feeney, Mike Rann and the entire ministry of the Australian Labor Party. In the 40-odd years that I have been involved in state politics (10 of them as a former secretary of the ALP), and in all my life, I have never seen a government spend taxpayers' money on a re-election

campaign as well or as effectively as this government has done. I know in Victoria they are complaining about the $9 million or so that Bracks has spent on an advertising campaign in the lead-up to their election, but that pales into insignificance compared to what has been done here in South Australia. I would estimate that, by the time we get to the poll on 18 March, this state government will have spent somewhere in the vicinity of $20 million on what I call feel-good advertising.

The Hon. J.F. Stefani: Self promotion.

The Hon. T.G. CAMERON: Self promotion, thank you. It does not matter whether you turn on the television—

The Hon. T.J. Stephens: Have you seen Mike in that airport ad lately?

The ACTING PRESIDENT: I do not think the Hon. Mr Cameron needs any assistance.

The Hon. T.G. CAMERON: Well, there is a problem with the airport, and we all know that we have a Premier who likes to announce good news. But it is not the good news announcements that concern me; it is when the government spends taxpayers' money on television advertising, radio advertising, advertising in *The Advertiser*, *The Australian*, and *The Independent Weekly*, and advertisements scattered throughout the local press, and in brochures and pamphlets.

The Hon. R.K. Sneath interjecting:

The Hon. T.G. CAMERON: The Hon. Bob Sneath is interjecting. I am not defending the $50 million-odd that the federal government has spent on its campaign—that, too, is a scandalous waste of taxpayers' money—but that is $50 million across the entire country. Here we are talking about $20 million that the government is spending of taxpayers' money to try to get returned at the next state election. It does not matter where you go these days. You turn on the television, you listen to the radio, you pick up the local press, and there you will see the beaming face of a minister, announcing grants and various projects in various feel-good advertisements.

Over the past 30-odd years I have seen governments of both persuasions spend taxpayers' money on what I call feel-good advertising before an election, but I have never seen a campaign that has been planned, organised, orchestrated and delivered to the South Australian electorate as effectively and efficiently, using tens of millions of dollars of taxpayers' money, to get re-elected. I may well not be here, but I put it to this place that, if people such as the Hon. Kate Reynolds, the Hon. Nick Xenophon or the Hon. Andrew Evans return to this place, I hope that they seek to have a legislative inquiry into the amount of money that this government is spending. It is taxpayers' money, and it is spending this money to try to get re-elected.

It can be done very cleverly. Whilst I have congratulated a whole host of people, I should also congratulate the Premier. In my opinion, the Premier is the most effective manipulator of the media I have seen in the 40 years I have been involved in politics. He is a master of the political spin and he is also a master of spending taxpayers' money to get re-elected. It is a disgrace, and I call upon the South Australian government to stop it immediately.

Time expired.

RAILWAYS, LEVEL CROSSINGS

The Hon. A.J. REDFORD: We all know that railway safety crossings are an important part of our road and rail infrastructure, and I do not need to go into any detail to remind members in this place of the tragedy that happened at the Salisbury railway crossing where cars queuing across the line were trapped and a train ploughed into a bus, causing a very serious and significant tragedy. Indeed, the Premier responded very quickly in relation to addressing the issues in relation to that crossing, which is in the heart of his electorate. It is important, I think, that members understand that railway crossings have a set of design standards that they should meet and, in particular, design standard AS1742.7 applies to railway crossings where you have boom gates and lights.

That design standard includes requirements regarding pedestrian warning bells; it has requirements regarding control volume warning sirens in lieu of bells at night; also requirements regarding warning sounds for pedestrians crossing railway lines; warning and operating times; test switches; and a whole range of measures that are very important in the context of saving the lives of people who have to use these railway crossings from time to time. I note recently that there was a public meeting, attended by the parliamentary secretary assisting the Minister for Transport, at Brighton in respect of the Hove railway crossing. I understand that about 40 people turned up, and there was a significant discussion about that crossing and indeed other crossings. In fact, I have been fighting very hard to get an upgrade of various crossing in the electorate, including the one at Jetty Road, Brighton.

Anyway, the parliamentary secretary, one can assume with the authority of the department, made certain announcements, saying that it was all going to be fixed, etc. Back in September, before I even knew that this meeting was going to be called, I actually did an FOI on what the government intended to do in relation to this railway crossing, bearing in mind that it is right near a school, and indeed complaints have been coming from the local school about various safety issues and queuing issues in relation to this crossing.

What these documents say is that they need to look at various things, including improved signage, and indeed that they would need to look at bringing it up to a certain design standard, namely design standard AS1742.7. This exchange takes place in the correspondence, as follows:

> Wednesday 19 October. Email from Mr Angelo Lanzilli of the DTEI to Mr Andrij Slobodian DTEI. Re: Brighton Road.
>
> We will look at the line marking as well as signage, allow $10 000. The site also has RXTSD signals which are non-compliant. Do you want these upgraded as well? Will be expensive, say 50 to 70K as a guess.

This is the answer. This is what the government thinks about the safety of people who live in the area. I refer to an email sent the same day, about 30 minutes later, so all of 30 minutes' thought went into the safety of people who frequently use that crossing. It states:

> Angelo, Brighton Road. I will include 10K [that is $10 000] on the program for line marking, signage and parking control. Do not upgrade the signals. Make sure the school and council are involved in any discussions or decisions about parking control in Murray street.

So, for a lousy $70 000 they want to put my constituents at risk and they want to go into the electorate and run stunts and pretend they are actually doing something to protect my constituents. They are a disgrace, and they are dishonest in what they are saying to the people and I call upon them to upgrade it to an appropriate safety standard.

Time expired.

NATURAL RESOURCES COMMITTEE: SALINE WATER DISPOSAL BASINS

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

That the report of the committee, on its Inquiry into Saline Water Disposal Basins in South Australia, be noted.

Over the past 15 years in South Australia saline water disposal basins have been used to manage the disposal of ground water that has been captured by salt interception schemes and prevented from flowing into the River Murray. Salt interception schemes are large-scale ground water pumping and drainage projects that intercept saline flows and pump them into disposal basins. For South Australian schemes, interception water is pumped to basins at Stockyard Plains, Noora or Rufus River in New South Wales, but operated by South Australia. There the water either evaporates or filters into the underlying aquifer. In this way an estimated 1 100 tonnes of salt is diverted and prevented from flowing down the river each day.

These schemes, combined with other drainage works, have reduced the salinity at Morgan by about 200 EC. Salt interception schemes and their associated disposal basins are a key component of the Murray-Darling Basin Commission's Basin Salinity Management Strategy 2001-15. However, for us to maintain the salinity at Morgan at 800 EC or less for 95 per cent of the time, new engineering works will need to be constructed. While salt interception schemes result in significantly less saline ground water entering the River Murray, there are potential negative impacts associated with the disposal of the water. These include the impacts on the underlying aquifer and impacts of native vegetation in the vicinity of these basins.

The committee believes there remains some uncertainty regarding the long-term impacts of existing basins on native vegetation, ground water and adjoining lands. The committee has recommended that the more comprehensive monitoring program at Stockyard Plains be considered to determine the movement of subterranean saline ground water. The committee recognises that the salt interception schemes have a proven record in reducing the amount of saline ground water entering the River Murray. We also accept that, in the absence of other viable disposal methods, saline water disposal basins are currently the most effective option for managing intercepted ground water. We were advised that additional disposal capacity will be required to accommodate new salt interception schemes that will eventually come into operation. We were also advised that Stockyard Plains has some short-term additional capacity, but in the long-term additional disposal basins will be required.

Over the years extensive investigations have been undertaken to find alternative basin sites. Suitable locations are determined by many factors, including current land use, soil structure, existing salinity, topography, elevation, native vegetation, adjacent land uses and evaporation rates. Using this criteria, the most suitable site has been determined to be site G at Lowbank. The committee noted that DWLBC and SA Water have investigated possible alternative disposal methods, and we have recommended that they continue this work.

Among the alternatives put to the committee are: building a pipeline to the sea, which at the last estimate would cost about $700 million, and deep aquifer injection, but there are many uncertainties such as the interconnectivity of aquifers and their links back to the river and the potential to permanently damage or contaminate an aquifer. Other proposed uses of the water that did not necessarily reduce volume included mineral extraction but, given the commercial value of those that could be harvested, this is only a marginal proposition.

The committee also acknowledges that salt interception must continue and that the use of saline water disposal basins at suitable locations is an appropriate medium-term strategy. We have been advised that there is some additional capacity at Stockyard Plains. In its report, the committee has recommended that the possibility of increasing the existing capacity of the infrastructure and facilities at Stockyard Plains should be thoroughly investigated so as to alleviate the need for additional basins. It is obvious, unfortunately, that saline water disposal basins do result in damage to surrounding vegetation.

Based on evidence that the committee has gathered, we have also concluded that the basins result in a perched water mound directly underneath. While we acknowledge that to an extent these impacts are predictable and can be managed when the basins are appropriately sited, we do have concerns. We are concerned with those environmental impacts on native vegetation, groundwater and adjoining farming lands that have not yet been firmly established. These impacts are mainly due to the movement of saline water through possible limestone sinkholes and caves that may be present in the region and the extent to which they may be interconnected. We saw at first hand a sinkhole that had appeared in recent times on land within the designated site G. We were advised that their sudden appearance was a common occurrence, particularly after wet seasonal conditions with localised flooding. The committee has recommended that the possibility of there being an interconnected network of sinkholes and limestone caves in the region needs to be fully investigated.

The committee also heard of great concerns amongst the community, particularly landowners, who feel that their livelihood could be affected by the establishment of nearby basins. There is also the belief that property values have been detrimentally affected by this prospect. We were told that in some cases a farm might not be bought in its entirety. Farmers believe that there is little prospect of selling unpurchased portions of their farms that are adjacent to a basin site.

A currently productive agricultural area at Lowbank, approximately 10 kilometres south-west of Waikerie (referred to as site G by DWLBC), has been identified as a potential future location for a basin. In addition to the capital cost of siting a basin in this area, the committee is concerned that there will be significant other costs associated with the establishment of a basin on this site. These include the loss of well-managed and productive farming land and potential impacts on adjacent farming land and nearby stands of native vegetation.

On its last visit to the region the committee met with many farmers in the Lowbank area. We heard that even the possibility of locating a disposal basin at site G in the future, regardless of when that might be or even the likelihood of it happening, is having a significant detrimental impact on the farming community in the area due to the uncertainty it has caused over the future of their land. Accordingly, the committee has recommended that currently productive agricultural land and other land unaffected by salt should not be considered as a suitable location for an additional disposal basin unless there are genuinely no other suitable locations. If site G is required at any time in the future, the committee

has recommended that this should be communicated to the farmers of the Lowbank area as a matter of urgency in order to alleviate some of the great uncertainty that is currently being faced by this community.

I conclude by thanking all those who provided submissions to the committee and those who appeared before the committee to give evidence or who met with us on our visits to the regions where we were made welcome and looked after very well. I also commend the members of the committee—Mr John Rau (Presiding Member), the Hons Sandra Kanck and Caroline Schaefer, and Paul Caica, Vini Ciccarello and Mitch Williams MPs—for their contributions and the bipartisan fashion in which this inquiry has been conducted. Finally, I thank members of the parliamentary staff for their contribution. I commend the report.

The Hon. CAROLINE SCHAEFER: I reiterate some of the comments of the Hon. Bob Sneath. I thank the two staffers of this committee, Mr Knut Cudarans and Mr John Barker; in particular, I think Mr Barker's work in writing reports is very skilled, and he has proven to be a very fair-minded researcher and comprehensive report writer.

I first brought the matter of the salt interception schemes to the Natural Resources Committee as a result of being approached by a number of very concerned farmers in the Lowbank area. The Lowbank area is a low rainfall but high productivity area where a very progressive dryland farming group has attracted considerable government grants to do experimental but certainly state-of-the-art dryland farming practices, such as minimum tillage. Along with the Hon. Bob Sneath and the rest of the committee, I saw first-hand how productive they have managed to make land that, even 10 years ago, would have been considered to be marginal country.

One of the concerns often expressed about our farming communities across the state is that they are an ageing community, yet the relatively small area of Lowbank has a group of progressive, young farmers. When their local member refused, first of all, to give any assurances with regard to site G, and then somewhat flippantly told them they did not have to worry for anything up to 20 years, these young farmers, who in most cases have taken over from their parents, began to be very concerned that they did not have a future. A period of 20 years is not a long time for someone to farm a family property. In many cases it takes up to half that time to actually effect the changeover so that the older generation is able to leave and they are able to progress forward. They were told that it would not be needed 'probably for up to 20 years'. As the Hon. Bob Sneath has pointed out, the value of their properties disappeared overnight because no-one would buy a property that might become part of a salt interception scheme. They were left not knowing how much longer they had on their properties.

I went there the first time because I am a believer in salt interception schemes. As the report states, they have been proven to intercept salt. In fact, it is estimated that 1 100 tonnes of salt per day is deflected away from the river due to these schemes. It has resulted in an estimated reduction in salinity of about 200 EC at Morgan. As the Hon. Bob Sneath said, the fact that they are needed, at least in the medium term, is indisputable. So the first time I visited these farmers I expected to find some denuded, flat land that would be suitable as an evaporation basin and I would have to express my regret but say that that was necessarily what would happen. However, to my surprise (and this is why I involved the rest of the committee and why we went back for another look) Lowbank is progressive, fertile, productive and geographically quite undulating country. When I was shown where the basin was going to be put I suddenly realised that we were talking about a basin that would be permanently anything up to 60 feet deep; it was going to actually bury hills.

As the Hon. Bob Sneath said, on closer inspection we also found that the country was riddled with sink holes which, to my untrained eye, appeared to be huge limestone holes and so not only did we have an area that was undulating (so we were going to have a very deep basin rather than a shallow one), we also had an area that had a porous sub-surface. Why that particular area was ever considered for a salt interception scheme is a mystery to me.

On speaking to the local people and seeing it first-hand, we learnt that there are concerns around the Stockyard Plains salt interception scheme as well. The theory behind these salt interception basins is that the saline ground water is intercepted and pumped to the surface, where some of it evaporates and some of it (we were told) would, over a hundred-year period, percolate back down to the ground water. However, locals have told us—and we have also followed it up, at least anecdotally, with the department—that both salinity levels and the water table are rising much more quickly than was anticipated. So while it is all very well for us to say that this is a great program, science is beginning to prove that many of the concerns raised by the local people are accurate.

The committee saw many cases of denuded, salt-affected land quite some distance from the actual Stockyard Plains basin, and it was obvious to our naked eyes (and it must be even more obvious to scientists) that, in fact, the damage predicted to occur in some 50 years' time is showing up already. While this is a cost-effective method of intercepting salt (and there were many other remedies suggested to us, including a pipe straight through to the sea and some of those sorts of things, which are very expensive), I am beginning to believe that, if we are to have these salt interception schemes, as a society (because we are all affected by the River Murray and the potability of its water), we may well have to look at lined dams. These would be shallower and would cover a greater area, allowing the water to evaporate rather than percolate back down to the ground water.

Our report only scratches the surface of what I believe is a great environmental concern, and I would like to publicly thank the Lowbank Action Group and the farming community up there for originally raising this issue with me. I would also like to thank the other members of the community who took time out to show the committee what their concerns were. As I said, I was quite sceptical when I went up there originally but—particularly after the second visit with the committee—I became very sceptical not of what they were telling me but of just how effective and successful these salt interception schemes are, and I express my gratitude for the time they put into showing us what their concerns were on the ground.

As I said, one of the concerns we all expressed was regarding the suitability of site G, in particular. We asked why some of the other suggested sites had not been taken into account, and it seems that one of the first rules as to where a salt interception scheme can go is that it must not interfere with any native vegetation. Sir, you would know very well that there are hundreds of thousands of acres of native vegetation in that particular area, and just across the river there are millions of acres of quite low-fertility salt bush country, so I would urge governments of the future to take

into account the livelihoods of people as well as the efficacy of native vegetation when deciding where a salt interception scheme must go. To uproot between half a dozen and 15 families, tell them that they have no future where they have made a future for themselves, and turn productive country into a denuded salt area when one could use some of the native vegetation to do exactly the same and not destroy other people's livelihoods does not seem to me to be the preferable option. The committee recommends the following:

- the Department of Water, Land and Biodiversity Conservation (DWLBC) and SA Water continue their investigations into finding effective and economically feasible alternative methods for the management and disposal of intercepted saline groundwater;
- DWLBC and SA Water reconsider the merits of a more extensive monitoring program at Stockyard Plain, including the consideration of a grid monitoring pattern or aerial monitoring to determine the movement of subterranean saline groundwater.

I would like to comment on this because, again, the local people believe that the bores put down to test the groundwater are too far apart and monitored too seldom. Particularly as the groundwater rises, it will not be expensive to put in extra bores for additional testing. Indeed, I think that a grid monitoring pattern, or aerial monitoring, is a particularly good idea, given that Stockyard Plain really is the first of its kind. It is the first salt interception scheme of such a large area, and I think that we owe it to future generations to do all we possibly can for accurate testing. The recommendations continue:

- DWLBC and SA Water investigate local claims of the presence of an interconnected network of sinkholes and caves in the vicinity of existing and proposed saline water disposal basin sites.

Again, I cannot stress enough how important it is that we find out whether it is only local belief or whether it is, in fact, the case that where we are putting these is over a series of underground sinkholes made of limestone and, therefore, porous. If that is the case, we are providing highly saline and highly polluted groundwater back into a stream. The fourth recommendation states:

- in order to alleviate the need for additional basins, DWLBC and SA Water give consideration to the Natural Resource Committee's preferred option of increasing the disposal capacity of the infrastructure and facilities at Stockyard Plain, on the provision that the basin has the ability to receive greater volumes of saline water without adversely impacting on the land beyond that already set aside for the basin.

Again, we were told by DWLBC and SA Water that there is considerably greater capacity at Stockyard Plain than is being used at the moment. I would have to say that areas of Stockyard Plain look like a moonscape now. So, if we had to sacrifice that area, surely it is better to do that than to sacrifice half a dozen other areas as well. The fifth recommendation states:

- any further consideration for additional basins should not include currently productive agricultural land or land unaffected by salt, unless there are genuinely no other suitable locations.

I hope that the Labor cabinet minister, the Hon. Karlene Maywald (who is the minister, after all, for the River Murray), will take heed of the pleas of her constituents, act on this recommendation and provide them with some certainty and security for their future. The final recommendation states:

- DWLBC and SA Water finally determine the likelihood of 'Site G' being required for saline water disposal as a matter of urgency, and advise the Lowbank farming community accordingly.

In other words, make up your mind and get on with it so that these people can, for better or worse, get on with their life as well.

I thank the members of the committee, which comprises both upper and lower house members, members from the two major parties and the Hon. Sandra Kanck from the Democrats. In my view, the inquiry was taken on in a very fair-minded fashion, and I think that the recommendations have been put very fairly. It is again my plea that the local member—the minister who is responsible for these matters and who has the ability to take these decisions quite quickly with regard to Site G and Lowbank—will at last listen to the recommendations of the committee. I thank committee members again for their participation.

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

SOCIAL DEVELOPMENT COMMITTEE: NHMRC ETHICAL GUIDELINES ON THE USE OF ASSISTED REPRODUCTIVE TECHNOLOGY IN CLINICAL PRACTICE AND RESEARCH

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

That the report of the committee, on NHMRC Ethical Guidelines on the use of Assisted Reproductive Technology in Clinical Practice and Research 2004, be noted.

Under commonwealth law, the NHMRC ethical guidelines on research involving human embryos are reviewed every five years. Under the South Australian Research Involving Human Embryos Act 2003, the Social Development Committee is required to undertake an inquiry into the guidelines each time a revised version is released.

The latest version was released by the NHMRC in 2004. As part of our inquiry, we examined the NHMRC's process for revising the guidelines and have strongly endorsed it in our report. Not surprisingly, given the expertise and authority of the NHMRC in this area, its review process was very robust and included comprehensive consultation with relevant organisations and individuals nationally and in South Australia. Reverend Dr Andrew Dutney, who is the Chair of the South Australian Council on Reproductive Technology (SACRT), confirmed that consultation within our state was comprehensive, and the council felt that its concerns were being heard throughout the process.

The committee obtained a list of South Australian agencies and individuals consulted during NHMRC's review and invited their comments, as well as hearing from expert witnesses from the Department of Health and the South Australian Council on Reproductive Technology. The aim of our inquiry was to look at the 2004 guidelines and determine whether they constitute a suitable regulatory basis for clinical practice and research involving human embryos in South Australia. In the context of a range of other regulatory mechanisms in this state, it is important to note that this is a very regulated field.

The NHMRC ethical guidelines sit within the context of the state and the commonwealth research involving human embryos acts and prohibition on human cloning acts. They

are also one of a long list of regulatory mechanisms pertaining to the use of Assisted Reproductive Technology (ART) in this state, which can be viewed on pages 11 and 12 of the committee's report. Having said that, the NHMRC guidelines are very important. Everyone involved in ART in South Australia must adhere to the guidelines in order to receive a research licence to legally undertake research involving excess human embryos.

This is a condition of the licence in South Australia at the moment, and there are four licences currently. There are licences to undertake ART activities which aim to achieve pregnancy and which do not involve the possible destruction of any embryo. A research licence on the other hand is needed for any ART activities involving possible destruction of an embryo. There are no research licences in this state as there is currently no research here in South Australia involving the possible destruction of human embryos currently being undertaken.

Most research involving human embryos in Australia is undertaken in research centres in New South Wales and Victoria. The committee examined the differences between the 1996 and the current version of the guidelines. These were outlined in some detail in the report. Overall, the 2004 guidelines constitute a much more comprehensive regulatory framework than the 1996 guidelines. Indicative of this is that since 1996 it has been expanded from a 15 page document to a 70 page document. The committee believes that this is appropriate given that Assisted Reproductive Technology is far more advanced than it was in 1996.

For example, some of the scientific developments that we have seen since 1996 include:

- the development of somatic cell nuclear transfer, which was first announced with the cloning of Dolly, the sheep; and
- the development of methods of extracting and propagating embryonic stem cells from a five-day old embryo created in vitro.

Given that technology in the field will continue to advance, the committee supports the five-yearly review undertaken by NHMRC. It is important to note that the aim of the NHMRC ethical guidelines is to regulate and place limitations on clinical practice and research involving human embryos. They were not designed to create a permissive environment for scientists. One of the more significant differences between the 1996 and 2004 versions is that the current version has separate sections for clinical practice and research.

In the NHMRC's consultations preceding the 1996 version, it was argued that research involving the possible destruction of excess embryos should be subject to more stringent ethical constraints and stricter control mechanisms than those which apply to routine clinical practice. The current guidelines include a distinct section to ensure that additional regulations are in place. For example, they require that people donating excess embryos for research must undergo a decision-making, counselling and consent process that is clearly separated from clinical care and specific to a certain research project.

Furthermore, unacceptable or prohibited research practices are now enshrined in the Research Involving Human Embryos Act 2004 (commonwealth), the Prohibiting of Human Cloning Act 2002 (commonwealth) and the complementary state acts. The 2004 guidelines refer to and sit within the context of this overriding legislation. Another significant alteration has been the inclusion of detailed guidelines relating to sex selection, surrogacy and pre-implantation genetic diagnosis (PGD). PGD is a procedure whereby, before embryos are implanted, a single cell is extracted by a biopsy and genetic analysis is undertaken.

The guidelines outline that these controversial issues do require further debate. Therefore, the current 2004 guidelines err clearly on the side of caution. For example, they state the following:

- sex selection must not be undertaken except to reduce the risk of transmission of serious genetic conditions, such as haemophilia, which is linked to the male chromosome; and
- PGD must be used only to reduce the risk of transmission of a serious genetic condition and must not be used to prevent conditions that do not cause serious harm or to select the sex of a child.

In its inquiry, the committee also looked at areas where our state legislation and guidelines differ. Where they differ, the state legislation overrides the guidelines, and it was generally found that legislation applies additional regulations. The Executive Officer of the South Australian Council on Reproductive Technology states:

> The main points of difference we had between the legislation and the guidelines are not points of difference as such: they are more areas where the legislation exceeds the guidelines as we have very conservative legislation in South Australia.

One problem that was raised regarding our state legislation relates to children's rights to access identifying information about gamete (that is, sperm or egg) donors. Unless the donor has specifically given consent, there is no avenue in this state for a donor-conceived child to access identifying information about their biological parentage. That is in conflict with the 2004 NHMRC guidelines which state that people conceived using ART procedures are entitled to know who their genetic parents are and prohibits clinics from using donors who are unwilling to be identified.

While we know that South Australian clinics are already operating according to the guidelines, there is the potential for problems to arise where there is disagreement between the parties, because the state legislation does not support the child's rights. It is worth noting here that under the Family Relationships Act a donor has no rights or responsibility over the child. For example, they could not be responsible for any maintenance of that child. The SACRT has already undertaken significant work in relation to this issue, and the committee supports its work in developing a cost-effective model for a central donor register. We urge the Minister for Health to implement this measure.

Before closing, I acknowledge the members of the Social Development Committee: Ms Frances Bedford, the Hon. Trish White, Mr Joe Scalzi, the Hon. Michelle Lensink, and the Hon. Terry Cameron. I also thank the staff of the committee: the research officer, Ms Susie Dunlop, and secretaries Ms Robyn Schutte and Ms Kristina Willis-Arnold. I also acknowledge the support of Ms Jean Murray of the Department of Health and Ms Leanne Noack, Executive Officer of the South Australian Council on Reproductive Technology, for their advice to the committee on technical matters, and there were many of those. I also wish to thank the Crown Solicitor's office for its assistance in clarifying legal matters.

In summary, the Social Development Committee has found that the 2004 guidelines represent far greater clarity and recognition regarding clinical practice and research involving human embryos than did the 1996 guidelines. The committee believes that they reflect the current scope of

assisted reproductive technology resulting from major advances since 1996, and that they constitute sound and robust guidelines for research involving human embryos in South Australia in the context of a range of other regulatory mechanisms.

The committee also commends the NHMRC on the comprehensive consultation and five yearly review process used to develop the guidelines. We also emphasise the importance of this review process, given the controversial and sensitive nature of many issues relating to ART, and continuing to check technological advances in the field.

The Hon. J.M.A. LENSINK: I rise in support of this motion to note the report of the Social Development Committee into the NHMRC Ethical Guidelines on the use of Assisted Reproductive Technology in Clinical Practice and Research. This was a rather technical inquiry. On first examination of the topic, I thought that there might be more issues related to particular concerns of people in the community given the sensitivity of reproductive technology and the potential research practices. However, I think that the witnesses that we heard from were very much of an expert nature, and I have to say that I was very comforted by their clear knowledge and understanding, and their ethical background, in managing this process on behalf of South Australia.

We have presented this report, and I particularly commend our research officer, Susie Dunlop, in producing it because she has managed to pull together what is a lot of very technical and legal issues held within both the commonwealth and state legislation, and made it into quite a readable report. Essentially, the background to this issue is that the first set of guidelines was produced in 1992, which is 13 years ago. The 2004 guidelines replace the 1996 edition. I think there has been rapid progress in this area. A lot of biomedical research is evolving very quickly, so it is imperative that the legislation and the guidelines make some attempt to keep up with technological changes, particularly in such a sensitive ethical area as this.

The guidelines that we examined are primarily used to guide the practices of reproductive technology practitioners, researchers, infertility clinic administrators, human research ethics committees, and state and national governments. There are a number of commonwealth and state acts which are involved in framing the legislative regime. I do not propose to speak at length to any of those, but they are all detailed within this report. There is clearly the issue about human cloning which has arisen since reproductive technology was first made available to assist people to have children.

Part of the effect of the commonwealth legislation is to prohibit human cloning and also prohibit the creation of human embryos for any purpose other than attempting to achieve a pregnancy in a woman and, further, to allow certain uses of excess human embryos created through assisted reproductive technology under strict regulation and licence. At a commonwealth level there is an independent committee which is also reviewing commonwealth acts, and that is due to report in December 2005—obviously, very shortly.

It is a six-person committee, chaired by the Hon. John Lockhart AO QC, and he has been appointed by the Australian government. The report on this review will be presented to the commonwealth Legislative Review Committee and to COAG. As I have said, the interface between the commonwealth and state legislation is quite complex, but the way that I understand it is that commonwealth legislation itself is not quite broad enough to cover all potential issues that may arise through these practices. So the state legislation also needs to interact with those in order for the proper framework to take effect. As we know, within our Australian constitution, any commonwealth act overrides a state act to the extent that they have any inconsistencies, and in this particular regime some of our state legislation, in fact, plays quite an important role in regulating practices.

We have two reproductive medical clinics in South Australia, those being Repromed, which is a world-renowned world-class service, and also the Flinders Reproductive Medicine Unit. Legislatively speaking, they are constitutional corporations. So much of their practice is covered under that legislation, and then other issues come under our state legislation. Within South Australia we were informed that there is actually no research currently taking place which involves the possible destruction of human embryos, and I might just quote from some of the evidence that we received from the Reverend Andrew Dutney, who is the chair of the South Australian Council of Reproductive Technology. He was quite informative as to the way that the South Australian bodies regulate in practice, and I think he assisted us greatly in understanding how the practice of these clinics manages within the legislation. He said that the council is actually very pleased with the revised NHMRC guidelines. He said that they actually match a lot of the practices where South Australia has been attempting to progress the issue and what the council is trying to do in South Australia. For example, he said:

> . . . would be in the area of post-mortem use of embryos and other gametes. In South Australia, after the Pearce decision of 1996, a whole range of issues arose for us that were not envisaged in the legislation of 1988. The crucial thing was that up until 1996 only married couples or couples who had been in a stable de facto relationship for a total of five years were eligible for treatment, and that meant a whole lot of things. . . One was that if a partner died there was no question about access to any embryos that were kept in storage or any sperm that was kept in storage. They would simply be disposed of, but after the Pearce decision when marital status could no longer be taken into account, we were suddenly faced with the question about whether or not the surviving partner could have access to gametes that were kept in storage.

He then described the process that the council went through, and it developed a memorandum to guide the clinics here. He said that, as it turned out, the NHMRC guidelines now support many of those details that were in that memorandum that was developed. He also says that the basic legislation here in South Australia, which is the Reproductive Technology Act 1988, is very old and did not envisage a number of the scenarios that we are dealing with at the moment, and that relates to the use of anonymous donors of sperm primarily but potentially also eggs and embryos as contrasted to the use of donating material where the donor was willing to be identified to the recipients, and especially to any offspring. This goes into the area in which understanding has changed significantly in the past 15 or so years where initially donors were able to keep their anonymity, but the research was showing, particularly in New Zealand and the United Kingdom, that it is actually harmful to offspring to be denied access to identifying information.

So the council again I think was quite foresightful to the extent that towards the end of the 1990s it attempted to address this issue as to how this would affect the welfare of any children born as a result of donors. The council came to the following conclusion:

> . . . it was very important that every person born through the use of donated gametes had a right to access identifying information on

the donor. That did not mean that every person born in that way would want to exercise that right but it was important that they had the right.

That report was made available to the then minister for health, the Hon. Dean Brown, in 2000, and in 2001 the council received advice that the minister had endorsed that recommendation. Then we had a change of government, obviously, and Reverend Dutney says:

It was only in May of this year that I finally received a letter from the current responsible minister (Lea Stevens) indicating that, like her predecessor, she supported the intent of the representations, but the budget would not permit allocating the necessary resources to the development of this central register. The council is very concerned about this and we have subsequently begun a process of consulting with the reproductive medicine units in South Australia to see whether there is a more cost-effective way of developing this register. In the interim, South Australia is patently in breach of the ethical guidelines on the use of assisted reproductive technology promulgated by the NHMRC. We have always been at some variance with it.

I think that outlines the fact that it is quite difficult at times for guidelines and legislation to keep pace with practice, and also in the situation where certain practices and understandings have been reversed it is quite hard to correct that to match current understanding. However, I think again there has been quite some foresight exercised by the council and also the clinics in South Australia in that they have attempted to the best of their ability to keep information that will enable them at some point to put together a register and to reflect the current understanding, which is that people who are 'produced', for want of a better word, from donor material have an automatic right that they can then choose to exercise about knowing the identity of their genetic parents.

I do not propose to repeat a lot of the comments the Hon. Gail Gago has made, as she probably talked in some detail about a lot of the technical issues, but simply highlight that these guidelines also have updated from the 1996 document three very important issues: sex selection of potential children; pre-implantation genetic diagnosis; and surrogacy. The updated guidelines have separated out sections for clinical practice and research because, as the report states, research into assisted reproductive technology should be subject to stringent ethical constraints and stricter control mechanisms than those that apply to routine clinical practice.

I also acknowledge all members of the committee, the staff and our witnesses. The ethical guardians have demonstrated to us that this area is in quite safe hands, so I commend the report to the Legislative Council.

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

ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I move:

That the Aboriginal Lands Parliamentary Standing Committee Report 2004-05 be noted.

The Aboriginal Lands Parliamentary Standing Committee is the only standing committee of the South Australian parliament with a statutory obligation to report annually on its work. The committee understands the importance of that obligation and the opportunity it affords to bring the concerns and aspirations of Aboriginal people before parliament and the wider community. It is not only the committee's understanding of the importance and the opportunities, but those community representatives we met with appreciated the opportunity to present to the committee to make sure that the parliamentary representatives on that committee were able to report to parliament in an accurate fashion on the circumstances within those communities, whether they were vibrant, alive and representative communities, whether they were dysfunctional communities or whether they were vibrant communities that had difficulties in either land management or human service management.

Since it was established in late 2003, the committee's first priority has been to consult with Aboriginal people in their home communities and to engage with their elected representatives and leaders. The committee has visited most of the communities in the state in this period. We have also tried to take as much evidence as we can using interpreters so that those Aboriginal people, particularly in remote and regional areas, who do not have English as their first language are able to present through an interpreter. That has not been easy in many cases. When receiving evidence we found that the interpreting services for Aboriginal people in this state, not just in presenting to parliamentary committees but in presenting to courts, certainly need some attention and improvement.

In the financial year ending 30 June 2005 the committee visited and consulted with the Aboriginal communities at Point Pearce, Yalata, Koonibba, Watarru, Kulka, Pipalyatjara and Amata. On each occasion the committee was privileged to hear directly from Aboriginal people something of their experiences, problems, achievements and goals. Since June 2005 the committee has visited Oak Valley, Raukkan and Gerard. Subsequent to each of these consultations the committee deliberated on what it had heard and, where necessary, determined to pursue particular matters. This often involved seeking out a detailed explanation from an agency or organisation charged with delivering a particular service or program to suit an Aboriginal community. The purpose of such inquiries was not only to try to get to the bottom of a particular matter (although obviously that was an important part of the committee's work), but also to clarify how original priorities had been set, to assess the success and relevance of a goal or outcome and ascertain how community feedback and insights are shaping the development and roll-out of similar programs across the state.

Over the past two years the committee has paid close attention to the question of how agencies and service providers consult with Aboriginal communities prior to setting goals, making decisions and finalising proposals. One witness, Mr Clinton Wanganeen, the then Zone Commissioner for the Aboriginal and Torres Strait Islander Commission, reminded the committee last December that, to make an impact in the indigenous community, you have to have Aboriginal people involved in the policy setting, in the decision making and in the delivery. As minister I have found—and as individual members have found—if you have that commitment all the way through in drafting policy through to delivering policy then there is a commitment of ownership to those policy settings, and you certainly get better results. If things are imposed on them, they tend to be a little less likely to be picked up and embraced by the communities.

The gathering of accurate information and valuable insights about conditions in Aboriginal communities has not been and perhaps never will be a simple and straightforward task. It has been necessary for the committee to look beyond

the superficial to reconcile contradictory accounts and to challenge longstanding practices and assumptions, because in the past many of the programs and the methods used to put them in place in the communities have not worked. It is pretty obvious that human service delivery, in particular, has not been successful in a wide range of areas where Aboriginal people have been affected, because their lifestyle, culture and expectations of life are different from those of the broader community. However, persistent and dogged investigation has, I believe, enabled the committee to bring some clarity to matters of strong community concern. I think each member of the committee has valued the evolving issues associated with partnership and support. We have all learnt as we have gone around the state that state, commonwealth and local government partnerships are vital to ensuring the success of bringing dysfunctional communities back to livable communities that are safe with lifestyle choices that are acceptable to the Aboriginal people themselves.

The committee understands the importance of providing Aboriginal communities with access to information that would otherwise be difficult, if not impossible, for them to obtain. The committee also recognises the need to place the bulk of the information that is gathered on the public record for the sake of better accountability and transparency. Another difficulty that commonwealth and state bureaucracies have in dealing with issues associated with Aboriginal communities (remote and regional) is the fact that there is a paucity of information, statistics and report cards on which to base policy development. This government is building a better bank of information for departments and ministers on which to make decisions, but that is an evolving process. The committee anticipates that information incorporated in this and future reports will improve the capacity of parliament to gauge the success of specific programs and services.

To the outsider, many Aboriginal communities appear to be solely places of difficulty and despair, but on closer examination frequently you uncover an unwavering determination and astonishing achievements. Some of that fighting spirit and success are described in this report. The doggedness of many leaders to work to better their communities inspires close attention and respect. In that regard, I encourage all members to read for themselves some of the good news stories in this report. Pages 39 and 40 contain an account of the committee's visit in May 2005 to Minymaku Arts, a community arts centre located at Amata on the APY lands. That visit not only provided members with the opportunity to view significant works of art but it was also an occasion for the committee to learn about how this arts centre has increased its total yearly sales from $36 000 in 2002 to more than $300 000 in 2005—a more than eight-fold increase in yearly sales within a three year period. By anyone's reckoning, that is an extraordinary achievement. The art programs that are being conducted within the communities and the cooperative ventures that have been set up are another success story, which I think bears more thorough examination from anyone who reads the report.

Another success story described in the report is the Ngunga Home Loans program, an initiative of HomeStart Finance, which aims to increase the rate of home ownership amongst Aboriginal people by assisting them to overcome specific challenges and obstacles. Launched in April 2004, in its first 10 months the program received 1 100 inquiries and 408 applications, settled 120 loans, and approved applications for a further 98.

Of course, it is not all good news. Many times the committee was confronted with entrenched dysfunction. Sometimes we left the communities and the evidence taking in a very depressed state. On many occasions it has been hard for the committee to know what to do in the face of the breadth and depth of despair in some of the communities, but when the committee reconvened after these visits we tended to be able to put into perspective the evidence taken and the observations made. I must congratulate each single member of the committee for their cooperation which has enabled the committee to draw a consensus around ways to pursue change or entrench policies that are working. Each member has diligently pursued what they see as their responsibility in terms of dealing with the important issue of improving the lives of Aboriginal people within this state.

The committee does not have a magic wand—nobody does—neither does it have an inexhaustible supply of funds—no-one has that, either. What the committee does have and must continue to have is the capacity to listen and learn from Aboriginal people and those people who have opted to work alongside of them and drive into the departmental psyche the depth and seriousness of the problems that the communities face.

As I have already said, there are good stories to be told within some communities against a lot of hardship. It would be the height of arrogance for any committee of this parliament to presume it has the ability in a matter of a few hours or a couple of days to discern a solution to many of the complex problems that have been entrenched within Aboriginal communities throughout the state. For instance, petrol sniffing has been with us for some 30 to 40 years. I can remember 20 years ago, when I first came into parliament, Martin Cameron and John Cornwall discussing issues associated with petrol sniffing. It was a problem then, and it is still a problem, with which we in this generation have to deal.

I am pleased to report that the committee has resisted the temptation to breeze in and out of Aboriginal communities and the urge to try to impose its own ideas and priorities. Instead, it has determined to stay the course and, where possible, to support initiatives that Aboriginal communities have identified for themselves as a possible way forward. I understand that the previous government did not want to set up the committee, on the basis that it was thought it may end up being patronising and pay lip service to policy development. It was always my view that, if one is exposed to the difficulties that communities have throughout the state, then the committee, through the parliament, would be able to articulate those difficulties in a bipartisan way—which is what has happened; and I congratulate and thank every member of the committee for that.

Over the course of the past two years, the committee has commenced a number of ongoing inquiries and projects. They are described in section 8 of the annual report. They include an examination of the way in which housing is funded, constructed and maintained on Aboriginal lands throughout the state. It is one area where employment opportunities and participation can be improved, and maintenance and self-reliance can be improved. We have looked not only at the building of houses but also at the maintenance of houses and the appropriate form of housing in particular areas. There is also an inquiry into what steps, if any, major corporations and employer organisations have taken to establish employment programs for Aboriginal youth; and a watching brief in relation to the implementation of the recommendations

contained in the report of the select committee on Pitjantjatjara land rights.

The past 12 months have been a period of great uncertainty for all Aboriginal people. The abolition of ATSIC, as well as the major changes to the way in which the federal government funds and delivers to Aboriginal communities, have left many Aboriginal people disempowered and disheartened, but we have attempted to make the point that, where there has been change, there can be opportunity for presenting new ways of leadership to develop; and that is an evolving process. I am confident the current leadership within Aboriginal communities will step forward and pick up the responsibilities that have been left vacant since ATSIC and ATSIS collapsed. New leadership will develop.

Now more than ever Aboriginal people need to be able to confront this parliament with hard truths, with insights borne of their own experience and with positive stories of enduring achievements and long-term goals. This committee provides Aboriginal communities in South Australia with such an opportunity.

I acknowledge the hard work of six members of the committee—Ms Lyn Breuer, Mr Kris Hanna, Mr Duncan McFetridge and the Hons. John Gazzola, Robert Lawson and Kate Reynolds—for the work they have done. In addition, I thank the Hon. Jay Weatherill for presiding over the committee during my leave of absence, and Mr Jonathon Nicholls for the quality of his research and assistance. Finally, I thank all the communities and individuals who welcomed the committee and took the time to explain something of their hopes, fears, struggles and frustrations in the open and honest way in which they presented them. The committee thanks Mr Jonathon Nicholls for his honesty and candour. Many times he was candid in his advice. Some of those positions proffered in candour were debated by the committee, but he certainly added a bit of spice, if you like, to the committee's deliberations and evidence taking. The committee acknowledges his perseverance and determination.

In genuine partnership we must work to ensure that all Aboriginal people have access to the same opportunities and services that other South Australians enjoy. Therein lies the challenge. We will have some deliberations prior to the Christmas break in the lead-up to an election to set some goals and priorities for the incoming committee. We wish them well in working in the same way in which this committee has worked in the time it has been set up. I hope that the good work that the committee has started, through the deliberations set by the select committee and the report we are now tabling, will provide a base for future work to be done by a future committee.

The Hon. R.D. LAWSON: I rise to endorse the remarks made by the minister, who is chairman of the Aboriginal Lands Parliamentary Standing Committee. I certainly agree with the sentiments he has expressed regarding the work of this committee. This is the second annual report of the committee. The first report, which was published last year, was fairly brief because the committee had not been long in operation. I believe that this report is a worthy record of use to all members of this parliament concerning the work of this committee.

We ought remember that the functions of the Aboriginal Lands Parliamentary Standing Committee are: first, to review the operation of the Aboriginal Lands Trust Act, the Maralinga Tjarutja Land Rights Act and the (as it was then named) Pitjantjatjara Lands Right Act 1981, which was subsequently amended to the Anangu Pitjantjatjara Yankunytjatjara Land Rights Act; second, to inquire into matters affecting the rights of traditional owners of the lands; third, to inquire into the manner in which the lands are being managed, used and controlled; and, fourth, to inquire into matters concerning the health, housing, education, economic development, employment or training of Aboriginal people, or any other matter concerning the welfare of Aboriginal people. The committee also had power to consider other matters referred to it by the minister and, while I am not sure that there were any formal references by the minister to the committee, we certainly appreciated his input. The committee is also authorised to perform such other functions as might be referred to it by resolution of both houses.

In one sense the general remit of the committee to inquire into matters concerning the health, housing, education, economic development, employment or training of Aboriginal people has been the overarching focus of our attention. Some might say, when I say that I am speaking in support of this report and commending it for others to read, that there are already far too many reports in Australia about Aboriginal affairs, that every possible topic of concern to Aboriginal people has been the subject of countless theses and PhD dissertations as well as monographs, research papers, committee reports, task force reports, working party reports, parliamentary reports and the like. Yet still the melancholy result is that the lives of Aboriginal people, their health and educational status, their employment status and longevity, and any other measure of social progress or achievement that one might wish to use, is, by Western standards, appallingly low.

I am the first to acknowledge that this is not something that has recently arrived; it has been around for as long as there have been white people in this country. Some of the reports that have recently been released make pretty dismal reading: for example, the massive report produced by the Productivity Commission entitled 'Overcoming Indigenous Disadvantage: key indicators 2005', a report prepared by the steering committee of the Review of Government Service Provision which I do not have with me but which is more than 1 000 pages long; the report of the Human Rights and Equal Opportunity Commission; the Social Justice Report; and, in particular, a very comprehensive, thorough and informative report by Commissioner Bill Jonas in 2003. There was also the report of the select committee of this council into the situation on the Aboriginal lands which contains yet another description but, despite all the minister's statements about positive stories and enduring achievements (which I am certainly happy to acknowledge), there is not much from our point of view as a parliament to be proud of in South Australia.

Somewhere between 23 000 and 25 000 South Australians identify as indigenous, but only about 3 000 of those people live on the APY lands in the far north-western corner of the state, yet listening to the political discourse and looking at the press releases put out by the Premier, the Deputy Premier and, perhaps to a lesser extent, the Minister for Aboriginal Affairs and Reconciliation you would think that most Aboriginal concerns in this state revolve around that small but significant proportion of the Aboriginal population. We have to bear in mind that, if there are 25 000 indigenous people in South Australia, 22 000 of them live in places other than the APY lands. As a parliament, we owe it to those citizens to ensure that they are not overlooked.

Of course, it is easy to see why the government would concentrate on what is happening on the APY lands because it has the capacity to cause political damage. The stories emerging from there in 2002 particularly, with the release of the coroner's inquest into the petrol sniffing deaths, were highly embarrassing to the government not only in a political sense but also in the wider sense of government responsibility. Members on this side of the council have been critical of the media-driven approach of this government, which is very anxious to avoid embarrassment concerning what is happening on the lands.

In the course of my address this afternoon I will mention some of what is happening on the lands because the committee, during the period covered by this report, has made a number of extensive visits to parts of the lands. I mention first the Aboriginal Lands Trust, because that is the statutory trust in which is vested a number of properties controlled and used by Aboriginal communities. The Aboriginal Lands Trust is, of course, not the land-holding body for the APY lands but, under a system of 99-year leases, it controls arrangements with a number of communities, such as the Davenport community near Port Augusta, which the committee visited during the period covered by the last report; the Gerard community near Berri in the Riverland, which the committee visited only last week but outside the period covered by this report; the community at Koonibba on the Far West Coast of South Australia; the community at Nepabunna in the Flinders Ranges; the community at Point Pearce on Yorke Peninsula, where again we visited during the course of this report; the community at Raukkan on Lake Albert and Lake Alexandrina, which the committee visited within the last month; the community at Umoona; and the community at Yalata, which is in the far west of the state near the Head of the Bight and which this committee visited during the course of the year.

The Aboriginal Lands Trust has a difficult task. The communities whose lands it administers have varying success in terms of all the social indicators I have mentioned. Some communities function more effectively than others. One of the enduring challenges to Aboriginal communities—and, indeed, to any community—is the question of the appropriate form of governance. Obviously, how well a community functions depends very largely on its governance structures and also on the degree of training and capacity enjoyed by the leaders of the community. I think that one of our failures as a community is that we have talked a lot about capacity building and governance in Aboriginal communities, but the clear indication is that we have not been terribly successful in that direction. It is a major issue for this parliament and for the Aboriginal Lands Committee as it continues its deliberations into the future. The Aboriginal Lands Trust is a widely respected body within the South Australian community. Certainly, in the committee's dealings with the trust, I must say that I have been impressed with the conscientious way in which its board members have discharged their duties.

The Maralinga Tjarutja Land Rights Act is also covered by this committee. The committee (once again after 30 June this year) visited the Oak Valley and Maralinga sites, and no doubt a comprehensive description of what occurred there will be included in the next annual report. At Point Pearce and Point Victoria, visited by the committee in August 2004, we had consultations with the Goreta Aboriginal Corporation, the Point Pearce community, the Narungga Aboriginal Progress Association and the Narungga Heritage Committee. I think it is fair to say that there are a number of challenging issues at Point Pearce. I think it is a matter of some disappointment that the substantial land-holding around that community is not presently being farmed by members of the community itself.

Generally, we find that, across the whole of the state, communities with farming enterprises—whether they be cropping, as at Point Pearce, the dairy farm at Raukkan, or the extensive capacity for cattle grazing on the APY lands—the indigenous people themselves are not running those businesses but are allowing non-indigenous businesses to operate and pay some form of rent or payment to the community. Unfortunately, that style of investment simply will not provide young Aboriginal people with training, employment opportunities or opportunities to improve their standard of living, and it is a matter of some considerable regret. Too often in Aboriginal communities one finds that employment is either government employment (either in the school or some community service) or in the health service. Most people are employed under the Community Development Employment Program (CDEP), which is really the indigenous version of the national 'Work for the dole' program. Some of these programs are better than others, but some are, one would have to say, extremely poor and are simply 'make work' schemes.

In November last year, the committee travelled to Yalata, Koonibba and Ceduna, and we saw the Yalata Community Council, the Tullawon Health Service and Yalata Land Management. We visited the police at the Yalata Station, the Yalata Aboriginal School and the Yalata Women's Group. We also visited the town camp in Ceduna, which is more correctly known as the Ceduna Transitional Accommodation Centre.

This centre is operated and established by the Aboriginal Housing Authority. We also visited the less formal bush camp (which is the traditional place) well away from Ceduna where, over the years, Aboriginal people have camped rough. There are absolutely no facilities—not even a tap—at the bush camp at Ceduna. We found a number of people there and spoke with them. One might as well be frank about the fact that the real issue in Ceduna is that, in the newly-established town camp, alcohol is not permitted, whereas in the bush camp alcohol is available.

Many Aboriginal people come to Ceduna and want to drink—some, unfortunately, to excess. However, if they want to drink at all they cannot drink at the town camp. We visited the Koonibba Community Council and the Seaview Village at Thevenard. When I was a minister in the previous government, I had the privilege of handing over the deeds to the Ceduna Koonibba Aboriginal Health Service to enable that facility to be built.

The Hon. Kate Reynolds: And we visited the plaque.

The Hon. R.D. LAWSON: Yes, we visited the plaque, which, no doubt, was hidden behind a calendar or some other artefact. We also visited the District Council of Ceduna, which has an Aboriginal officer on the staff. Certainly, according to its rhetoric and all the presentations it made to us, the council is respectful of Aboriginal issues, and in its new marina development it is anxious to accommodate Aboriginal heritage issues and the wishes of indigenous people. We visited the Ceduna Police Station and interviewed the police officers there.

Certainly, policing issues in Ceduna remain a large issue, because many Aboriginal people transition through Ceduna at various times of the year. In May this year the committee visited a number of communities on the APY lands. Previous-

ly, we had visited communities on the eastern side of the lands, namely, Umuwa, Pukatja (formerly known as Ernabella), Indulkana and Mimili. On this occasion, we visited some of the most remote communities not only in South Australia but, I hazard, anywhere in the world. Watarru, for example, is a small community of 97 people living in 11 houses near the Western Australian border.

It is quite some distance south of Pipalyatjara, which is a larger community closer to the north-west corner of the state. At the Watarru community we were privileged not only to meet the people but we also saw and discussed the Kuka Kanyini project, which is a project to capitalise on the substantial feral camel population in that part of the state. The committee was extremely supportive of that promising project, but, once again, it is a very difficult area in which to make money. This is a very remote part of the state. The only export abattoir, which was available in Alice Springs, is a major logistical issue in terms of live camels to be shipped.

The market in camels is fluctuating and does present difficulties for making money. However, the training that we saw on that program was promising. Unfortunately, the project had been unable to secure a market for live camels, and that is a major difficulty for them. We were able to inspect some of the sites. We inspected a rock hole site near Watarru. It was quite a highlight of our visit. I am glad to see a coloured photograph of the truly spectacular scenery in which that rock hole is situated on page 32 of the report.

The committee also visited both Pipalyatjara and Kulka. Kulka is only a short distance from Pipalyatjara in a beautiful mountain area; and 145 people live at Kulka and there are 14 homes. This community suffers somewhat because it is quite close to Pipalyatjara, which has, on all standards, better services and facilities. For example, at the larger settlement at Pipalyatjara there is a very well-stocked and well-established community store, whereas the smaller place of Kulka does not have those facilities. It has a community that is very keen to have better services established there, but the fight to do so, when there are better services located at a slightly larger community only a short distance away, is a constant battle for the people of Kulka. Pipalyatjara, as I say, is only slightly bigger. There are only 160 people at Pipalyatjara living in 22 homes. Do the arithmetic: there 22 homes and 160 people.

These are very crowded facilities. At Pipalyatjara we inspected the Pipalyatjara Anangu school—a school certainly ripe for redevelopment, and I think all committee members were delighted that in the most recent state budget Pipalyatjara was scheduled for improved education facilities. I should mention that, unlike some committees, when we visited Watarru our committee slept rough in tents in the bush. I cannot say that Ms Lyn Breuer, the member for Giles, was all that enthusiastic about camping.

The Hon. Kate Reynolds: Do say that the Hon. Kate Reynolds did not want to leave.

The Hon. R.D. LAWSON: Yes, but the Hon. Kate Reynolds reminds us she was extremely keen on the camping. On a later day we visited the community of Amata. This community is located near to the Northern Territory border and really in about the centre of the Anangu Pitjantjatjara lands. We overnighted at Curtin Springs, which is certainly not Uluru. It is fairly basic motel accommodation. We did that not only in the interests of economy but also because it was close so as to give the committee more time on the lands. We visited Amata on 12 May, and 300 people live there in 34 community houses in Amata itself and also some 20 houses in various homelands around Amata.

Amata had a number of positives and a number of negatives. I might concentrate on the positives. The minister mentioned the Minymaku Arts Centre, which is I think the one stand-out success story of Amata. The minister mentioned the fact that the turnover of the arts centre has significantly increased, and that is indeed very promising, especially for women members of the community. Unfortunately, we do not see quite enough male involvement in the indigenous arts revolution.

Personally, I would like to see the time when arts centres such as that at Amata could have a reasonable passing trade. At the moment, the permit system on the lands, and also the road system and other things, make it difficult for people who are interested in indigenous art to visit the communities and make purchases there. I would like to see the time when there are appropriately organised bus tours and the like, run by culturally sensitive operators who would visit the communities and make purchases directly, rather than have much art work sent, for example, to Alice Springs and to capital cities where, inevitably, the middle men and the gallery operators take a significant proportion.

The police operate at Amata. There is a police station which the committee inspected. I would have to say that the lock-up facilities at Amata are disgusting (I suppose that is the only word one could use), and they are basically incapable of being used and certainly do not comply with the recommendations of the Royal Commission into Aboriginal Deaths in Custody, and we were advised by the police officers we interviewed that they simply do not use those facilities. If there is occasion, as indeed there is occasion from time to time, people have to be put in the paddy wagon and taken to some other facilities.

The Tjurma Homelands is an organisation which was established I think about 25 years ago to provide services and support to a number of homelands which are located in the vicinity of Amata, and it is a somewhat curious thing that in Amata, a small community, you have one organisation for the community itself, and another organisation, separately staffed with separate buildings and separate facilities, to assist in the operation of those homelands. The extent to which that form of duplication can be continued into the future I think is problematic. At Amata we visited the school, where there is a wonderful new school building and educational facilities. It is truly promising. The swimming pool, however, once the centre of activities for young people in a community of this kind, has fallen into disuse, and we were delighted to see that the state and federal governments have agreed to build a new swimming pool and to adopt the no school, no pool rule, and it is certainly a much-needed facility in Amata.

Across the lands one of the issues is not only education (primary and secondary), and there is very little opportunity for any secondary education on the lands, but in regard to the opportunities for technical and further training, TAFE has largely withdrawn from the lands, although there are some services. At Amata, the community met with the regional manager of the APY TAFE, and I think it fair to say that the news he gave us was not all that promising. For example, we were told that whilst all contracts for construction and building projects on the APY lands stipulate that the building contractor—and these are invariably non-aboriginal people—must employ local people, he said this requirement is never enforced. I do not know how we are ever going to get anywhere in providing training and employment opportunities

for Aboriginal people if we are building houses and the like on the lands but not actually employing indigenous labour to do so, either for the purpose of training but, more importantly, for the purpose of actually following a career.

Also at Amata we heard about the Mobile Skill Centre. This is a very promising idea, a wonderful vehicle, all fitted up, designed to deliver training in automotive activities, metal fabrication, general construction and land care right across the lands. The amount of $50 000 has been allocated to upgrade this mobile centre, but we heard that it was rarely used. Community-based TAFE lecturers are reluctant to leave their home communities for a week at a time in order to take the vehicle around the lands and through the communities. I think this is an area—obviously not the function of the Aboriginal Lands Committee to address—that the TAFE authorities must address if they are to fulfil their charter of providing appropriate training for all South Australians. They simply are not doing it.

The committee heard, during the course of its year's deliberations, evidence in Adelaide from a wide range of people with important responsibilities. For example, we heard on a number of occasions from Mr Peter Buckskin, Chief Executive of the Department of Aboriginal Affairs and Reconciliation, who reported from time to time. I am not asking the minister to agree with this, but I think it is a matter for regret that, in my view, the department has been largely neutered and that the activities of the department have been taken over largely by the Department of the Premier and Cabinet. I think that is an unfortunate issue which the government has not satisfactorily explained. I do not believe that it has actually worked advantageously. We heard on a number of occasions from Joslene Mazel, the Executive Director of Indigenous Affairs and the Special Projects Division of the Department of the Premier and Cabinet. That Special Projects Division, and in particular the task force which Ms Mazel heads, seems to have been running policy for the whole of indigenous affairs in this state during the year under review.

We heard also, as the minister said in his remarks, from Klynton Wanganeen, then South Australian zone commissioner for ATSIC. I must say that I depart from the minister's view, to some extent, about the effect of the abolition of ATSIC and ATSIS. True it is that that has created some confusion in some minds about the way in which Aboriginal communities can access commonwealth government services, funding and programs. I do not believe, however, as some do, that ATSIC was worth saving. I commend the commonwealth government for having the guts to actually do away with ATSIC, because it was simply not delivering appropriately to all Aboriginal people. Some were doing extremely well out of ATSIC, but it was not truly a representative body; it was not functioning appropriately. It was really enabling the commonwealth government to get out of meeting its own responsibilities, and it was handing over to others significant amounts of money to administer on programs which were, in very many cases, missing the target.

I think there is an unfortunate tendency in the South Australian bureaucracy to blame the abolition of ATSIC for some blockages and difficulties that arise. It is all too easy to say, 'Well, it's not our fault. It is really as a result of the confusion arising from the abolition of ATSIC.' That blame game might have been legitimate in the months after the abolition of ATSIC, but I think the time has well and truly passed when that is really a legitimate excuse. Mr Wanganeen indicated to the committee that he was critical of the policy of mutual obligation. He described it as using a big stick to force Aboriginal people to fall into line with what the federal government wants, rather than to deal with the underlying issues and causes within the communities. He said at page 59 of the report:

> Service delivery is something that everyone who is a member of this country called Australia should be entitled to as a part of their citizenship rights. Aboriginal people should not be hit with a stick to sign up to something to get as service that they are entitled to as Aboriginal people and as people of Australia.

That sentiment might be regarded as reasonable enough in itself, but the policy of mutual obligation is something which personally I strongly support, and I am glad to see that it is strongly supported by many indigenous leaders. It is something that those who were closely associated with ATSIC and with ATSIC's self-governance philosophy have not brought themselves to accept, but I think they are going to have to.

We heard from the South Australian Police Commissioner concerning policing in Aboriginal communities, specifically on the lands, which I think was a measure of the importance with which the Commissioner regards Aboriginal policing. I mean no disrespect to South Australia Police or to the Commissioner himself, but that organisation, as have other governments and parliaments, has had difficulty meeting its responsibilities to people on the lands. Policing in Aboriginal communities is absolutely fundamental. Unless you can have a safe community, one that is free from domestic violence that goes unchallenged, free from the scourge of drug running, illicit substance use, petrol sniffing and the like, and unless you can have that fundamental element of the law-abiding citizen, where people can go about their business safely without having their persons and property being put at risk by the depredation of others, you simply cannot have a foundation on which any community can be built. It has taken the government and the police some time to recognise that fact.

We are told, although I cannot verify this, that police are now located on the lands, which is fundamental to the issue of policing. The committee inspected police housing. It is necessary to have appropriate housing and I readily admit that the housing was inadequate. There is now housing at Umuwa and I do not believe the Aboriginal community constable system is working as well as it should. We met a number of constables—there are not that many, as a few positions are still to be filled. I do not suggest that the Commissioner is not trying hard to fill those positions, but recruiting is difficult and there are cultural sensitivities, especially in relation to family violence ,that renders those officers not as effective as they might otherwise be. We are certainly moving in the right direction and I commend the government. In fairness to the police minister, he has recognised that the situation that previously existed could not continue indefinitely.

The committee heard evidence from the Aboriginal Housing Authority because housing is a major issue on the lands. If you take the number of people who are said to be on the lands—and it is true that the approximate 3 000 is a fluctuating population, as sometimes it is less than that—and you take the number of houses with the number of people, housing occupation on the lands is something like eight to 10 people to a house, which is clearly unacceptable. The need for additional housing is absolutely manifest. By the same token, we should not hide the fact that many houses on the lands are not being properly looked after by the community or families allocated those houses. There is too much vandalism and we should not sweep that under the carpet.

This is not only South Australian Aboriginal communities, and it is true not only of remote communities but also we see it, perhaps to a lesser extent, in some settlements closer to Adelaide.

The issue of respect for public property that is made available to Aboriginal people is something that has to be addressed. Young people in Aboriginal communities, any more than in any other community, should not feel that they can simply vandalise property, burn it, rip it apart for the purpose of—

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! The cameraman in the gallery must remember that he is only to take broad shots of someone on their feet speaking and not of anyone else in the chamber.

The Hon. R.D. LAWSON: The committee heard from Professor Lowitja O'Donohue and from representatives of the Uniting Church. Professor O'Donohue, it will be recalled, was appointed with the Reverend Tim Costello to be a government adviser in relation to issues on the APY lands and the coordination of services and the like. That consultancy ended somewhat bitterly. Professor O'Donohue was disappointed she did not receive the respect or cooperation she thought she was entitled to, especially from the Premier. Professor O'Donohue, along with the Uniting Church ministers, was bitterly opposed to amendments made to the Pitjantjatjara Land Rights Act by parliament this year. The committee spent quite some time over the course of the year looking at successive drafts and issues that arose not only out of the text of the legislation but, more particularly, around the consultation process that went on to ascertain the wishes of Anangu concerning those amendments to the legislation.

Whilst the matter is not dealt with much in this report, it is worth saying that there was support from both the Labor government and the Liberal opposition for those amendments, which were strongly endorsed by the duly elected APY Executive. There will always be disputes about legislation of this kind. Personally I believe, as I said on that occasion, that the legislation in the past was good.

In conclusion, there are some good news stories in this report, as the minister said, but we should not gild the lily and overlook the very real challenges we face on Aboriginal lands across the state.

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

The Hon. KATE REYNOLDS: I am pleased to rise tonight to speak in support of the motion that the annual report of the Aboriginal Lands Parliamentary Standing Committee be noted. Not surprisingly, I have a few comments that I would like to make. First, I would like to endorse the comments of the minister about the way that this particular committee has approached its work. The bipartisan approach that we have taken to our committee work (both in the Plaza Room in this place and also on our visits to the communities) has made a significant difference to our collective understanding of Aboriginal affairs in this state. I would also like to endorse the comments of the Hon. Robert Lawson about governance issues for Aboriginal communities and to put on the record that I shall continue to take every single opportunity to get in the minister's ear about the development of strategies to address this particularly important issue.

The annual report demonstrates on page after page the enormous gap that still exists between, on the one hand, government rhetoric and, on the other, the reality of life for people living on the Aboriginal lands. Far too often, their lives can be characterised by entrenched difficulties and disadvantages and an inability to access basic services which other South Australian citizens take for granted. This report is particularly important because it places a whole lot of otherwise hard to access information on the public record—information that has to be taken into account if life in Aboriginal communities is going to improve and information which will, I feel certain, cause the current government serious discomfort should, as has often happened in the last four years, it decides to renege on the promises and commitments it has made to Aboriginal people or should it fail to deliver programs and services within a reasonable time frame.

One such embarrassment will almost certainly be felt over the delivery of three desperately needed swimming pools to the APY lands. Earlier this year the state and commonwealth announced that swimming pools would be built at Amata, Pipalyatjara and Mimili. The Premier informed members in the other place on 5 May this year that 'two swimming pools [will] be placed on the lands in Mimili and Amata by the end of this year with a no-school no-pool rule—and that is also about getting better health outcomes.' I think that was just after Lowitja O'Donoghue (the Premier's now former special adviser) had publicly accused him of gilding the lily.

In case you missed it, Mr President, the Premier stated that those pools would be open by the end of this year. It is now quite clear that none of the three pools will be open for business this year, so it will be another long hot summer for children across the Anangu-Pitjantjatjara-Yankunytjatjara lands—another summer with little to do; another summer in which, as report after report shows, bored children with nothing to do are too easily able to fall into patterns of substance abuse.

The Aboriginal Lands Parliamentary Standing Committee visited Anangu in May, as other members have mentioned, shortly after the news had broken that Amata had been successful in its bid to get a pool. The people were very excited, though understandably (and wisely) somewhat concerned about what steps were being taken and what plans would be put in place for the management, maintenance and safety issues that must be a crucial part of its operations. A description of their concerns is included on page 43 of the annual report.

After returning to Adelaide and considering those concerns, the committee resolved to raise these issues with the government's Aboriginal Lands Task Force, the task force that sits inside the Department of the Premier and Cabinet. A footnote on the same page of the annual report provides readers with a sizeable chunk of the response that the committee received. The chair of the task force, in her written reply to the committee's inquiry dated 15 August 2005, stated:

> In each community a pool management committee will be established. This committee will include representatives of the community council, the Department of Education and Children's Services and the municipal services officer. The committee will be responsible for overseeing the management of the pool. In addition, there will be a joint use agreement established between DECS and the community council to clearly define the responsibilities of both parties in respect to the management of the pools. Each pool will be required to meet the appropriate standards in respect to management, maintenance and safety. It is intended that a pool manager will be employed to be responsible for the maintenance of the pool, including water standards. Suitably qualified persons will also be employed to ensure the safety of pool users. Work is currently under way to identify suitable training programs and to develop a training regime that will provide practical experience for those who will be

employed. In addition, training will be provided to members of the pool management committee so that they are fully aware of the required standards for pool maintenance and safety.

It seems to me that that is an awful lot of things to organise and put in place before the pool will be ready for the children to use; before those communities will be able to get some of the 'better health outcomes' which the Premier promised in May and which he promised would be available this year. As any suitably qualified person will tell you, running a public pool is not a simple matter. Will the pool manager be a local member? If so, in most communities that person will have to undergo extensive training, probably in Adelaide, before they can take on the job. If it is not a local person, and the government is planning to employ someone from outside the community, the first question will be: where will that person live and how long will it take to provide a house for them? This is in relation to three different communities.

More than 18 months after the government announced it would permanently locate eight sworn police officers on the APY lands, half of them have not been appointed because the housing for them has still not been built. Getting police on the lands was the government's top priority back in March 2004. If it is taking this long to get police housing sorted out, how long will it take to secure housing for pool managers? If any member is interested in learning how difficult it is to deliver a new house to the lands, they can read about some of those difficulties on pages 73 to 76 of this report, where there is a summary of the evidence the committee received in March this year when two representatives from the Department of Administrative and Information Services appeared before the committee.

Another blindingly obvious thing that is worth highlighting about the Premier's promise to deliver three swimming pools to the APY Aboriginal lands by the end of the year is that the Aboriginal lands task force, which sits within his department, seems to think that staff of the Department of Education and Children's Services will play a major role in the management of facilities as part of the no school, no pool policy. While I can see the logic in that, I have to say that the period when the pools will probably be in highest use is the school holidays, especially the long break from December to late January when nearly all DECS staff, or certainly the vast majority of them, leave the lands. We have to ask just how DECS will enforce the no school, no pool policy, or indeed play any major role during school holidays; and that is far from clear.

I will not be highlighting each and every issue contained in the report, but there are a number of issues still worth highlighting and drawing to the attention of members who are interested. The report, through parliament, gives the people of this state, especially Aboriginal people, access to information that just is not available anywhere else. If it is not in the body of the report, then I strongly suggest that members and other interested people make themselves familiar with the footnotes and the extensive appendix in which all the information the committee has formally received over the 12 months period is listed.

A lot of that information concerns matters that never made it onto the public record, where the government wriggled under the radar but where its action—or inaction, as the case may be—has been closely followed by the committee. I have no doubt that in the lead-up to the committee's tabling this report there have been sleepless nights for some officers in the Department of the Premier and Cabinet—as there should have been. I am reliably informed that the committee is often described by staff in that office as 'a thorn in its side'. Certainly some of those officers have gone to considerable lengths to keep the committee in the dark as best they can and severely restrict what information is released to the committee by other departments and agencies.

While the 'good news' reports that the Department of the Premier and Cabinet regularly posts on its web site under the title of 'Progress on the APY Lands' are supposed to give the impression that every ounce of available energy is being spent on improving life for Anangu, in fact, sadly (some would say outrageously), far too much energy has been expended on keeping this parliament in the dark and on managing what information should be made publicly available. A good example of this practice was the way in which the department buried for five months the report submitted to the Premier by Professor Lowitja O'Donoghue and Reverend Tim Costello.

In this regard I refer members to the evidence given to the committee by Ms Joslene Mazel, the executive director of the Indigenous Special Projects Division of the Department of the Premier and Cabinet. Ms Mazel chairs the Aboriginal Lands Task Force, she is one of the three state representatives on TKP, the new peak body for service delivery on the lands, and she is the person who chaired the committee which conducted the review of the Pitjantjatjara Land Rights Act, as it was then known. In April this year—that is, nearly six months after Professor O'Donoghue and the Reverend Costello handed their report to the Premier—Ms Mazel told the Aboriginal Lands Parliamentary Standing Committee that she had only, 'reasonably recently' seen a copy of the report, but that she suspected that the Premier's office may have provided her with a copy 'to make sure that the task force was implementing the report's recommendations.' However, that does not make sense.

In August, with much fanfare, the government announced the appointment of some high profile, special advisers to the Premier. In less than two months those special advisers had visited the lands, had had candid conversations with all the chief executives of the state agencies that provide services to the lands, and had very quickly written a report for the Premier summarising everything they had discovered. However, the Premier and Ms Mazel would have us believe that many months later the Premier woke up one morning and thought, 'Gee, that's right, I set up a task force a year ago. They developed a strategic plan. My government said it allocated $24 million over four years to those communities, so I suppose I had better give the chair of the task force a copy of my special advisers' report so that they can get straight on to it.'

As I said earlier, I am sure that the DPC is worried about this report from the parliamentary committee and, more specifically, it is probably worried about what Aboriginal communities, their supporters and the media are going to do with all the information and the insights that the committee has worked so hard to obtain—and I have to say that sometimes getting that information has been like pulling teeth. Why am I so sure that the Department for the Premier and Cabinet is worried? Back in August (I think it was the first half of August) the Department of the Premier and Cabinet sent an email to many of its key contacts in the agencies that have responsibility for delivering services to the APY lands. The email read:

There have been a large number of requests from the Aboriginal Lands Parliamentary Standing Committee for information particularly in relation to the APY lands. In order for DPC to keep a central

register of all information requested and provided to the Aboriginal Lands Parliamentary Standing Committee, would it be possible to send [DPC] a copy of all past and future requests from the committee and [the] responses to the committee.

Of course, the main role of our committee is not to sit around in Adelaide working out who to talk to to get hold of honest information and fearless and frank advice. The main role of the committee is, as the presiding member notes at the start of the report, 'to consult with Aboriginal people in their home communities and to engage with their elected representatives and leaders', and then, 'on the basis of what those consultations reveal', to seek, 'detailed information from agencies and organisations charged with delivering services and programs to Aboriginal people.'

The annual report contains an account of the visits that the committee undertook to seven Aboriginal communities in 2004-05. I am proud and grateful that I was able to participate in all those visits and in the three visits we have undertaken since then. We visited Point Pearce, Yalata, Koonibba, Watarru, Kalka, Pipalyatjara and Amata, and since then we have visited Oak Valley, Raukkan and Gerard. The benefits of having 10 per cent of the parliament familiar with the issues and challenges these communities are facing is significant. It is my view that after two years the committee is able to recognise those issues that are unique to a particular community and those that almost every community seems to experience. Certainly overcrowding, the need for housing and the need for decent training programs—which are, of course, urgent and life-changing issues—are raised in every single community.

Visiting communities is where and how the committee acquires the capacity to distinguish and discern what is real and what is just political rhetoric. For example, when we visited Watarru (which the Hon. Rob Lawson spoke about earlier) we were particularly keen to visit one of the key projects of the Aboriginal Lands Task Force, which was a land management project which the community is justifiably proud of but for which the government has neglected to dot the i's and cross the t's. We learned, when we were there, that the lack of a truck means that after rounding up feral camels the community has to let them go again because they do not have the capacity to transport the camels out of the area. I note that minister Hill visited that community the day after our committee visited but, unlike the committee who took the economical and, I think, far more enjoyable option of camping at the base of Watarru Gorge, the minister flew back to Yulara Resort.

The mobile skills centre that we saw on the lands was purchased with funding from the task force, but this is a vehicle which is hardly ever used. When we met with the police officer at Amata, he was living in the community and not being disturbed every night, yet Commissioner Hyde gave evidence to the committee last December that SAPOL would not be able to get an officer who would live in the community and, therefore, it was not prepared to permanently house an officer there.

I understand now that housing for police will be built at the tiny community of Murputja (one hour's drive west), and this will, of course, undermine the effectiveness of the Amata night patrol, which, at the time of the committee's visit, was a great success because of the knowledge that its workers could call on the police for back-up if necessary. As to governance training, which the Hon. Robert Lawson mentioned, when we met with the APY executive at Umuwa the committee was told that they had not—and I emphasise the word 'not'—asked for training to be postponed, and this directly contradicts what the government told the committee.

I add that community consultations and visits are also an opportunity to experience some of the good news stories and the successful ventures. Minymaku Arts was particularly interesting and very positive. The Tjurma Homelands community kitchen at Amata ensures that petrol sniffers have access to decent food and is also a very positive initiative. The community run and managed store at Kalka is also very good, but I have to say that it is desperately in need of some decent facilities. Other matters worth highlighting for members include the references on page 77, where the chair of the DPC task force told the committee that the task force was in the process of commissioning a video to be used as part of the consultation process to 'impress upon people' that the review of the Pitjantjatjara Land Rights Act 'is not about land rights and that that battle has been won'.

The DVD was commissioned at a cost of $26 000, but I understand that it was not used or ever shown on the lands as part of the government's regime for consultation with the communities on the APY lands which the task force established in conjunction with the AP executive. The committee was told that the regime would involve holding meetings in 'every community to allow community members to directly contribute to the review process'. This is another broken promise and another case of the government's misleading the committee. I think it is worth noting that, when the situation changed and the government decided to visit fewer than half of the communities, the government never, on its own initiative, updated the committee. The truth had to be dragged out of it kicking and screaming.

I note that next Monday (28 November) elections will be held on the APY lands. For the first time, representatives will be elected for a three-year term. The report that members have before them contains a comprehensive account of how the last election was conducted and describes the lessons that were supposedly learned. Sadly, we still do not have any form of electoral roll, despite the fact that more than 2 500 people live on the lands and more than 1 500 are on the state elector roll. I note that the Electoral Commissioner suggested that there be an educative process provided for nominated scrutineers. I am not sure whether that has occurred, but I certainly hope so.

Last year, 703 Anangu participated in the election; more than 56 per cent of voters were women. Women stood in four electorates and won in three of them. Five members of the previous board stood for re-election (four men and one woman), and only the woman was re-elected. This illustrates that women are willing and eager to take their rightful place on the APY executive board to ensure that decisions of the board are responsive to women's concerns, priorities and needs. There have been 247 members of the Legislative Council and, since 1957, there have been only 12 women members. I note that more women have been in space than have been elected to the Legislative Council of South Australia. Sadly, I put on the record that no women have nominated for next week's election on the APY lands; therefore, there will be no women on the board for the next three years. So, whilst I regret that only 12 women have been elected to this place—that is, fewer women than have been in space—I think that it is incredibly sad that no women will be on the board of the APY executive for the next three years.

I remind the parliament that the select committee report recommends that the government consult with Pitjantjatjara and Yankunytjatjara people residing on the AP lands to

determine how the act should be amended and, as part of the government's process of consultation, determine how specific provisions and sections of the act should be amended to ensure that a significant number of Anangu women is always elected or co-opted onto the Anangu Pitjantjatjara executive board. I note that the government's bill does not address this recommendation. I also note that the next executive of the APY board (which will have no women members) will be in direct conflict with an objective of the State Strategic Plan, about which we hear so much from the government, and which aims to 'increase the number of women on all state government boards and committees to 50 per cent on average by 2006'. I also note that from 2006 the APY executive will be completely state funded, and it is a state statutory authority.

In relation to women in the APY executive, I think that it is also worth putting on the record the timing of the three consultation meetings in relation to proposed changes to the act. These meetings were conducted by the APY executive and are described in the report. The meetings clashed with the general and executive meeting of the NPY Women's Council held at Finke in the Northern Territory. They were held in late April 2005. For those honourable members who do not know of this organisation, it is the peak body for Anangu women on the APY lands.

This clash meant that key women leaders were away from the lands when the first round of consultation took place and were therefore unable to participate in that critical part of the review process. When the Deputy Premier came out beating his chest last March, he said that the government was stepping in to protect women from being bashed. I hope that none of the men standing for the board in this election have criminal records for assaulting Anangu women because that would be a seriously concerning backward step.

Last week the committee visited a community in Gerard, as well as a number of community organisations in the Riverland. We heard concerns from that community and from people who work within that community (as we have with all the communities that we visited) about children being at risk of abuse and neglect. When we visited Amata earlier this year or late last year (I am not sure now when it was), we heard about some programs which had been put forward to the task force for funding but which were not successful.

I hope that, in the very near future, the Aboriginal task force sitting within the Department of the Premier and Cabinet will be willing to fund these projects that were put up by both the Department of Education and Children's Services and Children Youth and Family Services. These programs were rejected for funding, and just this morning the Minister for Families and Communities was on the radio criticising the opposition and the Democrats, claiming that our amendments would undermine all the hard work that the government has done for children.

I place on the record my plea that the government, through the Department of the Premier and Cabinet, take note of the information in this report and see that there is a very justifiable case for funding those additional programs on the lands and in other Aboriginal communities to protect children. Also, I note that PIRSA has responsibility for mining objectives as part of the Aboriginal Lands Task Force within the Department of the Premier and Cabinet, and that that is noted within its strategic plan. In fact, I believe that the Executive Director of PIRSA, who is in charge of mineral and energy resources, is a member of the government's task force.

Members would know that exploration licences are now being signed for sections of the APY lands. They would also know that the government has invested considerable amounts of money for mining programs on the APY lands since the government's task force was established. What is interesting to note is that none of this is ever mentioned in the APY lands progress reports posted on the web site of the Department of the Premier and Cabinet. I cannot let the comments made by the Hon. Robert Lawson about ATSIC go by without some brief response. I hope that members would remember that, in March this year with the stroke of a pen, the federal government wiped out nationally elected indigenous representation, and that the Australian Democrats, both in this place and in the federal parliament through our then Democrat senator Aiden Ridgeway, were outraged. What we saw right up until then was the government untruthfully depicting Aboriginal people as being politically disinterested. I must say that anyone who has had a particular involvement in the APY lands would know that that is simply not true.

The government painted ATSIC as an ineffective, unrepresentative body regardless of the evidence before it. What was particularly distressing at the time (and still galls the Australian Democrats) is that the government has not explained its plans for the future for indigenous representation. We hope that one day indigenous and non-indigenous people will see a minister and a federal government which again wants to work with indigenous people and not against them. In terms of what is coming up for the committee, next year we have the review of the Aboriginal Lands Trust Act, and, supposedly, the second stage of the review of the Anangu Pitjantjatjara Yankunytjatjara Land Rights Act.

We, the South Australian Democrats, hope that the government will get committed to doing it right, which is the name of that policy that was launched with such fanfare some two years ago. We hope that the government has learned from the many mistakes that it made this year. I am not sure that it has, but I am absolutely certain that the next committee will not take its eye off the ball. The other matter that should take up some of the committee's time fairly early on is the fact that the strategic plan developed for the APY lands runs out in June 2006, and I would hope that the committee can have some input to that.

Also, I hope that next year the committee is able to build a more functional relationship with the Aboriginal Lands Task Force sitting inside the Department of the Premier and Cabinet. That committee has oversight not just for the Anangu Pitjantjatjara lands but for all other Aboriginal lands in the state, too. I would hope that the task force will soon recognise that this committee has a legitimate role to play, and that it will be willing to work with the committee rather than against it. I thank all the members of the committee: Duncan McFetridge MP, Lyn Breuer MP, Kris Hanna MP, the Hon. Robert Lawson, the Hon. John Gazzola and, of course, our Presiding Member, the Hon. Terry Roberts, the Minister for Aboriginal Affairs and Reconciliation.

We have had some difficult and challenging discussions from time to time, but I think that it is reasonable to say that we have had far more constructive conversations, some of which have been held sitting on rocks in some of the most beautiful and remote parts of the country in the state. They have probably been some of the best conversations, actually. We have also enjoyed a camaraderie that I think most committees of the parliament would probably envy.

I also put on the record my praise for the minister for having the guts (that is probably the only way to describe it)

to go into difficult and often dysfunctional situations and communities, sometimes for days at a time, and, to make it even worse, with non-government members, when he has had a personally very challenging and tough year. I admire his stamina and commitment to Aboriginal people in this state.

I also thank Jonathan Nicholls, our executive officer. Jonathan is a meticulous, tenacious and hard-working officer of our committee, and there is no question that the respect and understanding of Aboriginal culture that Jonathan shows has helped us to overcome many of the hurdles of dealing with remote communities in particular. All Aboriginal communities are understandably very cynical when yet another bunch of white decision-makers arrives, talks to them and then leaves again. I think some people refer to those bunches of white decision-makers as 'seagulls', which means they fly in shit all over the place and then fly out.

I think that the relationship that Jonathan has built with the communities and the effort that he has put into planning our visits has paid off tenfold. It has certainly overcome a lot of the logistical problems that other groups and visitors to those communities have experienced, and it has meant that we have been able to harvest both information and understanding and build relationships far more quickly than have other people, and I am very grateful for that, as I am sure are other members. Jonathan's total skill set has been of great benefit to us. He has kept us organised and on track. Most of the time he has kept us almost on time, which is an extraordinary feat. Organising a bunch of MPs to travel to remote communities and get in and out of planes, cars and meetings, and in and out of walks around communities with individuals has to be like herding cats, and he has done it extraordinarily well. I think last year I referred to the Tim Tams that he has provided at our meetings in Parliament House. This year he has excelled himself and, on occasion, even provided us with top quality Turkish Delight, and I put my thanks for that on the record also.

I also thank Megan Folland in my office. Her assistance with my work on the committee has been very valuable and is much appreciated. I also thank all those people who contacted me and gave me the benefit of their experience, either as an Aboriginal person or as someone working with Aboriginal people, and I have also had some very helpful expert advice interpreting some of the material that has been provided to the committee.

I thank the Aboriginal communities that we have worked with, particularly those people who hosted our visits, and I thank all of the Aboriginal leaders in this state and those that we have had contact with over the past 12 months. I also pay particular tribute to Lowitja O'Donoghue. This year has been particularly stressful for Lowitja following the demise of ATSIC, and some of the games and stresses that have been caused over the changes to the Pitjantjatjara Land Rights Act must have been very hard for her to deal with. I admire her stamina for hanging in there as an advocate and spokesperson for Aboriginal people.

So, whilst I have made a number of critical comments about the government's performance in relation to Aboriginal affairs in the past few years, I emphasise that I think the work of the committee has been very useful to identify some of the opportunities when we have all worked together in the past. I know that we criticise more than we praise, and I think that is just the nature of things for the time being, but I am strongly of the view that, if we are to turn around Aboriginal affairs in this state, this committee can be a key player and people will continue to work together with a cooperative and bipartisan approach to improve life for Aboriginal people.

I hope that, should I return to this place after March next year, I will have the support of the government to again be a member of the Aboriginal Lands Parliamentary Standing Committee. I have had extraordinary opportunities to meet with Aboriginal people, to understand their issues and to learn something of their culture, and I have appreciated that beyond measure. I have energy and passion for Aboriginal affairs in this state, and I would very much like the opportunity to continue to act as a voice and continue to make a useful contribution to the understanding, thinking and work of the parliament in relation to Aboriginal affairs. On that final note—on the note of hopefulness for next year—I wish next year's committee the very best. I again thank the members for their work so far, and I commend the report to all honourable members.

Motion carried.

LISTENING AND SURVEILLANCE DEVICES (VISUAL SURVEILLANCE) AMENDMENT BILL

The Hon. IAN GILFILLAN obtained leave and introduced a bill for an act to amend the Listening and Surveillance Devices Act 1972. Read a first time.

The Hon. IAN GILFILLAN: I move:

That this bill be now read a second time.

In doing so I observe, and in my opinion members are no doubt aware, that it is now possible to track the progress of a vehicle across our highways using Safe-T-Cam, a technology system that relies on video cameras and computer systems that can identify and understand a vehicle's registration plates. Members may not be aware that England now has a system of cameras in place that can recognise a vehicle's registration plates and that these cameras are being placed on all major highways to, in their words, 'deny criminals the use of the roads'. Of course, these systems also deny ordinary individuals the right to go about their law-abiding lives and business in private.

Have members noticed the numbers of video cameras that are springing up in South Australia—traffic light cameras, speed cameras, traffic monitoring cameras, bus cameras, taxi cameras, CCTV cameras in shopping centres, security cameras in individual stores, and the list goes on and on. If we scan our current system of laws and regulations, what prevents people from storing and abusing the data that is collected from these cameras? What prevents a person from pointing a street camera through the window of a private residence and then posting the resulting images on the internet? What prevents a malicious person from filming a private activity in their own home and then using that film to embarrass others? There is nothing. There is no legal hindrance to that at all.

This bill is designed to address that gap. It limits the use of images collected in public places where people should be able to enjoy a reasonable expectation of privacy. This bill extends the power of the Listening and Surveillance Devices Act to cover visual surveillance devices. It limits the use of visual surveillance data gathered in public places as follows, and I quote clause 7A from the bill—

The Hon. R.I. Lucas: Poor old paparazzi; run them out of business.

The Hon. IAN GILFILLAN: No, the honourable member is interjecting, but he is not really listening very

intently. That is the unfortunate part about it. Never mind. I am sure he will give it his due intelligent approach later on. The bill states:

7A—Visual surveillance in public place

A person must not knowingly communicate or publish information or material derived from the use (whether by that person or another person) of a visual surveillance device installed in or directed at a public place for the security of people or property except—

(a) to a person to whom the information or material relates; or

(b) with the consent of each person to whom the information or material relates; or

(c) in the course of duty or in the public interest including for the purposes of a relevant investigation or a relevant proceeding; or—

and I hope the honourable member is listening—

(d) being a person to whom the information or material relates, as reasonably required for the protection of the person's lawful interests.

Maximum penalty: $10 000 or imprisonment for 2 years.

Similarly, private activities must not be recorded unless consent is given by the parties of that activity. Clause 4 in my bill states:

4—Regulation of use of listening and visual surveillance devices

Except as provided by this act, a person must not intentionally use—

(a) a listening device to overhear, record, monitor or listen to a private conversation, whether or not the person is a party to the conversation, without the consent, express or implied, of the parties to that conversation; or

(b) a visual surveillance device to observe, record visually or monitor a private activity, whether or not the person is a party to the activity, without the consent, express or implied, of the parties to that activity.

Maximum penalty: $10 000 or imprisonment for 2 years.

It is appropriate now at this point in proceedings in our community that we recognise and need to recognise that visual surveillance devices are becoming cheap, easy to install and to conceal. Similarly, that there are many opportunities for material gathered in this fashion to be profitably sold to a prurient market. This bill attempts to address the rising tide of voyeurism and voyeuristic opportunity and close the door on some of these opportunities and to retain at least a degree of privacy which has been an expectation of people innocently going about their lives in a democratic and free society. I commend the bill.

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

DUST DISEASES BILL

Adjourned debate on second reading.

(Continued from 9 November. Page 3005.)

The Hon. T.G. CAMERON: It is with a great deal of pleasure that I rise to support the bill, a bill about trying to protect some of the victims of asbestos. It is also appropriate at the commencement of my speech to pay tribute to the great work the Hon. Nick Xenophon has done in relation not only to this bill but also for the work he has done with some of the victims of asbestos, and he is also a patron. I put to the council that, if it was not for the work the Hon. Nick Xenophon has done on this issue, this bill would not have been introduced into this session of parliament. I do not have any intention of covering some of the legal issues the Hon. Nick Xenophon raised. I have no doubt the Hon. Angus Redford will cover most of those. The issue of asbestos goes back some 50 or 60 years.

The Hon. Nick Xenophon interjecting:

The Hon. T.G. CAMERON: As the Hon. Nick Xenophon interjects, even longer. We have all heard about Wittenoom, which occurred back in the 1950s and 1960s, so the Hon. Nick Xenophon is correct—it is well over 60 years ago. Thousands of working Australians—blue-collar workers, people who worked with their hands and with machines—have been victims of asbestos here in Australia, and one of the tragic aspects of the whole saga has been the way some companies have behaved, in particular James Hardie, the most publicly known, and a host of other companies. The Hon. Nick Xenophon mentioned them in his speech, BHP Billiton being another. The Hon. Nick Xenophon also mentioned CSR. I am not an advocate for CSR, but I have always found it to be an extremely safety conscious organisation, and I think the Hon. Nick Xenophon said in his contribution that at least CSR is continuing to pay up on its claims.

The Hon. Nick Xenophon interjecting:

The Hon. T.G. CAMERON: Yes, and as the honourable member interjects, unlike James Hardie it has not employed a battery of highly paid solicitors to delay these claims. As we all know, justice delayed is justice denied. James Hardie's behaviour in this whole episode has been nothing short of disgraceful. For an organisation as big as James Hardie—it is an enormous company—to adopt the tactics it has over the past decade or two in my opinion brings shame on corporate Australia. It has even gone to the extent of trying to incorporate overseas and shift assets overseas. The New South Wales government is to be congratulated for the tough stand it has taken on this issue. For members who may not be aware of the debilitating nature of this disease, usually when you are diagnosed you are dead within a year.

The Hon. Nick Xenophon interjecting:

The Hon. T.G. CAMERON: As the honourable member interjects, it is often nine months for mesothelioma, and sometimes only weeks. Another group that ought to be given a serve over this entire dispute is the legal practitioners who work for companies like James Hardie and who used every trick in the book to delay these claims, to hold them up, to appeal and so on, knowing that, if they could delay a claim for a year or so, with a bit of luck the poor victim might die. The criticism may sound a little trenchant, but that is basically the attitude James Hardie had on this.

Members in this place would know that I worked for the Australian Workers Union for nearly 10 years. Unfortunately, I missed out on the pristine pleasure of being able to work with the Hon. Bob Sneath during his term of office as secretary. The reason I mention that is that I am looking forward to the contribution by the Hon. Bob Sneath. He has a proud record as a trade union secretary who fought long and hard to protect the interests of his members.

As a former organiser, shearer and secretary of the Australian Workers Union for a number of years, I am sure that the Hon. Bob Sneath, like I, knows from first-hand experience exactly what happens to these poor asbestos victims. I look forward to the Hon. Bob Sneath rising to his feet and supporting this bill and giving us some of the experience that he has picked up over nearly 20 years of working with some of these victims. The Australian Workers Union is basically a blue-collar union, its members do mostly labouring and unskilled work; they are people who work with their hands. These were the members who were exposed to asbestos. So, I look forward—

The Hon. Nick Xenophon interjecting:

The Hon. T.G. CAMERON: Yes, thank you, and the Australian Workers Union together with the CFMEU and the AWMSU fought long and hard to ensure that these victims of asbestos got some justice. I am pleased to say that the Hon. Bob Sneath was at the forefront of that battle, fighting for justice for asbestos victims. So, I look forward to his contribution in support of the Hon. Nick Xenophon's attempt to get justice for these people.

I also look forward to the contribution to be made by the Hon. John Gazzola who also has a proud history as a former secretary of the Federated Clerks Union. His members in both local government and private enterprise were the people who were processing the paperwork, etc. For those members who did not know John Gazzola in his trade union days, he was a fearless fighter on behalf of the ordinary working man and woman, and I look forward to his contribution in support of justice for these victims.

The contribution to which I am really looking forward is the one that no doubt we will hear when the Hon. Gail Gago rises to her feet to support this bill. For those who may not be aware, the Hon. Gail Gago is a former secretary of the nurses union.

The Hon. A.J. Redford: You're making it sound like a retirement village for trade unionists.

The Hon. T.G. CAMERON: I will not be led astray, because I want to make sure that I properly recognise the Hon. Gail Gago. She was the secretary of the nurses union for many years. She was so popular amongst her members that nobody was game to stand against her—and for very good reason: she would have never been beaten. Whilst I have never been close to the Hon. Gail Gago, I have followed her career with some interest over the years, and when it comes to hard-working-class men and women, she is a fighter. She represented the nurses, the people who had to care for and look after these victims. I do not think there is a worse way to die but from mesothelioma.

The Hon. R.K. Sneath interjecting:

The Hon. T.G. CAMERON: I acknowledge the Hon. Bob Sneath's interjection: it is not a good way to live—but they tell me that it is an excruciatingly painful way to die. We all know the wonderful job that our nurses in this state do. I have no doubt that the Hon. Gail Gago's members cared for and looked after these victims in their dying days and that this bill will have her support. She will rise to her feet and give us some of the benefit of her experience in dealing with these thousands of victims who have died in our hospitals.

As I said earlier, it is with great pleasure that I support this bill. I am a little disappointed to be here in the Legislative Council, because there are a number of other speeches that I would have thoroughly enjoyed hearing. I would have liked to hear the Hon. Pat Conlon's speech. He is a former advocate for the Firefighters Union, members of which have contracted diseases from asbestos over the years. The Hon. Pat Conlon was regarded as a brilliant industrial advocate for the Firefighters Union. He worked for the union when Mick Doyle was the secretary. Mick Doyle is my cousin. He was a great union secretary, and I wish him well in his new career.

When one has experienced the vitriol that the Hon. Pat Conlon can deliver when he makes a speech, I look forward to the vitriol that we will hear from him in relation to the activities of certain companies involved in this. One only has to walk through some of the members of the Labor Party. There is the Hon. Michael Wright, a former industrial officer with the Australian Workers Union. I have no doubt that he championed this bill when it was debated in the Labor caucus. The Hon. Jay Weatherill also worked in this field as a lawyer. Whilst I cannot be certain, he probably represented asbestos victims whilst he was practising as a legal practitioner. Of course, we all know that Jay is the son of the Hon. George Weatherill who was a member of this council for many years and a former trade unionist. It is not my intention—

The Hon. R.D. Lawson: Paul Caica.

The Hon. T.G. CAMERON: I was just about to say that it is not my intention to run through the entire Labor caucus, but somebody interjected Paul Caica. Paul Caica is a former secretary of the Ambulance Employees Association, a union whose members had to take these poor victims in their dying days to hospitals, nursing homes and retirement centres, etc. I have no doubt that Paul Caica would have been the first on his feet arguing for justice for these asbestos victims. I cannot go through the entire Labor caucus. There are many others who, I have no doubt, would have been proud.

The Hon. R.D. Lawson interjecting:

The Hon. T.G. CAMERON: Not to be diverted, I had lunch in the dining room today. I said hello to my old friend from the ALP and SDA, Don Farrell. He was having lunch with our president, Tom Koutsantonis. I am not sure of the topic of conversation—

The Hon. R.D. Lawson: Have a guess!

The Hon. T.G. CAMERON: No; I would not speculate. They were locked up in conversation. Tom looked all right, but I do not think Ron was enjoying it as much as they were. Be that as it may, I am sure Don Farrell, if he were a member of this place or the other house, would be on his feet. Don Farrell has been a trade union official since he left university in his early 20s. I do not want to give away my age, but I can recall negotiating with Don Farrell on industrial agreements over 30 years ago, when he was a young industrial officer working with people such as John Boag, Glastonbury and Goldsworthy. He has been a trade union official for over 30 years. I have no doubt that this bill, which is a bill about giving workers some justice, would be supported by him.

I have no doubt whatsoever that, if a resolution were put to SA Unions—but I will use the old term, the South Australian United Trades and Labor Council—every organiser and every delegate to the UTLC would be on their feet cheering this piece of legislation. If a resolution were put to the United Trades and Labor Council, Mr Xenophon, you would get 101 per cent support. I do look forward to not only the contributions of some of my colleagues in this place but also my colleagues in the other place. This piece of legislation is long overdue. On this occasion, I will be proud to stand next to my Labor colleagues in order to ensure that this piece of legislation passes.

The Hon. IAN GILFILLAN: I indicate Democrats' support for the legislation. I express appreciation for the energy and concern that the Hon. Nick Xenophon has contributed in bringing this legislation before this place. I think it is of incidental, but still significant, interest that both the Hon. Nick Xenophon and the Democrats are very concerned about the effect of the dust impact in Whyalla. It may not be specifically just to the work force in that place, but it will be quite dramatic, if indeed the existing and ongoing impact of the red dust from the OneSteel facility in Whyalla triggers reactions which could be picked up and proceeded with through the machinery of this legislation.

It is important that it be identified as a relatively unique situation for people who desperately need and deserve the special considerations that are contained in the legislation. Without our going through details of the bill itself or the reasons for it, I put on the record that the Democrats support the legislation.

The Hon. A.J. REDFORD: I rise on behalf of the Liberal opposition to indicate the opposition's support for the second reading of this bill. The Hon. Nick Xenophon introduced this bill in the last sitting week, and, when he introduced it, he asserted that it is an urgent bill. The opposition accepts the very cogent argument put by the Hon. Nick Xenophon that this is an urgent bill; and we on this side will do everything we can to process the bill so that it can go through the parliament as soon as possible, assuming there are no real problems—and I will come to that in a minute. It is disappointing we have to deal with it so quickly, but this government's desperate attempt to avoid any scrutiny by having nearly a six-month break between sittings of parliament puts us in that position. It is deplorable that we have to deal with such an important issue in the time frame that we do; and that is no fault of the Hon. Nick Xenophon.

Last year the High Court in BHP Billiton v Schultz decided that South Australian asbestos victims are not automatically entitled to access the New South Wales Dust Diseases Tribunal. This bill seeks to remedy this by:

(a) removing the time limitation for bringing an action;
(b) establishing the dust diseases tribunal—a division of the District Court;
(c) allowing special rules of evidence, including the admission of evidence from the New South Wales Dust Diseases Tribunal;
(d) allowing interim payments of damages; and
(e) simplifying apportionment where multiple defendants or insurers are involved.

I understand that the Hon. Nick Xenophon is having discussions with the government. I urge both the government and the Hon. Nick Xenophon to keep me in the loop, simply because I have neither the time nor the resources to go out to consult fully and adequately with all the affected people. I will be relying substantially on that process being conducted by the government and/or the Hon. Nick Xenophon.

I was visited by Mr Terry Miller of the Asbestos Victims Association on 18 July 2005, in response to a letter that Mr Miller wrote to the Leader of the Opposition (Hon. Rob Kerin) in May this year. That indicates to me that the government has been sitting on this issue since then.

Mr Miller told me that they were keen to have a specialist court and that they had made a substantial submission to the Attorney-General, the Hon. Michael Atkinson. He told me that the Attorney-General had rejected that special court but would consider a division within the District Court—and, frankly, that is in accord with our general policy position in relation to the establishment of new tribunals. He pointed out that South Australian victims are in a disadvantaged position compared with New South Wales victims, and that there is nothing in the South Australian legislation that gives the flexibility that exists in New South Wales. He told me about a particular case involving BHP Billiton and Ewins, which was being heard in Victoria and which was cross-vested to South Australia. I understand the trial lasted four days and that Mr Ewins received $192 000, but I am told that that award of damages was some $80 000 less than would have been awarded in New South Wales or Victoria. Quite frankly, I do not believe that asbestos victims' damages awards should be affected by where they happen to reside.

The courts knew he had little time to live, and he died without seeing any of the money and without knowing that his family was financially secure. I was told that cases often go on for periods of up to 18 months after the victims die. Mr Miller told me that, from diagnosis to death, mesothelioma generally takes about nine to 12 months—which, based on court performances in this state, does not augur well for them to get a hearing in the normal course of events. To give an example (if I can digress), I have a costs matter that I have been involved in in the South Australian courts which is now in its fifth year—which just gives an indication of how inefficient our courts are. Mr Miller also told me that South Australia has the distinction of having the second highest rate of this disease in the world.

The Hon. Nick Xenophon interjecting:

The Hon. A.J. REDFORD: The Hon. Nick Xenophon interjects and says that it has now become the highest. So it would be quite remiss of us to turn our backs on these ordinary South Australians and deny them justice. There is a saying that justice delayed is often justice denied, and I do get that feeling in my costs case that appears to be about to enter its sixth year—and that is only a costs issue.

Following that meeting I asked Mr Miller to provide me with a summary of their requirements, which I would like to read into *Hansard* and then make some further comments. Their requirements are as follows:

1.1 Our members who are suffering from dust-related conditions are entitled to the same rights as dust disease victims in New South Wales. The Dust Diseases Tribunal of New South Wales has shown that claims for victims of dust-related conditions can be heard expeditiously and with reduced costs. Similar provisions can be enacted in South Australia to ensure a just and efficient resolution of claims for dust-related conditions specifically:

(a) The creation of a special list in the District Court with a judge appointed to case manage claims for dust-related conditions.
(b) Expedition should be granted for malignant conditions as a matter of course.
(c) Plaintiffs in claims for dust-related conditions should be able to give their evidence in chief by way of affidavit.
(d) The requirement to give notice in claims for dust-related conditions should be abolished.
(e) Defendants should be required to provide discovery and interrogatories in dust-related claims where liability is put in issue as a matter of right.
(f) Legislation identical to Rule 7 of the Dust Diseases Tribunal Act should be enacted to allow defendants in claims for dust-related conditions to file with the court and rely upon a standard list of documents in all cases.
(g) The Limitation of Actions Act should be amended to exclude claims for dust-related claims.
(h) Legislation should be enacted to allow victims of dust-related conditions to claim provisional damages.
(i) Legislation identical to s.25(3) and s.25B of the Dust Diseases Tribunal Act (use of historical and medical evidence in previous proceedings and limitation re arguing issues already determined) should be enacted for dust-related claims.
(j) The Wrongs Act should be amended to provide that damages for non-economic loss awarded to an estate in a dust-related condition claim are not to be taken into account in assessing damages under the Wrongs Act where death occurred as a consequence of a dust-related condition.
(k) Legislation identical to s.151AB and 151AC of the Workers Compensation Act 1987 (NSW), (last insurer on risk liable and designated insurer appointed where dispute between insurers) should be enacted to resolve insurance issues in dust-related condition claims.
(l) Legislation should be introduced to provide for a claims manager to be appointed in multiple defendant claims for dust-related conditions.

That summarises what the Asbestos Victims Association is seeking, and I would be interested to hear at some stage, perhaps not at summing up but particularly at clause 1, where the Hon. Nick Xenophon has addressed those issues—and if there are any that are not addressed, the reason why.

Probably the most radical of the provisions in this legislation is the abolition of the Limitation of Actions Act. I do not think that most of the other provisions are all that remarkable in terms of the development of the law. However, I point out that in 1998 the New South Wales government recognised the limitation difficulties experienced by victims of diseases of gradual onset—in particular, asbestos-related conditions—and amended the Dust Diseases Tribunal Act, removing the operation of the limitations act in New South Wales.

The Hon. Nick Xenophon: But you still had to prove your case.

The Hon. A.J. REDFORD: That's right. Asbestos-related conditions have a long latency period. Often the conditions are of gradual onset and are difficult to diagnose, or are misdiagnosed. I suspect that some defendants have sought to take advantage of the Limitation of Actions Act in a way we perhaps might frown upon, and I will not put it in as strong terms as have others. Damages in South Australia are normally recoverable on a 'once and for all' basis. As claims must be commenced within three years of the injury occurring, or within a year of ascertaining a material fact, claims are generally commenced shortly after diagnosis. Those victims who have been forced to commence proceedings to protect their rights may not receive their full entitlement to compensation, as it may not be possible at the early stage of the disease to ascertain its likely progression.

I understand that the majority of victims of dust diseases are older Australians who left school at a very young age with no formal qualifications, or they are migrant workers, particularly Maltese, Italians (and I think the member for Hartley will be fighting with me in the party room when we discuss this in detail), Yugoslavs and those from the Hon. Nick Xenophon's ethnic background, namely, Greeks. They have had little formal education in their own country (although I do not think that the Hon. Nick Xenophon has had little formal education; he has had a good education) and a limited grasp of the English language. These groups worked in manual jobs. They were involved in the construction of trenches for water pipes and gas pipes. They worked in factories, shipyards, steelworks, power stations and on railways.

Many of these people have never had any contact with the law or lawyers (and I suggest that is their only lucky experience). However, when these diseases hit, through a well-intentioned and good campaign they became aware that they had certain legal rights that would enable them to make provision for their family and loved ones. The number of claims likely to involve serious limitation issues are insignificant. I am told that there is only one claim for a resident of South Australia suffering from a dust disease where the limitation act was not extended. I am told that defendants routinely plead the Limitation of Actions Act as a defence but never actually rely upon it.

The Hon. Nick Xenophon: It delays things and increases costs.

The Hon. A.J. REDFORD: It also increases distress to plaintiffs in an unnecessary fashion. It has been pointed out that perhaps the best description of the Limitation of Actions Act was that given by His Honour Justice Cox (who was probably one of the most outstanding jurists this state has produced) in the case of Calvin Wright v Daniel Donattelli (1995) SASC 5291. In relation to applications under section 48 of the Limitation of Actions Act 1936, His Honour said the following:

> Everyone now understands that the test for an ascertained material fact under section 48 is extremely modest, even some would say to the point of absurdity. The solicitor must be bereft of all ingenuity and imagination who cannot in practically every case discover, or even create, some material fact that his out-of-time client can then ascertain within the limitation period in order to meet the first requirement of the statutory provision.

The Hon. Nick Xenophon knows that what you do when you get an out-of-time case is send your client off to a fresh specialist for something the client might not have thought of, get a report, get a new fact and, bang, issue proceedings. That is standard procedure. You do not get knocked back very often.

It is argued that the amendment will not create great prejudice to any insurer or employer. It is asserted that claims for victims of asbestos are, for the most part, brought against a defined and small group of employers and manufacturers or suppliers who have litigated the same factual issues over and over again in circumstances where the factual scenarios are well known, as are the witnesses. I am also told that, in addition, there has generally been extensive discovery of documents over numerous past actions so that the defendants are not under any prejudice in terms of discovery and interrogatories which by now have been provided literally hundreds of times. I am also informed that the abolition of the Limitation of Actions Act for dust-related conditions will not result in hundreds of actions being brought which were previously statute barred. That is because a successful claim has very rarely been made under the statute of limitations. Those are the assertions made by the proponents of this legislation.

I understand that the Insurance Council of Australia wrote to the Attorney-General on 17 November (last week) in relation to this legislation and expressed some concerns. I do not know whether the Hon. Nick Xenophon has a copy of the letter, but I will quickly go through the concerns, and he can deal with them when we come back next week. First, the council acknowledges that the delays of six or seven years in the District Court in New South Wales caused severe injustice to plaintiffs who were facing death in six months or less. I think that is a fair concession. The letter states:

> The experience of the NSW Dust Tribunal was that it was grossly inefficient, incurring very high legal costs, and was recently the subject of a major review and major reform. It is important, therefore, to recognise that merely adopting the NSW Tribunal will not necessarily improve things for plaintiffs facing death, but it will probably improve things for their lawyers.

I am not sure that the Hon. Nick Xenophon is actually doing that. He is not creating a separate tribunal; and, quite frankly, I think that, probably, there does need to be a slight drafting amendment in relation to the bill in terms of the naming of the tribunal. I think that it should be called the dust diseases division of the District Court rather than a tribunal because, technically, it is not a tribunal. The letter further states:

> Also, clause 10(4) gives very wide jurisdiction to award Griffiths v Kerkemeyer and Sullivan v Gordon damages. The High Court of Australia recently determined that Sullivan v Gordon damages do not form part of the common law of Australia. There is no basis, therefore, for awarding these types of damages. Further, Griffiths v Kerkemeyer damages are now limited in most jurisdictions in Australia because they very quickly inflate the level of damages that would otherwise be awarded.

The letter further states:

> Clause 12 is particularly unfair to insurers. There is a presumption that claims involving multiple defendants will initially be handled by forcing an insured defendant the full award, and then recover. This takes no account of the situation whereby some defendants never insure, such as commonwealth and state government agencies. Under the proposal, they will never be forced to be the representative defendant, even though they may have been the principal tortfeasor.

The letter then states:

> The transitional provisions make the bill completely retrospective in its operation. This is against public policy unless there are very strong reasons in support. We are not aware of any.

I must say that there are two sorts of provisions in legislation. There are provisions which relate to the changing of people's rights; and, certainly, I would look very cautiously at any provision that had any retrospective impact in that context. The second rule that we have in the context of this is where laws are changing procedures, and, by implication, they do have a retrospective impact if you want to look at it very closely. Parliaments have never argued about that. It has never been a position of my party—which strongly opposes as a matter of course retrospective legislation—to oppose provisions which make procedural changes and which have some procedural impact.

There has always been a distinction in relation to that, and I am sure that the Hon. Nick Xenophon and others would understand clearly what that distinction is. The only exception to retrospectivity is, in fact, in relation to the changes to the Limitation of Actions Act. However, when the insurance council says that 'such delays cause severe injustice to plaintiffs who are facing death in six months or less', I can only assume that they are implicitly supporting that proposition; and, if that is good enough for the insurance council, it is certainly good enough for me.

I put a rider on what I have been saying in relation to this. Certainly, I have not had a position in the party room on that, because we are awaiting the outcome of any negotiations that the Hon. Nick Xenophon might have with the government; or, indeed, if there is a failure, what the government might do to amend the Hon. Nick Xenophon's bill. The letter concludes—and I have some sympathy for this—as follows:

> Rather than merely adopting an interstate process which was found to be severely flawed, a far better course of action is to identify any real issues or concerns relating to the making of resolution of these types of claims in South Australia, and to develop solutions which meet those concerns in an efficient manner, which is also fair and just to all parties likely to be involved in the proceedings. That process of analysis and policy development does not appear to have occurred in this instance.

I actually have a lot of sympathy for what the Insurance Council of Australia is saying. However, I make two points. We are dealing with people's lives here, and it is incumbent upon the government, the insurance industry and those charged with dealing with policies of this nature to have dealt with that immediately and quickly, and not wait for the Hon. Nick Xenophons of this world to come up with their solutions. I must say that the force of the argument put by the Insurance Council of Australia is severely blunted because it has sat around (and I am particularly directing this criticism at the government) and done nothing.

I think that, in a perfect world, I would agree with what the insurance council is saying. However, we are, as I said, dealing with people's lives. People are in severe distress, and their families are in severe distress. They are going through, as the Hon. Terry Cameron said, one of the most awful deaths that one could possibly imagine. Quite frankly, I think that those factors outweigh the quite valid proposition that the insurance council puts in that context. It is on the government's head. If there is an adverse consequence, it is because the government has sat on this since May this year.

I have no doubt that the Asbestos Victims' Association did not just see me. Members of that association saw the Hon. Nick Xenophon and the Hon. Rob Kerin, who gave them a good slab of his time. Sometimes we might be accused of not being the party of the workers, but I can tell members that they put a very compelling case to the Hon. Rob Kerin. The Hon. Rob Kerin, my leader, is a pretty decent bloke, and I do not think that he will see these poor blighters stuffed around, mucked around, by legal technicalities. I congratulate the Hon. Nick Xenophon for stepping into the void left my this government, and I look forward to the passage of this bill.

I indicate that we will support the adjournment of this bill (notwithstanding that it is a private member's bill) to next Monday. We will not be in a position to deal with it next Monday because I must take a paper to the party room; but, certainly, we will be in a position to deal with this bill next Tuesday so that the geniuses in the House of Assembly can have a couple of days to look at it and get it through parliament. My understanding is that this would break the Hon. Nick Xenophon's virginity when it comes to getting legislation all the way through.

The Hon. Nick Xenophon: That's not right.

The Hon. A.J. REDFORD: Not right? Right; I withdraw that.

The Hon. R.K. SNEATH: I rise to make a short contribution and indicate that the government supports the second reading of this bill. I listened with interest to the other speakers, particularly some of the remarks made by the Hon. Terry Cameron. As an ex-union official and secretary of the AWU, I had the misfortune of meeting a number of these poor innocent victims of asbestosis. Not a lot of AWU members had it, but I can clearly remember those who did, because it is a terrible disease and it is a terrible way to live. To watch the people trying to get their breath is very disturbing when you are talking to them and taking evidence from them to present on their behalf.

I also take this opportunity to congratulate Jack Watkins from the UTLC on his long contribution to and work with the victims, and his persistence in bringing their plight to the attention of everyone he meets. Jack has raised it—

The Hon. R.D. Lawson interjecting:

The Hon. R.K. SNEATH: The Hon. Mr Lawson interjects. When the opposition was in government I did not see them getting off their backsides and doing anything for the victims all those years, and I have not seen the Liberal federal government doing too much for them, either. So I think the Hon. Mr Lawson had better sit over there and be quiet and take his punishment.

Members interjecting:

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order!

The Hon. R.K. SNEATH: This morning when I collected the mail I picked up *The Australian Worker* that was in the post box, and one of the first letters to the editor was in regard to asbestosis. It was from the son of a worker who wrote to thank the Australian Workers Union Queensland branch for the kindness, sympathy and support extended to his mother and father when his father was having a seven-month battle with mesothelioma. He says:

. . . your assistance to dad to fight an aggressive and insidious disease with dignity. Then you helped mum and the family through that period of great pain and loss immediately following his death.

He was encouraging people in the union movement to continue their fight, as they have for a long time. I also take this opportunity to congratulate the CFMEU, in particular, for its long fight, along with the AWU and all the other unions that have had members affected by this terrible disease.

I also take the opportunity to say what a disgraceful thing it is that James Hardie has done to these victims in prolonging their agony and cases for settlement in regard to this disease and, in most cases, stretching them out, waiting for the victim to die. I do not know how people could have sympathy for James Hardie, although I am sure there are people who have taken its side, and I think they are disgraceful. This is a work-related illness. It is something victims have got at work or through work, or there have been innocent victims at home washing clothing for their husbands or fathers, or even just breathing in the dust that came home on his or her clothes.

I also congratulate the Hon. Nick Xenophon on the bill, and I know the government is working with him to fine tune some of the matters that concern the government, to make this bill better. I hope it has a successful passage and that those outstanding issues can be successfully negotiated in the week to come.

The Hon. NICK XENOPHON: I am grateful to members for their various contributions, and I believe they have been very constructive. I will keep my remarks brief at this stage because I believe that debate will occur in the committee stage. I am still in discussions with the government in relation to the bill that I have introduced, and I am eternally optimistic that the government will support this bill—substantially with very little or no amendment—because I believe that this bill will put victims of asbestos in this state before the High Court decision in Schultz v BHP Billiton, delivered in December last year, in the position that occurred prior to that decision. The situation that occurs in this state now (a state which now has the terrible legacy of having the highest per capita rate of mesothelioma in the world) is that South Australians have become second-class citizens when it comes to these claims.

The fact is claims cannot be dealt with as expeditiously as they can be by the Dust Diseases Tribunal in New South Wales. Damages are less for non-economic loss and I cannot, for the life of me, see why a person's pain and suffering from mesothelioma in this state is worth significantly less than elsewhere, particularly in New South Wales. Also, we have a situation where a trial that might take two, three, four or five days in New South Wales under the expediting provisions of the Dust Diseases Tribunal and the rules of evidence that apply there so that the wheel is not reinvented takes something like two, three, four or five weeks in South Australia because of the significant procedural and evidentiary difficulties that we have.

So this bill has a great deal of urgency. Last night and today I had the pleasure of spending time with Bernie Banton, an office bearer of the Asbestos Diseases Foundation of Australia, the man who has been the public face of the campaign against James Hardie Industries in its attempts to avoid its responsibilities to asbestos victims, and the commission of inquiry in New South Wales I believe makes that very clear. Bernie Banton is a person who suffers from asbestosis, who has to have oxygen virtually 24 hours a day pumped into him in order to have a level of function, and he spoke with great passion and eloquence at the unveiling of a memorial for asbestos victims in Salisbury earlier today, and he also spoke to a number of members of parliament he met in the corridors whilst he was here last night and today, and I was very pleased that he was recognised by I think all of the members of parliament he saw, for the role that he has played in the campaign for James Hardie to pay its dues to asbestos victims. He is a very strong supporter of this bill because he believes it is doing the right thing for South Australian victims of asbestos-related disease. I know we have after tonight only five more sitting days, but the consequences of us not passing this bill—

The Hon. R.I. Lucas: No, not necessarily. We will be looking to bring the council back next year.

The Hon. NICK XENOPHON: The Hon. Mr Lucas says, 'Not necessarily. We may bring the council back next year,' and that may well the case and the Hon. Mr Lucas knows that I am very supportive of the principle that parliaments should sit regularly to keep the executive arm of government accountable, but where the Hon. Mr Lucas's approach falls down is that we, the Legislative Council, may come back, and I hope we do, but if the House of Assembly is not back it means whatever we may pass here will not be able to go through both houses of parliament.

The Hon. J.F. Stefani interjecting:

The Hon. NICK XENOPHON: Whilst I appreciate the Hon. Mr Lucas's point, the difficulty is there will be people in this state dying before their claims for asbestos-related disease and, in particular, mesothelioma are heard unless we urgently change these rules. The Asbestos Victims Association in this state has made submissions for a number of months now. I was hoping that this was going to be a government bill. That was not forthcoming and that is why the Asbestos Victims Association asked me to introduce this bill.

There is a great deal of urgency. I very much appreciate the comments of the Hon. Angus Redford and I also note his comments about the manner in which the opposition leader, the Hon. Rob Kerin, was moved by the plight of these victims, and I also want to acknowledge that in the past the Hon. Michael Wright as shadow industrial relations minister and the Hon. Mike Rann as opposition leader did the right thing by asbestos victims, by supporting legislation to put an end, in effect, to death-bed hearings with amendments to the Survival of Causes of Action Act 2001, and I appreciate very much that support and I note that a number of members of the Liberal Party supported that legislation in the lower house, and I also appreciate their support. They have had first-hand experiences of people they have known with dust diseases and who have died of asbestos-related disease.

So I hope there can be a considerable amount of goodwill in relation to this particular bill because this is a class of individuals who are particularly vulnerable, who face a terrible death, and where the culpability of those who have manufactured, who have sold asbestos, who have peddled this stuff, when they knew, or certainly ought to have known, how dangerous this material was, puts, I believe, this matter in a different category. I think there is a great obligation on us to do the right thing by these victims, and particularly given that South Australia has the highest per capita rate now of mesothelioma in the world, overtaking Western Australia which had the Wittenoom Mines. We have an obligation to do the right thing by asbestos victims in this state.

Bill read a second time.

CAPE JAFFA LIGHTHOUSE PLATFORM (CIVIL LIABILITY) BILL

Adjourned debate on second reading.

(Continued from 20 October. Page 2853.)

The Hon. SANDRA KANCK: The Hon. David Ridgway has given an admirable history of this lighthouse platform. I intend to talk a little about the ecology associated with it. This platform has become a significant rookery for the Australasian gannet. Indeed, it is South Australia's only gannet rookery. It is a highly attractive nesting and resting place for these birds because, by definition, as a lighthouse platform it is separated from the mainland. In fact, I understand it is about six kilometres away, and that means that the gannets have no predators in the form of dogs or cats or rats.

The Hon. D.W. Ridgway: Or foxes.

The Hon. SANDRA KANCK: Or foxes. For the birds, of course, that is paradise, and for bird watchers it is also paradise. For the environment it is a bonus, given the number of species that we are slowly causing to become extinct in this state. I cannot understand how the Australian Marine Safety Authority came to the conclusion that this platform was a danger to shipping when it is in the middle of the Margaret Brock Reef where no ships would ever be.

I congratulate the Hon. David Ridgway for introducing this bill. I think it is a very sensible measure, and at least until the platform crumbles into the water, maybe next century, the retention of this platform will make sure that the rookery survives. I support the bill.

The Hon. P. HOLLOWAY (Minister for Industry and Trade): The government supports this bill. My colleague the Minister for Agriculture, Food and Fisheries has been handling this bill for the government, and he has indicated his support in *Hansard*. I do not wish to add anything further to that other than the fact that this is a means of resolving this longstanding issue in relation to the Margaret Brock Reef and the platform that remains there. Nowadays, questions of liability become an issue in relation to almost any activity, but this bill, as I understand it, through removing the liability for the ratepayers of the local council, will enable the council to take over the care and control of the platform. So, the government is pleased to support the bill.

The Hon. D.W. RIDGWAY: On behalf of the gannets, I thank the government and the Australian Democrats for their support. I am also sure that the member for Mount Gambier is delighted that this measure has been progressed in this manner, because he offered to chain himself to the structure to prevent it from being pulled down. Some of us were hoping that he would do that at low tide; however, he will not need to go to that extreme. I thank all those who support the bill.

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

BOTANIC GARDENS AND STATE HERBARIUM (LIGHTING OF FIRES) AMENDMENT BILL

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

The Hon. T.J. STEPHENS: I move:

That this bill be now read a second time.

This bill was introduced in the other place by the member for Davenport, and I am pleased to report that it has received bipartisan support. It is necessary to make it less arduous for community groups to gain permission to have barbecues in the Wittunga Garden. Wittunga Garden is a beautiful setting and is part of the botanic gardens on Shepherd's Hill Road. Blackwood Neighbourhood Watch group has hosted a good neighbours' day barbecue for a number of years. It invites all residents of its district to a barbecue so neighbours can get to know each other. Certainly it is a good program, and anything that gets people together and gives them the chance to become acquainted deserves support.

Blackwood Neighbourhood Watch group approached the botanic gardens about having a barbecue in the botanic garden and was denied permission because the regulations (as they stand) do not provide any power for the director of the botanic gardens to allow barbecues in any botanic garden, other than the Adelaide Botanic Garden. Solutions in the past have been to cook the barbecue outside the garden and carry the cooked meat into where the function was being held.

Recently, a compromise was reached whereby they cooked the barbecue in a storage area of the garden, employed a staff member on a Sunday with a small tractor, and the barbecued meat was tractored by the staff member from the storage area to the area where members of the Blackwood Neighbourhood Watch group and the 170 local residents were enjoying their function. Why should community groups have to go through that nonsense in order to enjoy a barbecue? It seems to be unAustralian.

This bill gives the director of the botanic gardens the power to be able to approve certain events, for example, barbecues in the Wittunga Botanic Garden, on application. This does not mean it will be opened up like a national park where people can use barbecues that are already provided, but, rather, people will be able to apply and book an event and, with the approval of the director, have a barbecue in a set area so that there is a control mechanism to ensure Wittunga Garden will not be damaged as a result of these events. With these few words I congratulate the member for Davenport (Hon. Iain Evans) for promoting this bill and looking after the interests of his constituents—being the good solid local member that he is.

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

VICTORIA SQUARE BILL

In committee.

Clause 1.

The Hon. R.I. LUCAS: When we last debated this on 10 November one of the issues we were pursuing was that of the impact on traffic control and traffic issues. This was a matter of some controversy in another place earlier this week during question time, with questions from the Leader of the Opposition, who has been discussing these issues with a number of people who have expressed concern about what they had previously been told. I want to clarify one of the issues that was raised, because one of the advertising blurbs that I have seen in relation to traffic issues stated that there would be no turning right at all from Victoria Square to North Terrace. However, I noted in the House of Assembly debate that there was, I think, a reference to some turning right provisions in and around Flinders Street. Can the minister

confirm whether there is a blanket ban on turning right anywhere within the area from Victoria Square to North Terrace at all hours, seven days week, or whether there is now a provision for one of the streets to allow turning right at certain times?

The Hon. P. HOLLOWAY: I make the point that this bill is about Victoria Square and the tram track through it. Nonetheless I will try to be as helpful as I can in relation to the rest of the tram project; however, I do point out that it is not actually part of this bill and there will be a Public Works Committee that will go through that.

I will endeavour to provide as much information as I can. Obviously, the reason that we are having this Victoria Square Bill is the tram project; we understand that. At this stage, we would have to qualify it by saying that these are the proposed measures. What is proposed at this stage is a right turn all day from Victoria Square, or the northbound lane of King William Street, into Flinders Street. Traffic travelling north through Victoria Square can turn right into Flinders Street all day. Currently, I understand that right turns are prevented during peak periods, so it is during the morning and evening.

The Hon. R.I. LUCAS: With that exception, I understand all other intersections will have a 24-hour prevention on turning right. If you are heading north, clearly there will be no other turning right from King William Street until, I presume, you go down to just beyond the Parade Ground to Victoria Drive.

The Hon. P. HOLLOWAY: There will also be a turn right, presumably all day, from Victoria Square into Wakefield Street. At the Grote Street-Wakefield Street intersection with Victoria Square there will be an all day turn right but, yes, there will not be any turn right until past North Terrace.

The Hon. R.I. LUCAS: Until Victoria Drive.

The Hon. P. HOLLOWAY: We imagine that it will be whatever the situation is now. I think there is a loop, because I have done it myself sometimes. Victoria Drive would probably be the first. Of course, that was changed when the bus routes were changed. I still believe you can turn right into Victoria Drive.

The Hon. R.I. LUCAS: Going southwards, is there any turn right at all at any intersection from North Terrace through to wherever?

The Hon. P. HOLLOWAY: Yes. If you are travelling south along King William Street, you can turn right into North Terrace. You will not be able to turn right during peak periods, but that is currently the case. If you are currently going southbound along King William Street, you cannot turn right into North Terrace during peak hours—that will remain—but in off-peak periods you will be able to turn right into North Terrace as you can now. The next right turn will be into Grote Street through the centre of the square.

The Hon. R.I. LUCAS: I made the point earlier that, if that is indeed the case, that is essentially what I understood with the exception that there is evidently a turn right when you are heading northwards into Flinders Street. With the exception of every other intersection that currently allows people to turn right, it will now be prevented. I think that, when travellers become aware of that, there will be very significant opposition from car drivers and others who for many years have had the capacity to turn right into all those streets.

The Hon. P. HOLLOWAY: They do not have that right now at peak hour.

The Hon. R.I. LUCAS: No, but they can for the rest of the time. On weekends, you can do it all the time and, at non-peak hour periods, you are able to do it at those streets and intersections. A claim was made in the House of Assembly that it has now been confirmed that two lanes will be taken by the pathway for the tramline through King William Street. Is the government confirming that, or is it still rejecting the notion that two lanes will be removed as a result of the project?

The Hon. P. HOLLOWAY: One lane will be removed in each direction.

The Hon. J.F. STEFANI: Will the minister advise the committee whether the two tramlines will continue down North Terrace? What will be the width of the road sacrificed in terms of the two tramlines and, I understand, the barriers or the passenger canopies to be installed in the middle of the road?

The Hon. P. HOLLOWAY: The honourable member is talking about North Terrace and not Victoria Square; nonetheless, we will try to provide him with what information we can. It will be a reduction of one lane in each direction.

The Hon. J.F. STEFANI: Will the minister advise how the wires carrying the electricity to run the trams will be carried? Will they be carried with poles in the middle of the two tracks, with extending arms to carry the wires, or will they be strung from pole to pole across the street, that is, from the verge of the water table on one side to the other?

The Hon. P. HOLLOWAY: No. It is proposed that there would be a centre pole structure, as is the case through Bourke Street Mall in Melbourne and in many other cities in the world. May I add just one point. There will have to be overhead stringing of wires on the North Terrace corner. Because it is not possible to get the curvature of the wires, there will be overhead wires at the North Terrace intersection.

The Hon. J.F. STEFANI: Is it then envisaged that, outside Parliament House, the poles will continue in the middle of the road?

The Hon. P. HOLLOWAY: Yes; that is the proposition.

The Hon. J.F. STEFANI: Will the minister advise whether any provision has been made in the proposal to renew any underground services over which the tramlines will be laid? Obviously, I raise this issue because, if there is a breakdown in underground services, the tramlines and the trams will be affected.

The Hon. P. HOLLOWAY: My advice is that there are no underground services through the centre of King William Street other than a redundant water main. Of course, there are services at the crossroads. For example, there may be underground services across the intersections on Hindley Street and Grenfell Street, but there are none up the rest of King William Street.

The Hon. R.I. LUCAS: One other issue that has been raised with me in the last week since we debated this matter—and again, I do not know whether it is accurate or not—is that, because of the design of the existing King William Road and the nature of the trams and the tracks, there will have to be some considerable building up of the centre of King William Road which will therefore incur an additional expense over and above what the government's designers and engineers had originally predicted, which was a $21 million project from Victoria Square to North Terrace. I am wondering whether the government's advisers accept or reject that particular proposition, which is evidently gaining some credence in discussions over the last week or so.

The Hon. P. HOLLOWAY: My advice is that there is no proposal at this stage to raise the track, but if one were to raise the track it might well reduce the cost because it would require less excavation underneath. At this stage I am advised that there is no such proposal.

The Hon. R.I. LUCAS: Will the government confirm that it is confident that the project can be delivered on budget and on time for $21 million? Secondly, will it confirm that the $21 million has been incorporated in the department's forward estimates?

The Hon. P. HOLLOWAY: As to whether the project will proceed in the form of the specifications in the plan, it is provided for in the budget and we expect it to come within those estimates, but I suppose one can never be completely certain.

The Hon. R.I. LUCAS: As the minister knows, the alternative government in South Australia is strenuously opposed to this particular project. Should it be elected on 18 March and not wish to continue with it, will the minister indicate what is the government's intention in terms of the signing of contracts? How far advanced will the project be by early February, which is when one would assume the government would go into caretaker mode and therefore not be able to sign contracts, etc.?

The Hon. P. HOLLOWAY: My advice is that, once the Public Works Committee has provided its report on the project, the government would then proceed to order the long-term items related to the project. I suppose the answer is that it depends on the timing of that report. Once that report is received, assuming of course there are no issues that need to be addressed out of the report, the government would proceed to order those longer-term items.

The Hon. R.I. LUCAS: This is obviously an important issue. Let us assume the Public Works Committee does meet before Christmas. It has not met yet, so clearly the earliest it is going to be able to do so is in the month of December. Let us assume it does meet and approves it essentially along the lines as established. Will the minister's advisers indicate what is the next stage of the process? Does there then have to be a standard tendering project for a builder or builders to undertake the project? If so, what are the time lines for that? If it is approved by public works before Christmas, can all of that be concluded by this government prior to the government going into caretaker mode in early February?

The Hon. P. HOLLOWAY: My advice is that a designer has already been appointed to the project. I guess that is not surprising given that a lot of work had to be done in relation to the preliminary designs. In relation to the construction, the government would propose to call tenders once the relevant approvals were given.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: I do not know. You are assuming that it is less than a month—

The Hon. R.I. Lucas: It is standard for something like this.

The Hon. P. HOLLOWAY: My advice is that it depends upon the type of contract. Normally, there would be, perhaps, a six-week period for calling tenders.

The Hon. R.I. LUCAS: My experience would be that it is relatively quick, and this is particularly complex, as we have been discussing. I guess that the minister cannot give the reply now, but, given the time lines, it would appear sensible for the government not to sign binding contracts on this issue prior to going into caretaker mode. It is an issue of significant difference between the government and the alternative government. As I said, should this government not be there after 18 March, it would seem foolish for it to have locked a future government into a position whereby it has signed multimillion dollar contractual commitments to a company.

One could understand if there were still six or 12 months to go, but, given the time lines, it would appear that the only way that this could occur would be within a matter of days prior to going into caretaker mode. I do not expect a definitive response from the minister. Clearly, he cannot speak on behalf of the Minister for Infrastructure or the government. I would at least put on the record, so that the government cannot say that this issue has not been raised, that, as a spokesman for the alternative government, and potentially as a future treasurer of the state, it would make no sense at all to be locking a future government into what we see as a massive waste of taxpayers' resources literally days before an election for pure political shenanigans when, clearly, nothing will be able to be done during a four-week election campaign.

The Hon. P. HOLLOWAY: I understand the Leader of the Opposition's view, and it is on the record. However, from a government perspective, we do not think that it would be reasonable to unnecessarily delay the process. We are still now about four months out from an election. So, if this bill is passed this evening (as we would hope) we are in a position to move that process forward. I think that it would be equally unreasonable to expect that one would artificially delay a project. After all, it has been proposed for a significant amount of time and a lot of work has been done. The Leader of the Opposition has put his views on the record, and I am sure that the Minister for Infrastructure is capable of reading them.

The Hon. R.I. LUCAS: I do not intend to belabour that point. I accept that. I would not expect the Minister for Infrastructure to listen to anything that I said, but I am hoping that others more sensible in the government might. In terms of how the project might be stopped, as I understand it, the government is saying that a critical part of the project, obviously, is the Victoria Square alignment. Can I just confirm what it is that can prevent the rest of the project occurring? As understand it, the Adelaide City Council, by a margin of one vote, has supported this project. If the Adelaide City Council reverses its position, is it the council's decision in relation to whether or not the project continues down the middle of King William Street?

The Hon. P. HOLLOWAY: No, my understanding is that that is not its prerogative.

The Hon. R.I. LUCAS: Is the government saying that, if the Adelaide City Council opposes the tram extension project, it already has the power to proceed with the project through the middle of King William Street and does not require any authorisation or support from the Adelaide City Council?

The Hon. P. HOLLOWAY: It is a matter of development approval issues but, of course—

The Hon. R.I. Lucas: Who controls that?

The Hon. P. HOLLOWAY: I suppose it could come under the Crown Development Act; probably under crown development there would be the provision for that.

The Hon. R.I. Lucas: You would have to declare that, would you not?

The Hon. P. HOLLOWAY: Yes, there are obviously certain provisions in relation to that. However, I think it should be said that we would rather work with the city council, and we are pleased by its cooperation to date.

The Hon. R.I. LUCAS: What are the current development approval arrangements? I take it that it is not a crown development project, or whatever the appropriate phrase is; I know that is not technically correct, but whatever that descriptor is. Does the Adelaide City Council, through its normal processes, have to give development approval for this development and, if so, what is that process?

The Hon. P. HOLLOWAY: My advice is that the proposal has been put to the Development Assessment Commission under section 49 of the Development Act. What we saw take place with the city council was that the DAC had referred the application to the city council for its comment, as is normal in relation to these section 49 proposals, and the city council supported that; that was the one vote. In other words, it has supported the application to the Development Assessment Commission so, presumably, it would then have to make the final recommendation.

The Hon. R.I. LUCAS: So, the vote that we read about was the vote when the Development Assessment Commission referred the project back to the Adelaide City Council and it voted by one vote to support it?

The Hon. P. HOLLOWAY: I am advised that it voted to support it in principle, subject to matters of detail. However, essentially, it was supporting the DAC application.

The Hon. R.I. LUCAS: Bearing in mind that it has left a little back door, in terms of matters of detail—put that to the side for the moment—does it, therefore, now have Development Assessment Commission approval, or is it back with the Development Assessment Commission for its processes? If that is the case, if it is still waiting with the commission, what is the time line for it to finally give approval or not to give approval?

The Hon. P. HOLLOWAY: My advice is that the DAC is just waiting for the detail to sign, then it would make a recommendation to me, as Minister for Urban Development and Planning.

The Hon. R.I. LUCAS: Does the final decision rest with the Hon. Mr Holloway, as the minister, in relation to this—and I assume he will support it?

The Hon. P. HOLLOWAY: I will not pre-empt it.

The Hon. R.I. LUCAS: Of course. However, does the final decision rest with the Hon. Mr Holloway, as the minister; and, secondly, what is the normal time line? Would this be likely to be concluded before Christmas of this year?

The Hon. P. HOLLOWAY: I am aware that the DAC will certainly be meeting before Christmas. However, I suppose it depends on when the detail is likely to be submitted to it. It might be before Christmas, or it might be just after: it depends on when that information is available. I understand that the DAC has at least one more meeting before Christmas at which it could consider the matter if that detail is available.

The Hon. R.I. LUCAS: I assume that the department cannot go to tender until this final approval from the Development Assessment Commission—and the final shape and nature of the approval from the Development Assessment Commission, and the minister.

The Hon. P. HOLLOWAY: My advice is that you could go to tender but obviously you could not start work. You could not actually commence the project as such but, given that the tender would be for design and other work, you could at least call the tenders.

The Hon. J.F. STEFANI: Can the minister advise the committee whether tender documents have been prepared and, if so, when were they prepared?

The Hon. P. HOLLOWAY: I assume honourable members have seen the documents. The work that has been done so far obviously will all end up being part of the tender documents. When do you say that the preparation starts and when it stops? Presumably the tender wording is a fairly standard format and it is just a matter of incorporating the detail. Obviously, part of that work is involved in all of this preliminary area. So I think it is rather difficult to say when the preparation of documents actually starts. It is an ongoing process.

I am advised that it is likely that a two stage process would be involved, the first stage involving calling for expressions of interest, and then there would be some short listing of a small number of contractors who would be likely to undertake the work. That would be the likely process. So one could obviously do the first stage of that fairly quickly.

The Hon. J.F. STEFANI: Can the minister advise whether the tender call will be on the basis of specific documentation provided by the government, or whether it will be on a design and construct basis to be assessed by a panel and submitted by individual tenderers?

The Hon. P. HOLLOWAY: My advice is that, as I indicated earlier, the designer has already been appointed, but the appointment of the constructors would be based on a number of criteria which would be set out in the tender documents themselves.

The Hon. J.F. STEFANI: Does the government foresee that the tender package will include all the civil work as well as the electrical work?

The Hon. P. HOLLOWAY: We cannot be certain of the detail, but possibly the electrical work will be a subcontract. It is probably a little premature to say that at this stage.

The Hon. J.S.L. DAWKINS: Will the minister indicate the detail of the role that his agency, Planning SA, played in the development of this proposal?

The Hon. P. HOLLOWAY: My advice is that the role of Planning SA has been as the adviser to DAC. It is not the proponent of the project; that is clearly the Department of Transport. However, Planning SA's role is to support DAC in its assessment.

The Hon. J.S.L. DAWKINS: In the minister's role as Minister for Urban Development and Planning, would not Planning SA be consulted to a wider extent by Transport SA in the development of such a significant proposal, particularly given the proximity of that proposal to the centre of Adelaide?

The Hon. P. HOLLOWAY: The City of Adelaide is the planning authority for the central business district of Adelaide. The Department of Transport has been working very closely with them because they are the planning authority generally for what happens in the CBD, unless it is a crown development or major project. Of course, we do have the Strategic Plan, the Metropolitan Adelaide Planning Strategy, and so on, into which all these works fit. I guess in the broader discussion about the direction in which transport might go, obviously Planning SA (and I know this as the Minister for Urban Development and Planning) is involved in that, and the broad design features are incorporated in the planning strategy for the metropolitan area.

The Hon. J.F. STEFANI: Will the minister advise the committee whether the Tour Down Under (which is to be held early next year) will be affected by any of the proposed work? At this stage, I take it that no work will commence in January and that the cyclists and their equipment will remain

in their previously designated position directly outside the Hilton.

The Hon. P. HOLLOWAY: Some indication was given in the second reading speech. I can remember providing information that the construction of this project would be very carefully staged so that there was minimal disruption to events. In any case, one would not expect there to be any disruption to the Tour Down Under event in January 2006. I make the point that, ultimately, if this bill is passed, it will result in 6 000 square metres of land being returned to the city. Whereas some of that is still effectively parkland, even if one takes that out, a significant net area will be returned to open space, and the most significant of that is the centre part of the southern half of Victoria Square. The bikes are placed in that area now. Ultimately, when the existing tramlines are removed from the centre of Victoria Square and the southern half, obviously the large area that will result will greatly enhance the opportunity for using that space. That is one of the big pluses that will result if this bill is passed.

The Hon. R.I. LUCAS: One of the issues which I raised in my second reading contribution and which I said I would raise at the committee stage is that of traffic modelling. I referred to a government leaflet which rejected the notion and which listed frequently asked questions. One question was whether trams would hold up the traffic. The government said, 'No traffic modelling has been undertaken.' The minister responded in reply to the second reading debate and conceded that traffic modelling had been undertaken and the details provided to the city council.

Is the minister indicating that that information is publicly available to members of parliament? I do not understand this process. Are we able to get a copy of that or is the minister prepared to table a copy of the traffic modelling, which is evidently not secret? It has been given to the city council and, as I understand, it has gone to the Development Assessment Commission as well. Could the minister either table a copy at the moment or indicate whether or not he is prepared to provide copies to those members who are interested in the traffic modelling which has been given to the city council and, I understand, the Development Assessment Commission?

The Hon. P. HOLLOWAY: The document that contains that was given to the DAC and therefore through to the city council. I guess it will ultimately be made public as part of that consultation process once the DAC releases its report. As for whether or not we can do that now, my advice is that the traffic model that is used is actually the property of the City of Adelaide. It has this information but it owns the model, so presumably we would really need to get its permission. It is obvious from the fact that the council has it that it is reasonably widely available, and it will be made public in due course anyway, but whether or not we can do that now I am not sure. This will become a public document sooner or later. I am really not in a position at this stage to say, but it certainly will be very shortly.

The Hon. R.I. LUCAS: It is disappointing, I think. One of the key issues in relation to this is the impact on traffic modelling, and I would have hoped that members would have an opportunity to have a look at the—

The Hon. P. Holloway: I think they were offered briefings; weren't members offered briefings?

The Hon. R.I. LUCAS: We do not need a briefing: we just want a copy of the traffic modelling, that is all.

The Hon. P. HOLLOWAY: If this document is part of section 49, then it should be publicly available anyway. I am not sure whether this is the only copy we have. I am happy to table a version as soon as we get one that does not have my adviser's writing on it, but, yes, we can provide that. However, I should point out that it is not the final document, of course. This is really the development submission that will have gone to DAC, but it will not be the final version.

The Hon. R.I. LUCAS: I thank the minister for that. That is the last area I was going to explore. I do not want to short-circuit other members but I would move that we report progress to allow the opposition, having received a copy of the traffic modelling, to consider it to see whether or not there are further questions to be asked tomorrow.

Progress reported; committee to sit again.

TERRORISM (POLICE POWERS) BILL

Adjourned debate on second reading.

(Continued from 22 November. Page 3168.)

The Hon. SANDRA KANCK: The South Australian Democrats will not be supporting this bill, on the advice of the South Australian Bar Association and with the support of the Law Society, which I point out is not exactly composed of radical members of our society.

The Hon. Nick Xenophon interjecting:

The Hon. SANDRA KANCK: There we are: the point was just proven; the Hon. Mr Xenophon has just admitted that he is a member. The South Australian Democrats do recognise the threat of terrorism in Australia. In fact, I believe that the probability of a significant terrorist attack taking place on South Australian soil increases as the Australian government strengthens its support for George Bush, Donald Rumsfeld and the US regime. That terrorist threat has, at least in part, come about because of the ruthless exploitation of resources and people of the Middle East by, in the first instance, European powers and, since the Second World War, by the United States. That history has fuelled a virulent resentment of the western democracies amongst some Islamists and Arab nationalists.

The latest chapter in that is the disastrous and illegal war against Iraq in which Australia is involved. That duplicitous and foolish military adventure has further fanned the flames of resentment around the world. Our Prime Minister (John Howard) denies that there is any connection between our invasion of Iraq and the heightened terrorist threat. This does not surprise me or many people, because truth and John Howard are often strangers.

The Prime Minister has increased the threat of terrorism in both Iraq and Australia, and our civil liberties are collateral damage. I also believe that our policy of mandatory detention of refugees has stoked the fires of resentment, particularly within Australia. I believe that understanding the causes of the terrorist threat is as important as finding the most appropriate laws to deal with the threat, but dealing with the causes of terrorism is even more important.

The South Australian Democrats have looked at the sweeping powers granted by this legislation in the light of the probability of a terrorist attack and, make no mistake, even with the high probability of a terrorist attack, this bill grants extraordinary powers to the police. The police in certain circumstances would have the ability to lock down a street and to break and enter every house in that street—too bad if you happen to live in the street where there is a terrorist suspect; the power to stop and search all cars of a certain make within South Australia; the ability to strip search every

person travelling in those cars; and the ability to search the baggage of every person entering or exiting the Adelaide Railway Station, Adelaide Oval or Football Park. These are unprecedented police powers.

On Radio 891's morning program today the Attorney-General admitted Muslim Australians will be the group in our society most likely to be stopped, searched and detained under these laws. Their crime is that they belong to an identifiable community that has a radical fringe. I point out that in the Christian faith amongst white Anglo-Saxons there is a radical fringe—but you cannot pick them out visually. This identification of Muslim Australians is guilt by association and further confirmation of the need for great finesse in drawing the line of these laws.

What additional powers should be granted to the police needs to be worked through in an open, methodical and informed way. What we have in front of us is the product of a deal done behind closed doors between the Prime Minister and state and territory leaders. Each of those leaders was driven by the political advantages of the dangers inherent in this situation. Hence we have legislation conceived in haste, stripping us of longstanding legal protections being rammed through federal and state parliaments for the political advantage of the incumbents.

I want all members of this chamber to reflect on the high probability that innocent people will suffer dreadfully under these laws. I want members to have the courage to recognise the need for a select committee, drawing on expert advice and looking at the federal and state legislation as a whole. This is the very least that we can do to minimise the chance of injustice while maximising the effectiveness of the laws. Given the limited likelihood of that happening during the committee stage, my colleague the Hon. Ian Gilfillan will be moving a number of amendments which have been recommended by the Law Society. He will be proposing greater safeguards in the legislation; in particular, he will be seeking to incorporate an appropriate level of judicial oversight in the issuing and execution of the special powers that this bill grants. These amendments will address, in part, the very real concern that, in responding to the terrorist threats, our parliaments are undermining the legal principles that are fundamental to democracy.

The bill allows the police to detain and search people—lots of people—for simply being in the wrong place at the wrong time and without recourse to a legal remedy. Many people who have done nothing wrong may find themselves swept up in police raids. There needs to be a genuine check on the possibility of the misuse of these powers by the police. I believe that requiring the Police Commissioner to apply to a judge for a special powers authorisation or a special area declaration places a significant check on the exercise of these powers. Equally important to the South Australian Democrats and to the Bar Association is the removal of clause 25 of the bill. This clause restricts judicial review of the enforcement of the special laws. There is no valid reason for making the use of these special powers exempt from judicial review. In fact, just the opposite as the case. I say to this chamber, listen to the experts, to the Bar Association and the Law Society. When they speak so forcefully we should listen. I oppose the second reading.

The Hon. NICK XENOPHON: I will support the second reading of this bill, but have a number of reservations in relation to it and believe that the committee will be the appropriate opportunity to examine concerns that many people in the community have about the bill. There is no question that we live in different times, that the threat of terrorism is real, but it ought to be acknowledged—and I do not believe it is acknowledged enough—that Australia's involvement in Iraq has made Australia more vulnerable. Having said that, I note that the subsequent investigations in the US Congress that have been carried out on the issue of weapons of mass destruction, the basis on which the United States went to war in Iraq, have been found to be wanting. Some consider that the basis of going into Iraq was that weapons of mass destruction posed an imminent threat to the world, but this was not born out by the evidence.

Hans Blix, the US weapons inspector, did a thorough job in investigating that matter, but the United States, under the leadership of George W. Bush, decided to ignore that and still went to war in Iraq, and Australia followed the United States. The great difficulty now is that, for the United States, Australia and other nations that are a part of the coalition, to leave Iraq would undoubtedly place that country in a worse position than it is in now and it could degenerate into civil war, not that the carnage that exists now is not terrible enough. That is the dilemma. I would like to think I speak for everyone in this chamber in saying that I hope the 450 Australian troops in Iraq all get back home safely to their loved ones when they complete their mission. There is no question about that. The work they are doing in protecting Japanese engineers in the reconstruction of Iraq is important work and constructive in more ways than one. It seems that the policies of the United States have not made the world safer as a result of its involvement in Iraq and with Australia's involvement.

This bill increases police powers, and the committee is the appropriate stage to consider the particular ramifications and the criticisms of the Bar Association and Law Society in relation to the bill. I will read into *Hansard* some comments made by Tony Harris in a column he wrote in *The Australian Financial Review* of 8 November 2005. He is well known to many. He is a former senior commonwealth officer and a past New South Wales auditor-general, and I believe a political and economics columnist of some note. The article is headed 'Thin blue line gets thicker'. I will read some excerpts into the record as it sums up what we now face. Tony Harris begins his article with this:

> Thank goodness for the counter terrorism guards on Sydney's Harbour Bridge: they can stop pedestrians who use the bicycle path to cross the harbour. However, some people ignore instructions and continue their stroll. If we learn from Britain, these jaywalkers may soon know the full force of Australia's new anti-terrorism laws, which provide for detention and control orders for people who have broken no laws.
>
> Sally Cameron suffered under British anti-terrorism laws when she walked on a bicycle path in the harbour area of Dundee in the country's north. According to *The Times*, Cameron was arrested, charged and held for four hours for using a path designated for cycles but, for security reasons, not for pedestrians. Cameron, who saw no signs prohibiting walkers, was apprehended after two police cars were sent to the crime scene. She was lucky to escape prosecution.

Mr Harris goes on to talk about the case of 82-year-old Walter Wolfgang, who was ejected from the British Labour Party's conference. He protested against a speech made by Foreign Secretary, Jack Straw. The police detained him under the Anti-Terrorism Act when he tried to re-enter the conference after his pass was taken away from him initially. Mr Harris also states:

> A third incident, reported in September by *The Guardian*, concerned the arrest, detention and charge, again under the Anti-Terrorism Act, of David Mery, a 39-year-old French citizen, who

wanted to catch a London train. Because Mery did not look at police when he entered the tube station, might have been in the company of two other males, wore a suspicious vest and a bulky rucksack, looked around him and played with his mobile phone, he was arrested, search, handcuffed. Mery was released at 4.30 a.m., after being detained for nine hours. During this time, police searched his apartment under anti-terrorism laws and seized computer equipment.

A month later, police advised that they would take no further action. Mery should be grateful he is alive, unlike that other Tube traveller, Brazilian man Jean Charles De Menezes. Although an official report on Menezes' death will not be completed until after the new year, it is clear that initial reports about the killing were wrong. Menezes was shot eight times, although he was at the time being restrained by police. He did not jump turnstiles or ignore stop orders, but he did wear a denim jacket and he had a rucksack. Like Mery, he had a funny accent.

Tony Harris goes on to say:

Anyone with boys knows that Australian police, especially young constables, can be gung-ho and misuse their powers. But these British incidents exemplify systemic problems: abuse has grown because nervous police have been given wide powers.

Tony Harris goes on to talk about what we know about these mistakes made by the British police because, unlike the bill introduced into federal parliament, that bill makes it an offence for the media to publish that a person being detained believes or knows that the detention is unlawful or mistaken. That is a matter for commonwealth law, and I hope that those concerns are sorted out. I acknowledge the role of Liberal members such as Petro Georgio, who has been quite outspoken and has expressed his concerns about provisions such as that in the bill.

It is worth mentioning that because, whilst the issue of reporting of these matters is for commonwealth law and the sedition provisions, in a sense, they are interlinked with increased police powers under state laws. That is why it is important that there be sufficient safeguards that we do not have, as Michelle Grattan, in her column in *The Age* has written, and that such laws are not counterproductive in the context of breeding resentment and pushing some people into believing the poison that these terrorists propagate.

It is important to acknowledge that we do live in different times, and the reasons for that are varied. It is important that the police have adequate powers to deal with the new world we face, but it is also important that we have some adequate safeguards so that these laws are not counterproductive, and that to me is a key aspect of this. I believe that the government has an obligation—I think we all have an obligation—to ensure that any communities in South Australia do not feel that they are being singled out by these laws.

This is about dealing with people who harbour evil plans to cause damage to us all, and that we do not get to a situation where sectors of the community feel that they are being marginalised and victimised. I think that we all have a positive role to play to assure those communities, and to encourage ongoing dialogue so that those communities do not feel that they are being targeted simply by virtue of their cultural background, or on the basis of their religion, or on the basis of where they or their families may have migrated from. I look forward to the committee stage of this bill. I just hope that the end result of this bill is to make our community safer, and that it does not have any counterproductive consequences.

The Hon. R.I. LUCAS secured the adjournment of the debate.

ADJOURNMENT

At 11.22 p.m. the council adjourned until Thursday 24 November at 11 a.m.