

LEGISLATIVE COUNCIL

Tuesday 9 May 2006

The PRESIDENT (Hon. R.K. Sneath) took the chair at 2.17 p.m. and read prayers.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Police (Hon. P. Holloway)—

- Guardianship Board—Report, 2004-05
- Judges of the Supreme Court—Report, 2005
- Police Superannuation Scheme—Actuarial Report as at 30 June 2005
- Regulation under the following Act—
 - Harbors and Navigation Act 1993—Thistle Island
- Rules of Court—
 - District Court—District Court Act 1991—
 - Criminal Asset Confiscation
 - Document Exchange
 - Industrial Relations Court—Industrial and Employee Relations Act 1994—Unfair Dismissal Proceedings
 - Magistrates Court—Magistrates Court Act 1991—
 - Criminal Asset Confiscation
 - Supreme Court—Supreme Court Act 1935—
 - Document Exchange
- Final Budget Outcome, 2004-05

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

- Department of Further Education, Employment, Science and Technology Training and Skills Commission—Report, 2005

By the Minister for Environment and Conservation (Hon. G.E. Gago)—

- Reports, 2004-05—
 - Central Northern Adelaide Health Service
 - Outback Areas Community Development Trust
- Government of South Australia's Response to the Fifty-Fourth Report of the Environment, Resources and Development Committee—Marine Protected Areas—January 2006
- Regulations under the following Acts—
 - Chiropodists Act 1950—Registration Fees
 - Local Government Act 1999—
 - Conditions on Withdrawals of Benefits
 - Miscellaneous
 - Payment of Deferred Benefits
 - Superannuation Contributions
 - Occupational Therapists Act 1974—Registration Fee
 - Zero Waste SA Act 2004—Board Appointments

- By-laws—
 - Corporation—Holdfast Bay—General
 - District Council—Kangaroo Island—
 - No. 5—Dogs
 - No. 8—Cats.

GLADSTONE EXPLOSION

The Hon. P. HOLLOWAY (Minister for Police): I have a ministerial statement about an explosives incident made by the Hon. Michael Wright. It is relatively brief and I seek leave to read it.

Leave granted.

The Hon. P. HOLLOWAY: In the past hour I have been advised by SafeWork SA of a major explosion at an explosives manufacturing facility near Gladstone. I am told that SafeWork SA was notified by police and has immediately declared the incident a major investigation. It has put together a high level team that is on its way to the site. I am advised that five people were believed to be working on site at the

time, and two of them have been located injured. Three others are still missing. Further indications are that CFS and ambulance personnel are in attendance. I will provide further information when available.

TERRAMIN AUSTRALIA LIMITED

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

Leave granted.

The Hon. P. HOLLOWAY: As many honourable members would be aware, Terramin Australia Limited is seeking to develop a zinc, lead and silver mine near Strathalbyn in the Adelaide Hills. Under the terms of South Australia's Mining Act, a rigorous assessment process is currently underway into the company's mine application. More than 100 submissions received during the comprehensive consultation period are being considered as part of the assessment process.

The government indicated earlier this year that the assessment process would also include the establishment of a community consultative committee to examine the concerns raised by the local community about the mine. The establishment of the committee is an important issue to help resolve the community concerns and to provide advice to the government to ensure that appropriate conditions are applied to ensure a safe and efficient mine. The committee will involve representatives of all major stakeholders, including the local Strathalbyn community, the local council, Terramin and government agencies. The government also promised that the committee would have an independent chairperson.

I can today announce to honourable members that a former South Australian premier, Dean Brown, has been appointed by the government as the independent chair of the community consultative committee. Mr Brown, whose appointment was suggested by members of the local community, will bring a wealth of knowledge and experience to the role of independent chair of the committee. As the former member for Finniss, he has a unique understanding of the issues that concern the Strathalbyn community. As a former premier he knows where to find and how to get answers.

Mr Brown and his committee will identify and consider the community's concerns about the mine proposal and will be asked to highlight to the government any unresolved issues. The committee will have direct access to Terramin and key government agencies, including PIRSA, the Environmental Protection Authority, the Department for Environment and Heritage, the Department of Health and the Department of Water, Land and Biodiversity Conservation. This will give Mr Brown and his committee and the Strathalbyn community unprecedented access to information about the possible operation of the mine and the opportunity for their concerns to be heard and investigated. I expect to be in a position to name the members of the consultative committee in the near future.

I am delighted that Mr Brown has agreed to take up this role, and I am certain the committee will operate professionally and with purpose under his guidance.

CROWN LEASES

The Hon. G.E. GAGO (Minister for Environment and Conservation): I seek leave to make a personal explanation.

Leave granted.

The Hon. G.E. GAGO: Yesterday in response to a question from the Hon. Caroline Schaefer regarding perpetual leases I referred to a report by Thompson written in the 1980s. In relying on my memory, I said the report identified high priority conservation areas along our coastlands and riverlands. In fact, the report by Michael Baden Thompson published in 1986 specifically dealt with the riverlands and not the coastlands. The report, which is entitled *River Murray Wetlands, their Characteristics, Significance and Management*, identifies wetlands with high conservation significance.

This report continues to be used today in determining areas that the state requires to retain as crown reserve in the interests of managing our high conservation wetlands. Based on the extent of coastal processes, the coastal protection branch of DEH, acting as delegate for the Coastal Protection Board, recommends the coastal boundary that should be used when freeholding of perpetual leases occurs. This assessment is undertaken using aerial photographs and scientific understanding of coastal processes. I hope this clarifies the issue for the council.

QUESTION TIME

POLICE RESOURCES

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make a brief explanation prior to asking the Minister for Police a question on police resources.

Leave granted.

The Hon. R.I. LUCAS: There has been some discussion in recent days about the past precedent where the former liberal government, in providing additional police resources to the Police Commissioner, indicated in some respects where those priorities ought to be. This government disapproves of that policy and believes it to be inappropriate. In 2004, when there was a debate about the siting of the Golden Grove police station (or 'a police station in the north-eastern suburbs' was the euphemism used), the former police minister on a number of occasions repeated the same mantra the current police minister has used in relation to police resources. In *Hansard* of 26 October 2004 he stated as police minister that he would not overtly or overly interfere in judgment calls on where police stations should be located. Later, on 10 November, he again said:

When it comes to deciding where a police station should be built, my view is that we should rely on the advice of the Police Commissioner.

That was in response to questions from the opposition calling for the establishment of a police station at Golden Grove. I noted with interest during the election campaign that the Labor Party announced that it would be constructing new police shopfronts in the Campbelltown, Munno Para and Hallett Cove areas. My question is: does the minister accept that it is an act of gross hypocrisy to claim that he will not direct the Police Commissioner in relation to police resources when he is telling the Police Commissioner to put police shopfronts in three electorates that he knew to be marginal electorates at the time of the last election, namely, Hartley, Light and Bright?

The Hon. P. HOLLOWAY (Minister for Police): There is a lot of hypocrisy in relation to the allegation of police resources, but it all belongs to the Leader of the Opposition on the other side of this place. I will read for the benefit of the

council what the former minister for police, Robert Brokenshire, said recently—

Members interjecting:

The Hon. P. HOLLOWAY: I know they might not like it, Mr President, but they will have to listen.

The Hon. D.W. Ridgway: You always blame someone else.

The Hon. P. HOLLOWAY: I am not blaming somebody else. I am going to quote what one of their colleagues—the last minister for police under a Liberal government—said. It was fairly recent in the scheme of things. In relation to this matter, the then police minister gave this answer on Thursday 27 September 2001—not long before the election in 2002:

Separation of powers is one of the fundamental principles of the Westminster system. It is one of the fundamental principles of democracy and justice. It is about giving the police force integrity and it is about stopping political interference. The Police Act clearly sets out both the powers and responsibilities of the Police Commissioner. Recently the member for Taylor told the media the police minister, namely, me in this instance, should order the Police Commissioner to do certain things. Clearly I cannot do that, and nor should I.

That was the previous police minister under the Liberal government, the Hon. Robert Brokenshire. I think he summed it up well. The Police Act has not changed in this area since it was introduced back in the 1990s. What the Leader of the Opposition is arguing for is that in the day-to-day affairs of running the police force of this state the minister should direct the Police Commissioner. It is possible under the Police Act to give a directive to the Police Commissioner. If that is done it has to be tabled, quite appropriately, before both houses of parliament.

The reason why that is in the Police Act is a very good one: it is to ensure that the government of the day is not involved in political interference in the way that the police force is conducted. These things have been in the act since the 1990s and there were similar provisions before that. They are in there for very good reasons—reasons that were very well understood by members of the Liberal Party until recently. We did not have this sort of nonsense coming back from the opposition in the past four years but, of course, we now have a new shadow minister for police who suddenly wants to turn the Liberal Party on its head. That is fine: if the Liberal Party wants to change its policies and say, 'In the future, we will run the police force like every other department and the Police Commissioner will just be a cipher for the government of the day to do whatever the government tells him', let it put that to the people. It has four years and can put that to the people of South Australia at the next election.

This government will be discussing issues with the Police Commissioner. The Police Commissioner is very responsive to law and order issues as they come up in the community, and I have every confidence, as does this government, that the Police Commissioner will apply his resources—the officers who are subject to his command—in the best possible manner to achieve the law and order outcomes that everyone in our society would wish to achieve. If the opposition thinks it can do it better and it knows better than the Police Commissioner, that it is in a better position and wants to do that and put it up at the next election, let it go ahead.

The Hon. R.I. LUCAS: I have a supplementary question. Given the minister's interpretation of the Police Act, is he confessing that he himself is breaching the Police Act by directing the Police Commissioner to build new police

shopfronts at Campbelltown, Munno Para and Hallett Cove in the electorates of Hartley, Light and Bright?

The Hon. P. HOLLOWAY: I have not given the Police Commissioner any directions in relation to those matters.

The Hon. R.I. LUCAS: Mr President, I have a further supplementary question. Is the minister therefore saying the announced policy released by police minister Foley prior to the election is no longer agreed to by the current police minister, that is, that he will build new shopfronts at Campbelltown, Munno Para and Hallett Cove in the electorates of Hartley, Light and Bright?

The PRESIDENT: I do not remember the Hon. Mr Foley being mentioned in the original answer. The minister can answer if he likes.

The Hon. P. HOLLOWAY: Mr President, I am sure that my colleague the Treasurer, as the former minister for police, would have discussed those matters with the Police Commissioner prior to any announcement he made.

The Hon. R.I. LUCAS: I have a further supplementary question arising out of the minister's original answer. Given that the former police minister said he would work on the advice of the Police Commissioner, is the Minister for Police indicating that he has received advice from the Police Commissioner that police shopfronts should be built in the electorates of Hartley, Light and Bright in Campbelltown, Munno Para and Hallett Cove?

The Hon. P. HOLLOWAY: The Police Commissioner is well capable of working out where his resources—

The Hon. R.I. Lucas: I bet he hasn't given you that advice, and you know he hasn't.

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: As I said, I am sure my colleague the former minister for police (the Treasurer) would have discussed these matters for priorities with the Police Commissioner.

The PRESIDENT: I think we have to get the raspberry cordial taken out of the mess. Everyone is getting a bit excited.

LANDS TITLES OFFICE

The Hon. D.W. RIDGWAY: Thank you, Mr President. I seek leave to make a—

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Ridgway has the call.

The Hon. D.W. RIDGWAY: Thank you, Mr President. I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question about the operations of the Land Titles Office.

Leave granted.

The Hon. D.W. RIDGWAY: Recently, I was contacted by a concerned member of the community, a real estate agent, who had had a telephone call from a broker who said he had just telephoned the Land Titles Office for information on how a particular group of titles was progressing through that office and the response was, 'They are still in the cupboard.' The titles were lodged on 5 April and the phone call was made two days ago. When the broker made further inquiries and asked when they might get out of the cupboard, he was told it would be at least two weeks before they were out of the cupboard and then at least another seven weeks before they

would be processed and the titles issued. These are in connection with residential blocks at Victor Harbor.

Having discussed this question this morning, a number of my parliamentary colleagues in the Liberal Party have said that other constituents have raised similar concerns with them. Given this long delay, it certainly would appear that this will have an impact on prices and, in fact, will drive up prices. These particular blocks had already been sold, the contracts signed and money paid. This will inevitably force up prices. My questions are:

1. Is the 14 to 16 week delayed time frame consistent with the government's State Strategic Plan?

2. Why is the delay so long?

3. Does the minister agree that these delays will force up the price of land and therefore housing affordability in this state?

The PRESIDENT: The minister is not to give opinions in the same way as the honourable member is not to give opinions.

The Hon. P. HOLLOWAY (Minister for Urban Development and Planning): The Land Titles Office comes under the portfolio of my colleague the Minister for Administrative Services and Government Enterprises. I will refer those questions to him and bring back a reply.

MENTAL HEALTH AND HOUSING

The Hon. J.M.A. LENSINK: I seek leave to make a brief explanation before asking the Minister for Mental Health and Substance Abuse a question about mental health and housing.

Leave granted.

The Hon. J.M.A. LENSINK: This morning, the minister, probably about 300 or more people and I attended a forum put on by the Mental Health Coalition. The forum was attended by consumers, service providers and a number of departmental people who were there as speakers. I noted with interest that Mr Peter Smith, who is the Deputy CE of the Department of Families and Communities (I think that is what it is called these days), talked about the fact that housing is a foundation stone for social inclusion and that the first two objects in relation to this are, first, affordable housing and, secondly, high needs housing. Mr Smith then told us that a number of disability services clients had received letters regarding the changes to the housing situation and that some of these people had been on four different waiting lists for disability services housing and therefore had received some eight letters. He also said that, in relation to people with mental health difficulties, the government does not know what the mental health waiting list is. My questions are:

1. Which agency is undertaking the lead role in assessing the housing needs of people with mental health difficulties?

2. Which agency is responsible for addressing the accommodation needs of people with mental health difficulties?

The Hon. G.E. GAGO (Minister for Mental Health and Substance Abuse): Obviously, these policy areas overlap considerably. The Minister for Housing is responsible for the planning and management of housing needs. Obviously, he consults with me as Minister for Mental Health and Substance Abuse, and I, as well as departmental people, feed into that. But, basically, the Minister for Housing is responsible for housing planning, in consultation with myself.

The Hon. J.M.A. LENSINK: I have a supplementary question. Is the Minister for Mental Health and Substance

Abuse aware of any information in relation to housing waiting lists for people with mental health difficulties?

The Hon. G.E. GAGO: I am aware that there are many challenges in terms of waiting times for accommodating people with needs, including those with disabilities and those with mental disabilities. This government has demonstrated its commitment to assisting these people, and the Minister for Housing has undertaken significant reforms. I know that the honourable member was present at today's address, so she would be aware of the considerable reforms going on within that sector to help improve services and access to services, as well as the quality of services, such as the introduction of an accommodation act that will help improve the quality of services in SRFs and other facilities.

Because I have spoken about it at considerable length in this chamber, I am aware that the honourable member knows about the considerable commitment this government has also given to mental health services as a priority—the designation of a minister for mental health, the reference of a mental health reform agenda to our Social Inclusion Board and the extra funding that has already been made available, plus our ongoing commitment to this area. Clearly, this area is of concern to the government and we are participating in a wide range of reforms and initiatives to help address it.

The Hon. J.M.A. LENSINK: I ask a supplementary question. Is the minister concerned that it has taken the government four years to work out who these people are?

The PRESIDENT: Order! I do not believe that question is derived from the original answer, but the minister can answer if she wishes.

The Hon. G.E. GAGO: The previous government did nothing about it for eight years. At least this government has put in a very assertive and aggressive agenda to actually do something. At least we are prepared to have a good look at this issue.

PROMINENT HILL MINE

The Hon. I.K. HUNTER: I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about the Oxiana Prominent Hill Mine.

Leave granted.

The Hon. I.K. HUNTER: I understand that mining company Oxiana Limited's development of the Prominent Hill gold and copper mine in the state's Far North is quite promising and progressing well. Will the minister provide members with an update of the project?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): I thank the honourable member for his question and note his continued interest in the booming mineral and resources sector in South Australia. I am pleased to be able to share with all members that recent advice from Oxiana Limited suggests that the company has so far achieved all its predicted milestones for the development of the Prominent Hill mine and that the project is progressing on track. Many members would be aware that the Prominent Hill site is around 650 kilometres north-west of Adelaide and about 130 kilometres south-east of Coober Pedy in the internationally renowned geological province known as the Gawler Craton.

This copper and gold deposit was first discovered in 2001 by Adelaide-based Minotaur Exploration Limited, with ongoing exploration continuing to indicate the high quality

of the deposit. In 2005, Oxiana moved to 100 per cent ownership of the Prominent Hill mine project through its acquisition of Minotaur. A pre-feasibility study completed last August confirmed that Prominent Hill was a high-quality deposit with a minimum nine-year mine life. The study suggests an open pit mine to a depth of around 500 metres that could annually produce up to 100 000 tonnes of copper, 130 000 ounces of gold and about 420 000 ounces of silver at competitive operating costs.

Based on these results, Oxiana has now commenced a full bankable feasibility study, which is expected to be completed by the middle of the year. According to Oxiana, this new study will include a more detailed assessment of a range of issues such as mining methods, infrastructure requirements, plant design and the metallurgical character of the ore body. Should the bankable feasibility study results meet with the Oxiana board's approval and the go-ahead be given for an operational gold and copper mine, the company will move into the project's next phase of licensing and construction.

Smelters in Asia and Australia have already been identified as potential customers for the ore mined at Prominent Hill, with those smelters showing great interest due to the high concentrate quality of the ore and the expected tight concentrate supply on world markets. As part of the licensing process, Oxiana has lodged its mining and rehabilitation plan with PIRSA for consultation. Given that the company meets all licensing requirements and Oxiana's project schedule remains on track, I believe the government would be in a position to consider final approval for the mine early in the 2006-07 financial year.

The company has estimated that construction would be completed within two years of the decision to mine and the finalisation of licences and permits. Initial construction work would involve major earthworks for the plant and mine, an airstrip and roads, and a 400 room on-site village for construction and mining personnel. The company believes up to 700 jobs will be created during the construction phase, with more than 400 permanent staff needed once the mine reaches full production, which is predicted to occur late in 2008.

This is an important project for South Australia which has the potential for providing major economic and employment benefits for the state. It is a credit to Oxiana's Managing Director, Owen Hegarty, the board of directors and staff that the Prominent Hill project is progressing well. I am confident the company will continue to meet all the milestones it has set for the development of this important mining project. Could I also compliment Oxiana on the support that it recently gave to the football club that is being established in Coober Pedy.

The Australian icon Ron Barassi was over with Owen Hegarty visiting Coober Pedy recently to give support to that football team, the Coober Pedy Saints, although one of the colleagues in the mining industry thought they should be named the Coober Pedy Detonators. The football team plays only a few matches a year, but it is great to see how the presence of a significant mining company such as Oxiana can not only provide jobs and also wealth for the South Australian community but can also have a great impact on nearby towns such as Coober Pedy in its support of the football team and other community projects. It has been a great benefit to the people of that region.

EDUCATION CERTIFICATE

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the Minister for Emergency Services, representing the Minister for Education and Children's Services, a question about the federal government's proposed Australian certificate of education.

Leave granted.

The Hon. A.L. EVANS: A report prepared by the Australian Council of Educational Research has found that a standard education certificate is needed for all Australian schools. It recommends the establishment of a national standards body to set core content in different subjects and achievement standards based on international benchmarks. The federal government proposes that the existing nine state based matriculation certificates be replaced by a single Australian certificate of education awarded by each state and territory. This will allow the results of students in different states and territories to be compared for the first time. Despite the possibility of this type of assessment beginning as early as this year, the minister stated in *The Advertiser* of 6 May, 'We are pushing ahead with our reforms (to the current South Australian Certificate of Education) and will examine the federal minister's report.' My questions to the minister are:

1. Given that the proposed Australian certificate of education may replace the South Australian certificate of education if it is agreed by the state government, why is the minister not postponing the implementation of its own reforms to the current SACE regime until a decision whether to adopt the ACE has been made?

2. If the minister pushes ahead with reforms to the South Australian certificate of education at a cost of \$54.5 million, how will she justify this expense to taxpayers if it is superseded by the proposed Australian certificate of education soon afterwards?

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

POLICE, HAND GUNS

The Hon. T.J. STEPHENS: I seek leave to make a brief explanation before asking the Minister for Police a question regarding the Smith & Wesson revolvers used by the Police Department.

Leave granted.

The Hon. T.J. STEPHENS: I was informed recently that the model 19 Smith & Wesson that was issued to SAPOL officers is no longer made and that SAPOL is having to use another model which is made in Korea, which is of a different material and which is not as strong as the original model used by SAPOL with which they are having the current difficulties. It has also been suggested that the cost of a Glock semiautomatic pistol is less expensive than the model revolver in question. In his response yesterday to a question on police hand guns from the Leader of the Opposition in another place, the Treasurer replied:

... the last time I spoke with the Police Commissioner it was his considered judgment and that of the senior people who advise him that the current firearms that they have and the program they have of replacing and maintaining those firearms is the correct policy. That is not a matter of dollars: it is a matter of the considered judgment of the Police Commissioner of this state.

That was not the advice that I highlighted yesterday from a 2003 SAPOL review into hand guns. The Treasurer went on to add:

If the Police Commissioner arrives at a position where he does support the use of Glock firearms for his officers, he will make that decision and he will be funded to do that.

Will the minister assure the council that the Treasurer will stop hiding behind the Police Commissioner and make an undertaking to allocate funding in addition to the police budget to purchase Glock hand guns for our police? These hand guns are widely considered to be far superior in every aspect to the revolver, highlighted by the fact that they are the hand gun of choice used by our highly rated Star Force?

The Hon. P. HOLLOWAY (Minister for Police): I do not know how many times the honourable member has to ask a question before he understands the answer. All I can do is provide the same answer I gave yesterday, that is, that South Australia Police currently considers that the Smith & Wesson revolver is the most suitable for officers. However, they are continually examining all types of firearms to identify whether there is a more superior and safer hand gun. I thought that I addressed the issue yesterday in relation to Star Force officers. If there is an incident involving firearms and police, immediately the Star Force is called in. Its members have appropriate armour, and I understand that they even have access to vehicles that are properly armoured for such incidents. We do not have our police driving around each day in armoured vehicles; they use their patrol vehicles, which are made at Elizabeth by Holdens and which are thoroughly suitable as police vehicles. Similarly, it is my understanding that the guns the police use are entirely suitable.

One would hope that, throughout the life of the average police officer, they never have to use a firearm, other than at training. Sadly, there are firearms in our community, notwithstanding all the efforts of this and other parliaments to try to remove hand guns from those who should not have them. Clearly, the Star Force is the specialist body that deals with armed incidents and, of course, it has the appropriate sort of armour for that duty. As to ordinary police duties, as I say, one would hope that most police officers would never have to use a firearm in the course of their duty. The role of the general purpose firearm, just like the general purpose vehicle they drive, is one of safety and appropriateness.

Members interjecting:

The PRESIDENT: Honourable members on my left will come to order and their honourable colleague might hear the answer.

The Hon. P. HOLLOWAY: I am pleased that the honourable member has read the answer given by the Treasurer yesterday. I fully endorse his comments, that is, if it is considered appropriate by police that, for their general patrols, they need a different type of hand gun, obviously the government will consider that approach. I can only endorse the comments made by the Treasurer in relation to this. I do not believe that there is any evidence to date that the Police Commissioner and those officers involved in making these decisions have got it in any way wrong.

PARK RANGERS

The Hon. R.P. WORTLEY: I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about park rangers.

Leave granted.

The Hon. R.P. WORTLEY: A government election commitment was to increase the number of park rangers by 20 over this current term. I am aware that park rangers perform many tasks and are important members of their local community. I understand that their importance is recognised by the Rotary Club of Glen Osmond in the form of an award. Will the minister report on the Ranger of the Year award?

The Hon. G.E. GAGO (Minister for Environment and Conservation): I have great pleasure in reporting on an event held last night for the latest Ranger of the Year and Volunteers of Parks awards. Every year since 1984, Rotary convenes a panel to consider nominations for the Ranger of the Year and make a choice of winners, with administrative assistance from the Department for Environment and Heritage. In every case, I understand that the awards have been a source of much pride to the winners, their families and the districts in which they work. The general public are also interested in such awards and, in the past, they have been won by people right across the state.

It is only right that the job done by our rangers is celebrated by the wider community. The job of a National Parks ranger could simply be described as someone who is responsible for the management of the land and wildlife. However, the reality is that the job is, in fact, a very diverse one. Rangers have a wide variety of duties, including looking after parks and facilities, managing pests, working with the CFS and working with the National Parks volunteers groups, such as Friends of the Park.

In regional areas, in particular, rangers are key members of their communities, as the honourable member points out. In recognition of the vital role that our rangers play in working on the ground to maintain and promote our state's national parks—which provide exceptional recreational and tourism potential, I might add—the government recently committed to the provision of 20 additional park rangers.

I would like to pay tribute to the Rotary Club of Glen Osmond for convening this award and for the interest and support that the club has shown for our parks, wildlife and heritage sites throughout South Australia. Congratulations go to the winner of this year's award, Mr Steven Bourne of the Naracoorte Caves National Park. I would like to take this opportunity to praise Steven's work. Steven commenced employment with the Department for Environment and Heritage in 1984 as a park assistant and from 1991 as a casual guide. By 1998 he was senior guide and then became tourism services officer in 1999. In 2002 he was promoted to manager of the Naracoorte Caves, where he is responsible for supervising 12 staff who, I am advised, hold him in high regard.

Beyond the caves, Steven is president of the Naracoorte-Lucindale Business Association and is on the Tourism Visitor Information Centre management committee which he has served for two years since its inception. He is president of the Australasian Cave Management Association, he is a board member of Limestone Coast Tourism and he is involved in the Cave Exploration Group.

One of Steven's accomplishments was in December 2002, when he instigated the establishment of Friends of the Naracoorte Caves National Park. Since then the Friends have made enormous progress. In 2005 alone the Friends, under Steven's guidance, won an SA Great regional award for science and conservation. On the same occasion the caves won the SA Great regional award for tourism. In addition, Naracoorte Caves has won more than one state tourism award. Steven and the Friends have excelled in their work at

the caves, one example of which has been cleaning out tonnes of silt and ferrying it in buckets to the surface.

In recent years, the Naracoorte Caves became world heritage listed and this has involved Steven in contract work implementing world heritage projects. Steven is a credit to the department, the Naracoorte community and to South Australia. He has lifted the awareness of the importance of bats in the caves, and of rich exhibits of megafauna fossils found in the Naracoorte Caves.

The Hon. CAROLINE SCHAEFER: Can the minister tell the council how many park rangers were made redundant in this government's previous term?

The Hon. G.E. GAGO: I will find out the details of that and return the response to the chamber.

DRUG POLICY

The Hon. A.M. BRESSINGTON: I seek leave to make a brief explanation before asking the Minister for Police, representing the Attorney-General, a question about the strategic plan for South Australia.

Leave granted.

The Hon. A.M. BRESSINGTON: In the paper 'Rann gets results on drugs 2006', it is noted that, for the possession of equipment used in connection with the smoking or consumption of cannabis, fines for drug users will now increase—tripling from \$50 to \$150. Many in the community believe that it is doing a grave disservice to drug users if they are to continue paying fines rather than being provided with the opportunity to stop their drug use. Furthermore, many believe it is unfair that drug users will be fined for the possession of drug-using paraphernalia, while retailers are able to continue to sell such utensils and make a profit from the unfortunate circumstances of others, without incurring any form of legal action or having to contend with any restrictions that might be put in place to prevent them from selling such items. My questions to the Attorney-General are:

1. Does he know how many stores in the state sell drug-using paraphernalia and how many such utensils are sold annually?
2. Does the government intend to disallow the sale of those items through retail outlets?
3. Does the government acknowledge there is a double standard between the approach to drug users and those making a profit from selling the implements to use drugs?

The Hon. P. HOLLOWAY (Minister for Police): I will refer those questions to the Attorney-General and bring back a reply. I can repeat the promise the government gave that during this term in office it would, first, create a specific offence of cultivating cannabis hydroponically. It will also introduce a statutory requirement to record sales of hydroponic equipment. That is putting the onus back onto the commercial sector. The government will also require buyers to produce identification for any purchase of hydroponic equipment. Further, the government has promised to ban possession of tablet presses, drug recipes, industrial chemicals and laboratory glassware that can be used in the manufacture of illicit drugs. That is the promise the government made, and it is directly aimed at those who would manufacture drugs for sale, and not just at the user.

The government has also promised to extend police powers so that they can search known drug premises as declared by a court without a warrant. We have also promised to legislate to ensure that courts treat the manufacture, sale

and distribution of amphetamines, ecstasy and similar drugs at the upper level of the penalty range rather than at the middle. We also promised to make the possession of firearms in conjunction with drug offences an aggravating feature of the drug offence, attracting higher penalties. The government is certainly well aware of the need to focus on those who would produce drugs as well as on those who would consume them. I look forward over the coming months to the introduction of the legislation giving effect to those promises. If there is any further information the Attorney can provide, I will provide that to the honourable member.

The Hon. NICK XENOPHON: Is it not consistent with the measures outlined by the minister that there also be legislative intervention to prohibit the sale of implements for the use of drugs?

The Hon. P. HOLLOWAY: I will refer that question to the honourable Attorney. It depends on whether those implements have other purposes as well.

COMMUNITY WATER MANAGEMENT SCHEME

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about community water management schemes.

Leave granted.

The Hon. J.S.L. DAWKINS: Most members would be aware of the existence of septic tank effluent disposal schemes, otherwise known as STEDS, in many coastal and riverfront communities. I understand that the title of these schemes was recently changed to 'community water management schemes'. I also understand that the state government agreement for STEDS financial assistance to local government bodies will expire on 30 June this year. My questions are:

1. Will the minister indicate when relevant regional local government bodies will be advised of the level of funding in order to assist them in running these vital effluent schemes beyond 30 June?

2. Will she also advise who made the decision to change the name and remove the words 'septic tank' and 'effluent' from the title of these schemes?

The Hon. G.E. GAGO (Minister for Environment and Conservation): I do not think that question belongs with the Minister for Environment and Conservation, but I will certainly attempt to find out who is responsible and obtain answers to those questions. I believe it is the responsibility of local government, and I am happy to pass the question on to the minister responsible for local government and bring back a response.

The Hon. J.S.L. DAWKINS: By way of a supplementary question, will the minister also investigate the level of impact involving the Environment Protection Authority in relation to those schemes formerly known as STED schemes?

The Hon. G.E. GAGO: Again, I will find out the answer to that question and bring back a response.

SAFE START

The Hon. J. GAZZOLA: I seek leave to make a brief explanation before asking the Minister for Road Safety a question about Safe Start.

Leave granted.

The Hon. J. GAZZOLA: As a father, I am aware that ensuring children learn about road safety is essential in order to create a safe future for them, and others, on the state's roads. Teaching children to be road smart is a lesson that should be learnt as early as possible. What is this government doing to promote road safety awareness in young children?

The Hon. CARMEL ZOLLO (Minister for Road Safety): I thank the honourable member for his important question. From the time babies leave hospital, they are road users, either as pedestrians or passengers. While it may seem that these children are too young to be given road safety lessons, the ability of babies and very young children to absorb information should never be underestimated. That is why, last week, I launched Safe Start, a teaching resource aimed at assisting childhood educators, parents and carers in promoting regular and consistent road messages to preschoolers, that is, up to the age of 5 years. I launched Safe Start at Il Nido Paradise Community Centre in front of a group of very enthusiastic young South Australians. It was a delight to see how responsive they were to the materials in the kit. It was also encouraging that many of the children happily became involved in discussion about road safety issues that affect them.

These kits are important because, no matter where children live in South Australia, it is more than likely that they will be in contact with cars or other types of motor vehicles every day of their lives. The issue of addressing the need for children to have continuous exposure to road safety messages was first raised by the Road Safety Education Task Force, which reports to the Road Safety Advisory Council. The council, chaired by Sir Eric Neale, is a strong voice for all road users in South Australia, no matter what their age. The government acted on this very worthwhile suggestion and the Safe Start kit was established. Bringing the kit to life involved the collaboration of the Department of Transport and the Department of Education and Children's Services, coupled with the support and assistance of early childhood educators right across the state. The result is activity ideas, work sheets and large photographic prints for children up to 5 years of age. Carers and educators in schools and kindergartens are encouraged to use these tools to create songs, paintings and games that reinforce the road safety message.

Importantly, the road safety message does not end when children turn five. Safe Start will contribute to a continuum of road safety education, as existing resources include Road Ready (for reception to year 7 students), and Your Turn (for children in years 8 and 9). The overall aim of Safe Start is to teach preschool children that a vehicle is a hazard which needs to be treated with respect, and being road safety wise is a very important life skill. Safe Start will be distributed to metropolitan kindergartens and childcare centres today, and regional centres and kindergartens tomorrow.

MARINE PARKS

The Hon. M.C. PARNELL: I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about marine parks.

Leave granted.

The Hon. M.C. PARNELL: One of the government's pre-election environment commitments was to urgently assess the proposal to give wilderness protection status, under the Wilderness Protection Act, to the Investigator Group of Islands on South Australia's West Coast near Elliston. One of the islands forming part of that group is West Waldegrave

Island, which is home to one of the largest breeding colonies of Australian sea lion. Australian sea lions are nationally listed as vulnerable, with only around 13 000 remaining worldwide, and the West Waldegrave Island colony is vital to the long-term survival of the species. Notwithstanding the importance of this area, the government has seen fit to approve aquaculture developments only a kilometre or so from the island. My questions are:

1. How is the Wilderness Protection Act assessment of the Investigator group of islands progressing?

2. How will the wilderness assessment process for the Investigator group be coordinated with the government's proposed statewide roll out of marine parks?

3. How will the government ensure appropriate conservation status over areas that have already been earmarked for industrial use, through aquaculture zones or aquaculture approvals?

The Hon. G.E. GAGO (Minister for Environment and Conservation): The government is committed to the development of 19 marine parks that are being designed to protect and conserve some of our precious marine biodiversity. Extensive consultations with representatives from various groups, including fisheries, the aquaculture industry and the community, have occurred in an attempt to try to obtain a balanced view and to balance the competing interests and views in relation to those marine parks. Obviously, ongoing consultation will occur during the process of implementing and zoning.

I know that honourable members would be aware that the Encounter Marine Park has been developed as a pilot to inform the development of the marine park legislation. During this process, widespread public and stakeholder consultation occurred. The marine park bill for the dedication, zoning and management of marine parks is currently being drafted, and the drafting process will take place in relation to considering all the submissions received from the Encounter Marine Park pilot. In relation to some of the other specific matters raised by the honourable member, I will find out the answers to those questions and bring back a response.

The Hon. SANDRA KANCK: I have a supplementary question. In seeking that extra information, will the minister ensure that a study of sea lions at West Waldegrave Island is undertaken so that, if the abalone farms go ahead, there will be a baseline against which any environmental degradation can be measured?

The PRESIDENT: That question is hardly arising out of the minister's answer, but the minister can answer if she wants.

The Hon. G.E. GAGO: As I stated in my original answer, the interests of all parties, including conservation interests, will be considered in the planning process.

The Hon. D.W. RIDGWAY: I have a supplementary question. When will the 19 marine parks be in place?

The Hon. G.E. GAGO: The establishment of the 19 marine parks will be completed fairly soon. We undertook considerable deliberations and consultations in relation to the Encounter pilot project. It was important to get that right. That pilot project is currently close to completion—

An honourable member interjecting:

The PRESIDENT: Order! The honourable member might want to listen to the answer.

The Hon. G.E. GAGO: The evaluation of that pilot project is about to be completed. I plan to roll out the other

18 marine park boundary proposals concurrently, and I hope that that will be within the foreseeable future.

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Schaefer and the Hon. Mr Gazzola will come to order.

The Hon. D.W. RIDGWAY: I have a further supplementary question. What is meant by 'the foreseeable future'? Is it a week, a day, a year, a century?

The PRESIDENT: The minister does not have to answer that question.

LAND, FREEHOLD

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about freeholding.

Leave granted.

The Hon. CAROLINE SCHAEFER: This morning, regional radio reported that the minister has granted an exemption on the sale of leasehold land planned for the new Spencer Gulf ferry service. Most of us would be aware that the proposed ferry between Wallaroo and Lucky Bay is indeed a very exciting potential development for Eyre Peninsula and Yorke Peninsula and therefore for regional South Australia and the state if it ever gets off the ground.

The report today stated that the environment minister, Gail Gago, has agreed in principle for the owners—and I repeat 'the owners'—of the land at Lucky Bay to sell the leasehold without requiring a transfer of the land to freehold title beforehand. Minister Gago has consistently told this council that the owners of the land are the Crown and that those who have perpetual leasehold title are nothing more than holders of a lease. Given that the conditions that the minister has placed on freeholding will make it almost impossible for the ferry to progress, why has she not instantly granted freehold status to that land so that it can be sold as freehold, and does she believe that the ferry can progress under perpetual lease title, or is the minister finally admitting that perpetual leasehold land is, to all intents and purposes, the same as freehold?

The Hon. G.E. GAGO (Minister for Environment and Conservation): This is incredible. The opposition has done nothing but whinge, whine and carp about our lack of progress in relation to this ferry. Finally, I do something about enabling this matter to progress and the very next day I find the whingeing, whining and carping continuing, this time about the fact that I have actually made some progress in terms of this matter. Words fail me, but I will try.

I have approved in principle the transfer of the perpetual lease to the Lucky Bay property for the proposed ferry from Wallaroo to Lucky Bay. This decision was made as an exception to the perpetual lease accelerated freeholding policy because of the project's status and its importance to the community. The project has received Crown development status from the Development Assessment Commission and has been endorsed by the state government. The development meets the stated principles of development control in the council's development plan, and I am advised that the project would be unable to go ahead without removing the prohibition on transfer of perpetual leases in this one exceptional case.

I am informed that there is wide community support for the ferry and that if it goes ahead it will have considerable benefit for the community. Most of the other issues to which

the honourable member refers belong to the Minister for Infrastructure, and I am happy to refer those matters to him. My question to the honourable member is: is she saying that she does not support my decision and is she asking me to withdraw it so that the proposal cannot go ahead?

The PRESIDENT: Order! The honourable member is here to answer questions, not ask them.

HOON DRIVING

The Hon. B.V. FINNIGAN: I seek leave to make a brief explanation before asking the Minister for Police a question about hoon driving.

Leave granted.

The Hon. B.V. FINNIGAN: I understand that hoon driving laws introduced by the Rann government have now been in operation for just over 14 months. Will the minister advise the council of the impact this legislation has had? In particular, will the minister say: how many drivers have been charged under the Rann government's hoon driving legislation; how many drivers have had their cars impounded; and are there any plans to change the current legislation?

The Hon. P. HOLLOWAY (Minister for Police): I thank the honourable member for this important question and his interest in this matter. Irresponsible driving continues to be a concern of this government and of police and road safety authorities. Irresponsible driving is directly responsible for many road crashes within the state. The hoon driving laws which were brought into force under the Rann government are continuing to stop hoons in their tracks.

Since these laws came into full operation across South Australia in February 2005 we have seen hoon drivers charged with more than 1 095 various hoon driving offences, including: driving a motor vehicle in a race between vehicles; operating a motor vehicle to produce sustained wheel spin; driving a motor vehicle in a public place so as to cause engine or tyre noise; and driving a motor vehicle onto an area of park or garden.

To specifically answer one of the honourable member's questions, since the introduction of these laws, not only have we had drivers charged with over 1 095 hoon driving offences but also police have impounded over 607 vehicles. The current legislation gives police the authority to impound vehicles for up to 48 hours if they are suspected of being used for hoon driving. Producing a sustained wheel spin seems to be the most common offence, with engine or tyre noise coming second. Due to proactive policing, Elizabeth and the South-East local service areas lead with the most offences recorded, with the Barossa-Yorke local service area close behind.

These hoon driving laws and the actions of our police are proving instrumental in catching hoons, but more of them need to be stopped. That is why the Rann government has pledged to introduce home wheel clamping and to extend the time a vehicle can be impounded by police. To further crack down on these hoons, we are currently in the process of drafting legislation that will give police the power to either wheel clamp their cars in their driveways or impound their cars for up to seven days instead of the current 48 hours. We will also reform current laws so that impounding or clamping can apply to persistent unregistered and unlicensed drivers and also graffiti vandals.

The government believes that clamping these cars will hit the offenders where it hurts most. I am sure that all South Australians are fed up with wheelies, burn-outs and racing in

their neighbourhoods. Not only is this type of driving a threat to innocent South Australians but it can also lead participants to an early grave. The new legislation will be an abuser-pays system, where hoons are made to pay twice: once to pay the relevant fine and then again to remove the clamp. Once again this shows the Rann government's commitment to further reducing crime and making our roads safer by providing our police with greater powers.

HOUSING, PUBLIC

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Minister for Emergency Services, representing the Minister for Families and Communities, questions regarding the South Australian Housing Trust and Housing SA.

Leave granted.

The Hon. NICK XENOPHON: Last week in a ministerial statement the Minister for Housing advised that a new entity, Housing SA, will replace the SA Housing Trust. Housing SA, as well as providing services for the 47 000 existing trust tenants, will incorporate emergency housing as well as a new affordable housing branch, which is aimed at providing affordable housing to low income workers and families. The minister states that the trust will have an important focus as an urban renewal authority to ensure its homes meet the needs of its current tenants. Many Housing Trust tenants are still on very long waiting lists, with some spending up to three years on a priority listing, with others waiting up to 10 years for affordable housing. Many tenants object to the peaceful enjoyment of their tenancies being ruined by a small number of disruptive tenancies. My questions to the minister are:

1. What are the costs involved in the restructuring and any associated costs for the proposed changes?

2. How will the newly restructured entities assist in reducing current waiting lists for priority housing; what projections have been made, if any, to reduce such waiting lists for the various categories; and what will the reduced waiting times be?

3. Will those people currently on waiting lists have to reapply under the newly structured Housing SA, and what mechanisms are in place to ensure that the status quo will be preserved for those on waiting lists?

4. How will the new Housing SA with its expanded responsibilities deal with the issues facing the Trust's 47 000 tenants, including disruptive tenancy issues?

5. What resources will be allocated to Housing SA to meet its new expanded role, and what submissions are being made to the commonwealth in this respect for commonwealth funding?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for his still many questions in relation to Housing SA. I will refer them to the Minister for Families and Communities in another place and bring back a response.

RAPID BAY JETTY

The Hon. D.G.E. HOOD: I seek leave to make a brief explanation before asking the Minister for Police, representing the Minister for Infrastructure, a question regarding the Rapid Bay jetty.

Leave granted.

The Hon. D.G.E. HOOD: In a media report in the *Victor Harbor Times* of 24 February 2005 it was reported that the state government had plans to rebuild the Rapid Bay jetty, which had been closed for 18 months due to safety concerns. Glenice Galbraith, a member of the Friends of the Rapid Bay Jetty, is quoted as having said that there is a lack of action from the various government departments. The Friends of the Rapid Bay Jetty have asked the state government to look at examples, such as the Busselton Jetty in Western Australia, where a threatened jetty has become an excellent tourist site, with an underwater viewing centre. Another concern of the group involves the preservation of the leafy seadragon, which can be found only in southern Australia around the Rapid Bay Jetty area. Friends of the Rapid Bay Jetty say that they have a petition with over 2 500 signatures calling for the reopening of the jetty. My questions to the minister are:

1. Has the government formally responded to the petition?
2. What will the government do to preserve the leafy seadragon and make South Australians and tourists aware of its existence and need for protection?
3. What date can the government give to assure the Friends of Rapid Bay Jetty and other concerned citizens that work on rebuilding the jetty will begin?

The Hon. P. HOLLOWAY (Minister for Police): I will refer the honourable member's questions to the Minister for Transport in another place and bring back a reply. What I can tell the honourable member is that I think that, before the election, the government gave a commitment that it would save the jetty but that it was looking at a number of options. Clearly, the jetty is in particularly bad repair, and obviously the government needs to look at what options are in place to make it safe. I will get an update from the Minister for Transport and bring back a reply for the honourable member.

MURRAY RIVER

The Hon. G.E. GAGO (Minister for Environment and Conservation): I lay on the table a copy of a ministerial statement relating to the River Murray water donations made earlier today in another place by the Hon. Karlene Maywald.

ADDRESS IN REPLY

Adjourned debate on motion for adoption.
(Continued from 8 May. Page 119.)

The PRESIDENT: This is the honourable member's maiden speech, and I hope that members show him the same courtesy as is provided with such speeches.

The Hon. S.G. WADE: I support the motion for adoption of the Address in Reply and thank the Governor for her speech. The Governor has the respect and affection of South Australians, and we are delighted that she has agreed to continue to serve beyond her current five-year term. As a strong supporter of a non-political head of state, I honour the work of the Governor in providing a focus of unity for our state. Her hard work, dignity and care have been a consolation in times of distress and grief and an inspiration in times of celebration. Mr President, I congratulate you on your election to the position of President of the council, and I look

forward to working with you to ensure that this council effectively discharges its responsibilities.

Her Excellency acknowledged the passing of two former members of this place: a former president of the Legislative Council, the Hon. Jamie Irwin, and the Hon. Terry Roberts, a minister of the Crown. I acknowledge the outstanding service of both gentlemen and express my condolences to their families and friends. I also acknowledge two recently retired members whom I have had the pleasure of knowing personally. The Hon Julian Stefani was an outstanding legislator and member of this council. He worked very hard and passionately for his constituents on a range of issues. He was a champion of multiculturalism. While he adopted an increasingly independent stance in latter years, he remained a committed Liberal and continues his active support for the party, particularly in its campaigns for Norwood. I wish Julian and Di all the best for the future.

I have been appointed to fill a casual vacancy created by the retirement of the Hon. Angus Redford. I pay tribute to his active contribution to the development of policy in this state not only within this council but also within the parliamentary Liberal Party and the organisational wing. I had the pleasure to serve with Angus on the policy committee of the party. Consistent with his proactive approach to politics, the Hon. Angus Redford decided to resign from this place and try to retain the seat of Bright for the Liberal Party. While he was not successful, his willingness to take on the challenge has the respect and appreciation of the party. I wish Angus and Fina all the best for the future.

I congratulate the government on its re-election. The Labor Party ran a strong campaign, and I look forward on behalf of the people of South Australia to holding the government accountable. The success of minor parties and Independents in this council and in the other place demonstrates that the electorate did not re-elect the government with great enthusiasm. I congratulate those members of the council elected or re-elected at the general election. In that regard, I carry the dubious distinction of being the only candidate for the house or the council who was defeated at the general election but who has still had the opportunity to serve in the 51st parliament. The Hon. Angus Redford's vacancy has given me this opportunity.

While Ann Bressington may have been dubbed the 'accidental member', I am well aware that I am the 'fortunate member'. The electoral wave that came in on 18 March unseated members without discriminating in favour of those who were most effective. A raft of quality Liberal Party candidates were denied the opportunity to serve. I hope that many of them will make themselves available in 2010. In particular, I pay tribute to Tim Keynes, a fellow member of the Legislative Council team at the general election, who was not elected. Having served with Tim on state executive for a number of years, I respect him as a talented and honourable man who would have made a strong contribution to this 51st parliament.

A maiden speech is the traditional opportunity to reflect on one's path to the parliament and one's goals for one's time here. I was born in Victoria to Joan and Graham Wade, and I am delighted that they are both in the gallery today. Dad was a Baptist minister, a military chaplain, a welfare worker and superintendent of what is now Westcare, a mission in the south-west of Adelaide. Mum worked at home, as well as as a shop manager and family support worker.

My parents have a passionate interest in people and a commitment to serve others. They built a nurturing Christian

home for myself, my sister Judith and my brother Doug. My parents place a high value on education. Having lived in regional centres interstate, my parents moved our family to Adelaide in 1974 to increase our options for post-secondary education. Whilst I spent three-quarters of my education in government schools, when my parents saw an opportunity to enhance our education, they put us into private education at considerable personal sacrifice. I completed my education at Adelaide University, graduating in law and economics.

My upbringing was a privileged one; not in terms of wealth, but in terms of love, values and example. Politics was not a major focus in my family but it was discussed freely. I well remember that my maternal grandfather, Wally Filluel, loved a good political discussion. As visitors arrived he would sound out their political views and then take the opposite position, for the sake of a good argument. I hope that means I am better able to see different perspectives on an issue.

My interest in politics was triggered by the federal Whitlam Labor government. Even as a teenager I could see the damage that Labor was doing to our economy and our community. I looked to the Liberal Party and found a set of principles that resonate with my own. The principles of the Liberal Party of Australia are founded on the political traditions of liberalism and conservatism in the British sense of those terms. Within the broad church of the Liberal Party I found that I sit on the liberal pew.

Liberals believe in the innate worth of the individual and in the need to encourage initiative and personal responsibility. Liberals respect the moral autonomy of each individual to choose their own life goals. Liberals believe in the basic freedoms of thought, worship, speech, association and choice. Liberals see freedom as essential to liberalism, but freedom cannot be absolute or unfettered. The rights of any individual are limited and constrained by the equal rights of other individuals. To quote J.S. Mill:

The only freedom which deserves the name is that of pursuing our own good in our own way, so long as we do not attempt to deprive others of theirs, or impede their efforts to obtain it.

Liberals believe in equality of opportunity, with all Australians having the opportunity to reach their full potential in a national, tolerant community. Liberals believe in a just and humane society, where those who cannot provide for themselves can live in dignity. Liberalism is often criticised for being individualistic or isolating, but this is a crude misrepresentation. Liberals know that humans are social animals and that most Australians rank rich relationships as a high priority in their life goals. But we believe that relationships, families and communities will be stronger, more dynamic and more fulfilling if they grow out of the values and commitments of individuals, rather than being engineered centrally by governments, bureaucracies or elites.

Using individuals as the starting point for the consideration of social relationships supports healthier relationships, families and communities, rather than imposing them from above. As our federal platform puts it, the role of the government is to set the framework of laws and other rules within which individuals and families can freely make decisions about their own lives and pursue their own goals with confidence. Government can never duplicate the range of values and life experiences of individual citizens and cannot therefore effectively substitute centralised for individual decision making.

While politics is the art of the possible, I affirm the relevance of principles and idealism to the political process.

Whilst I do not often agree with Lindsay Tanner, I think he spoke aptly in his 2003 Chifley lecture when he said:

Pragmatism without idealism is pointless, and idealism without pragmatism is hopeless.

While at times we will need to negotiate a pragmatic accommodation amongst the interests affected, wherever possible Liberals aspire to win/win outcomes that are fair to all and not just good for the few. We reject Labor's politics of envy. We believe that political parties representing vested interests, such as the ALP, the political arm of the labour movement, unfortunately entrench division and conflict. Liberals believe that through respecting the rights of individuals to freedom in a society, a community and an economy one can maximise the benefits for all, including the workers.

For many Liberals the source of human worth is humanism—a doctrine or mode of thought that gives highest importance to human dignity, values, potential and achievements, with the overall good for humanity in general being its guiding principle. For me and for many Liberals the source of human worth is God, who created the human race in his image. Human liberty is a gift of God which should not be taken away lightly. Just as the prodigal son was given the freedom to go to foreign lands by his father, so the state should avoid impinging on personal freedom.

Pluralism is a central pillar of our liberal democratic society. Pluralism is where the one political system allows for more than one ultimate principle. Individuals are afforded the freedom to hold differing views as to ultimate religious and political principles. Citizens should be free to live by their own values and to try, respectfully, to persuade others to their view. In fact, pluralism should foster a social and political environment in which there is full and free interchange of different views on life and reality.

The churches are no longer the undisputed moral voice in our community. We live in an age of pluralism. In a pluralist society the church and the state should interact at arm's length. People of faith should feel free to bring their religious values and views to the marketplace of ideas, but politics or law should not be used to coerce others to do by law what people cannot achieve by persuasion.

Separation of church and state is vital to the health of both the church and the state, but the separation of politics and religion is healthy for neither. From its earliest days separation of church and state has been a key element of the establishment of South Australia—not as a sign of secularisation but on the insistence of the Christian community. Prior to the foundation of South Australia, British colonies had provided for a system of state support for religion, but the South Australian Association's plans were for the foundation of a colony without an established church or grants for religious purposes.

In 1851, the first election for members to this council took place, and a key issue was state aid to religion. Leading Christians, such as the Baptist George Fife Angas, campaigned for separation. As a result South Australia was the first part of the British Empire to end state aid to religion.

Respectful engagement within pluralist societies is supported by historical Christianity. The Bible repeatedly shows people of faith living in a pluralist context. Consider Paul at Mars Hill. In Tertullian's letter to the non-Christian Scapula in about 200 AD he expresses an essentially liberally perspective in these words:

It is a basic human right that everyone should be free to worship according to his own conviction. No-one is either harmed or helped by another man's religion. It is no part of religion to compel others

to the practice of religion. Religion must be practiced freely, not by coercion.

Pluralism is under challenge in Australia today on two fronts. On the one hand, there are my secular liberal friends who object to the application of religious principles to politics. In my view, to say that religion is a private matter which should not impact on the social or political domains asserts a very hollow view of religion and undermines the universality of basic freedoms—the freedoms of thought, expression, association and worship. Individuals must have the freedom to have a faith and to consistently apply faith-based principles to all of their life, including their politics, as long as they do not attempt to deny the right of others to hold and apply their ultimate principles.

You may reject the political views of a person on the ground that their arguments rely on religious pre-suppositions you do not share, but they should not be denied the right to hold or espouse their view. In this place, I assume that faith-based arguments will not be persuasive with the majority of members (I do not intend to use them), but my faith-based values and perspectives will inform my contributions. To me, denying the right of the Christian community to participate in the marketplace of ideas, quarantining religion to the private domain, smacks of a new sectarianism.

Secondly, the other side of the cross-fire on pluralism is the intolerance of the Christian Right. Some in the Christian Right reject pluralism and believe that Christians are called to establish God's kingdom, narrowly defined, through wielding political power. Tolerance of diversity is seen as a temporary allowance for the transition to the political domination of the Christian community.

For my part, I do not consider that Christian political action in this realm can usher in Utopia. After all, we have had limited success so far. Christian domination has been tried before, with tragic results for both the church and the state, in the Catholic empires, in Calvinist Geneva and in some of the early colonies of America. Christian domination often ends with religious suppression, a state-imposed church and the Christian gospel being sullied by association. I do not want to mislead the council into thinking that I am a pious intellectual. I am not particularly holy, just committed to living my faith as I understand it. I am not particularly intellectual, but I know the power of ideas, and I seek to act in accord with liberal principles.

I am humbled to be a member of this council. The council traces its roots back to 1843 when South Australia was governed by a Governor working with a seven-member Legislative Council, all nominated by the Crown. In the session of 1855-56, the Legislative Council passed a bill to revise the Constitution to allow for responsible government. In 10 days, on 19 May, we will celebrate 150 years since the new Constitution Bill was laid upon the table of both houses of the Imperial Parliament in England. It is a privilege to be a member of this parliament as we approach the sesquicentenary of responsible government. The new bicameral parliament consisted of a Legislative Council of 18 members, elected by the entire colony, voting as one district, and a House of Assembly of 36 members, composed of 17 districts varying in representation from one to six members.

At self-government, South Australia became the first Australian colony not to have plural voting in upper and lower house elections, to introduce male adult suffrage for parliamentary elections, and to have parliaments elected for three-year terms. This tradition of political innovation

continued. In 1876, South Australia was the first territory of the British Empire, excluding Britain, to legalise trade unions. In 1895, South Australia was the first colony to grant women the vote, following royal assent to the Constitution Amendment Act 1894. In 1895, South Australia was the first place in the world to allow women to stand for parliament. In 1991, the Electoral Districts Boundaries Commission was required to ensure that electoral redistributions ensure that, as far as practicable, if candidates of the same political persuasion obtain more than 50 per cent of the state-wide vote, they are elected in sufficient numbers to form a government.

While we are reflecting on history, today's date is also not insignificant. Today is the day on which Australia's first commonwealth parliament was opened in Melbourne in 1901, the day the provisional parliament house in Canberra was opened in 1927, and the day the permanent parliament house was opened in 1988. Also, even earlier, on this day in 1891, three United Labor Party candidates won seats in the South Australian election, making them the first Labor Party members elected to an Australian parliament.

I note that the Governor's speech foreshadows that the government will introduce legislation to hold a referendum at the 2010 state election proposing the abolition of the Legislative Council. I oppose this. I fully support my party's longstanding commitment to bicameral parliaments. This chamber is elected under a highly democratic form of proportional representation. This system allows more minority voices to be heard within the parliament. Voters are able to support parties and groups that do not seek to offer an alternative government in the lower house but who, nonetheless, as voters want to give a voice on their behalf within the parliament. This was seen very clearly in the recent election. The Australian Labor Party won 45.2 per cent of House of Assembly votes but only 36.6 per cent of upper house votes. That is almost one in 10 South Australians who supported Labor forming government but who were not comfortable in strengthening the Labor presence in the upper house. As a result, the Labor Party won another five seats in the lower house but failed to increase its representation in the upper house at all.

The Labor Party is saying to the South Australian community that it does not accept that voters should have the right to nuance their vote. This is sheer arrogance. While Liberal governments have not always had the support of the Legislative Council for their proposals, we have not sought to narrow the democratic rights of this community.

In entering this council, I affirm my strong commitment to the institution of parliament as a forum to serve the people of South Australia, not to be a mere messenger of popular opinion but to be their delegate, acting in their interests as best I see them. On this point, I quote Edmund Burke in his speech to the electors of Bristol. He said:

It is [the duty of a representative] to sacrifice his repose, his pleasures, his satisfaction, to theirs; and, above all, ever, and in all cases, to prefer [his electors'] interest to his own. But his unbiased opinion, his mature judgment, his enlightened conscience, he ought not sacrifice to you, to any man, or to any set of men living. . . Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion.

Some see this as no longer relevant to a parliamentarian in a modern, educated society. I do not agree. Electors are not well placed to make decisions on behalf of the wider community. Electors lack time; electors lack full information; electors do not face the need to ensure that their opinions are

feasible, affordable and mutually consistent. To put it crudely, why have a dog and bark, too?

Electors speak with authority in expressing their values, their aspirations and in selecting their representatives. But, having selected the representative they consider is best able to support them in the pursuit of their aspirations, their parliamentarian must govern in the interests of the community as a whole, not on the direction of themselves or any other elector, group or party. I believe that parliamentarians who merely follow populist trends do the people a disservice and dishonour the leadership role that parliamentarians should exercise in our community. When people take on leadership roles, they often rise to the occasion and perform well beyond what might otherwise be expected. Leadership can bring out the best in people. Likewise, leaders should try to show the way to help bring out the best in the community they serve. Leaders should not just parrot community sentiment.

It is a privilege to represent the people of South Australia in this parliament. South Australia is a beautiful state—from the majestic, sometimes arid, lands to the north to the lush pastoral country of the South-East, the beautiful Adelaide Hills, the coasts and the islands. We live in a wonderfully diverse natural environment. Adelaide, for its part, is one of the world's most livable cities, offering a great lifestyle that is relatively affordable. Bringing together Aboriginal peoples from a number of groups and migrants from over 200 nations, the South Australian community is a vibrant, tolerant, multicultural community. Our people—in the city and in the country—are skilled, hard working and enterprising.

The Liberal Party believes in South Australia, its people and its future. We have played a major part in building the state that we know today and we are committed to continuing to build the state into the future. Under the leadership of the Hon. Iain Evans and Vickie Chapman we are renewing our vision. The Hon. Iain Evans recently identified six key priorities for the Liberal Party: a clean, green environment; a growing economy; jobs for those who require them; a competitive business sector; providing services that people need; safe and secure communities; and modern infrastructure.

As part of this Liberal team working for an Evans Liberal government in 2010, I will bring particular areas of focus, the first of which is water. From my career in the water industry I am acutely aware that water reticulation and irrigation are vital to the health and survival of many South Australian businesses, communities and environments. South Australia faces considerable challenges in water management, and I am confident that there is scope for economic and social development which is environmentally sustainable.

South Australia's infrastructure networks (such as the water network) will need significant investment to maintain network effectiveness and to support the ongoing development of this state. I will work to ensure that South Australia strategically uses investment infrastructure to deliver better facilities for local businesses and residents alike. Further, I am committed to enhancing customer choice, particularly in government business enterprises. As Mill said:

... a government cannot have too much of the kind of activity which does not impede, but aids and stimulates, individual exertion and development. The mischief begins when instead of calling forth the activity and power of individuals. . . it substitutes its own activity for theirs.

Just because an enterprise is government-owned does not mean that the operators have any greater wisdom in discerning the preferences of customers.

Secondly, I intend to focus on disability services. Over 90 000 South Australians live with severe disabilities and 43 per cent of their 40 000 primary carers cite the lack of available care or choice as a reason for adopting their role. People with disabilities often face challenges from a liberal perspective: people denying their worth as humans; curtailment of basic freedoms; lack of dignity; and a lack of equality of opportunity. As a Liberal I am committed to supporting people with disabilities to be full participants in the South Australian community. I am a committed federalist: I believe that federalism is a key means of keeping decisions as close as possible to those who are affected by them. While there is scope to reduce duplication and increase accountability, centralism is not the way to go.

In bringing my remarks to a close, I would like to take this opportunity to thank those who have encouraged and supported me in my journey thus far. First, my thanks go to my wife, Tracey. Tracey is both my greatest supporter and my most honest critic—without her support and wise counsel I would not have achieved this goal—and I look forward to continuing to support and celebrate her ongoing success in her vocation as a psychologist and an academic. To my parents and my wider family, I thank you for your faith in me and your loving support. To my friends, particularly Paul Cooper, I thank you for your loyal camaraderie and for helping me to stay in touch with the real world.

I honour the parliamentarians whom I have served, who have been more my mentors than employers: Steele Hall, Ian Wilson, Chris Miles, Gary Humphries, Trish Worth, and Michael Armitage. To Baden and Kathy Teague, I express Tracey's and my thanks for your wise counsel and your exemplary relationship. To the Liberal Party, my political family for three decades, I thank you for nurturing my passion for politics and giving me wonderful opportunities for being involved in the political process. In particular, I humbly acknowledge the honour State Council bestowed on me a mere 10 days ago in nominating me to serve in this place.

I stand on the cusp of an exciting opportunity to serve the people of this state. To each of my one and a half million constituents, I commit to working to make your lives better: by working alongside you to facilitate government action where it will assist, and by getting government out of the way when it will not. I support the motion.

Honourable members: Hear, hear!

The Hon. T.J. STEPHENS: I support the Address in Reply and join honourable members in thanking Her Excellency the Governor in opening this, the first session of the 51st parliament, and for outlining her government's proposals for the governing of our great state over the next four years. It was pleasing to hear last week's announcement that she has agreed to extend her term in office. I also pay tribute to the important work that the Governor undertakes and join my colleagues in expressing my support for the role of the Governor. I support the role the Governor carries out as our queen's representative in South Australia and found it unfortunate to hear the member for Napier's comments that her office should be abolished. I thought that to hear these comments at the same time as we were responding to the Governor's words was disappointing, and I hope the Premier has spoken to the honourable member about his comments.

Mr President, I also congratulate you on your election to high office and wish you a rewarding term as President of this council. I note the passing of the Hon. Jamie Irwin and the

Hon. Terry Roberts, both widely respected and fantastic fellows. My condolences to their families. I also welcome new Liberal members who have won seats in the other place: the members for Hammond, Finnis, Goyder and Unley. I will follow their careers with much interest.

I would like to move on to paying tribute to members who have left the parliament by either by their own choice or otherwise. I first pay tribute to members of my own party who were all competent and hard working ministers and shadow ministers at some stage of their careers: former member for Finnis, the Hon. Dean Brown; former member for Mawson, Robert Brokenshire; former member for Unley, Mark Brindal; former member for Newland, the Hon. Dorothy Kotz; former member for Light, the Hon. Malcolm Buckby; former member for Bright, the Hon. Wayne Matthew; and former member for Morialta, Joan Hall, whom I especially thank for her longstanding support.

To former opposition whip and member for Goyder, John Meier; former parliamentary secretary and member for Hartley, Joe Scalzi; and former parliamentary secretary, the Hon. Julian Stefani—both the latter of whom worked hard on behalf of our multicultural communities—I wish all the best. It was a shame that my friend the Hon. Angus Redford could not make one of the toughest transitions and take a seat for the Liberal Party in the other place. Angus was often referred to as an ‘attack dog’, and an attack dog he was, but even attack dogs have a soft side, and he will be sadly missed. To Liberal candidates who were not successful but who gave their time and effort, often taking leave without pay to stand in unwinnable seats just to assist our party, I offer a very big thank you for their contribution. I also farewell the other members who have left: the Hons Kate Reynolds, Ian Gilfillan, Terry Cameron and our former president the Hon. Ron Roberts, who was unfortunately given no choice in the matter by his party. I wish them all the best of luck for the future.

I welcome the Hons Bernard Finnigan, Ian Hunter, Russell Wortley, Dennis Hood, Mark Parnell and Ann Bressington and wish them all successful careers in this place. I was especially impressed with the Hon. Ann Bressington’s words to this place with regard to her background and her goals to help the community. Time will tell whether the Hon. Nick Xenophon’s love of a cunning stunt will rub off on the Hon. Ann Bressington, but I already sense that the way she carries herself would suggest she is far too dignified to adopt such tactics. In all seriousness, I assure the Hon. Ann Bressington that the Liberal Party will work with her to support any positive solutions to combat substance abuse in our community. I offer a warm welcome to the Hon. Stephen Wade. Stephen is a committed and talented Liberal who has been involved in our party over many years. We look forward to working with him and having him as part of our team.

I must now share my thoughts, as have my colleagues alongside me already, on the shadow that hangs over this place at the moment, and that is the Rann government’s ridiculous policy to abolish the Legislative Council. The ALP has always had somewhat of a problem with upper houses, whether it be legislative councils or the Senate at the national level. For whatever reason, it just does not like them. But, besides the abolition of Queensland’s upper house in 1922, it has enjoyed little success in getting rid of them. It has tried very hard but has made only some small inroads into occasional reform of the upper house. I have a tremendous amount of faith in our bicameral system and feel it has served

us well. I find the view that this place is somehow impeding progress by stalling the legislative process to be preposterous.

As I mentioned last week in a speech in this place, findings that my colleague the Hon. Rob Lucas presented, showing that the Legislative Council passed 98 per cent of government bills in the last term of parliament, are a slap in the face to these mischievous claims. It is no secret that we Liberals had hoped to have a fourth member elected to this council, and we are disappointed that we could not do so, but it is good to see the Hon. Nick Xenophon return, even though he would have us believe that he would not make it back here after the election. From time to time, members may have differing opinions from those of the Hon. Nick Xenophon but, clearly, many South Australians wanted him to return. We all know that he will join honourable members in fighting to ensure that the Premier does not shut the door on the Legislative Council and throw away the key. I am certain that the Hon. Nick Xenophon will not allow this arrogant Premier and government to silence the voices of the minor parties, who play an important role in the legislative process.

The Premier needs to be careful when he makes the claim that the upper house is impeding progress and acting as a bottleneck in the legislative process. Last week, he told members of the mining industry that we impede progress. I am confident that the people of South Australia will not be fooled by the Premier. I accept that the people of South Australia made the decision that they wanted the Labor government to continue for another term. However, when one compares the numbers, there was a difference of nearly 9 per cent between Labor’s vote in the House of Assembly and its vote in the Legislative Council. So, while people such as the member for Elder come out and tell the world that this government has a clear mandate to govern, this in no way means that there is a mandate to govern without checks and balances—checks and balances that this very place provides, and long may it continue to do so.

Essentially, the government needs to be warned not to take South Australians for granted. I have monitored the goings-on in the other place and note that the Premier, whose close friend Bob Ellis describes as having terrible taste in collars and ties, is making jokes about the attire worn by the member for Bragg. The Premier should be happy that the Hon. David Ridgway does not sit across from him! In all seriousness, people remember this smugness and arrogance, and they expect better. The Liberal Party will get on with the job. The message is loud and clear that the people want a united team to govern, but what they actually have is this one-man band who supposedly gets results. Nonetheless, I repeat: the message has been received.

On the evening of Saturday 18 March, our second term in opposition began, and we accept that. Our focus is now on communicating our message to the people of South Australia more decisively. If we have learnt one thing already it is that we must learn from our mistakes. We know that we have taken a sizeable hit, just as the Labor Party did in 1993 and as it will again, as that is the nature of politics. We have a smaller team than in our last term, but we know what we need to do over the next four years. We are well aware of the size of the job ahead; we are excited by it and motivated to be a strong opposition.

As a member of this place, I will do my utmost to use my experiences over the past four years to make a strong contribution with my added portfolio responsibilities as shadow parliamentary secretary assisting with industry and trade, economic development, and police. I look forward to making

an even bigger contribution to the parliament and the people of South Australia.

Finally, last week I spoke about the importance of the mining industry to South Australia. As I look back on my first Address in Reply contribution in 2002, I remember saying how I shared with both the present and past state governments the intention to have the best possible education, health and police services for our communities, but at the end of the day we have to be able to fund these services. I must reiterate my commitment to seeing the state reach its potential in utilising our ample resources. Our ailing health system, our school system, and our children and families can all benefit from mining in this state—specifically, the vast deposits of uranium in the South Australian Outback.

Even one of our country's leading environmental groups, the WWF, has accepted the push to expand uranium mining. Last Thursday, its Chief Executive, Greg Bourne, stated in *The Australian*:

We have been mining uranium and exporting it for many years, and we're doing it more as demand is going up, whether people like it or not.

I will continue to follow this issue very closely over the next four years, and I feel it is important to place on record my support for the industry. We must encourage further exploration of uranium in South Australia and give the mining industry confidence to invest time and money in our state. If we are not proactive on this issue, they will simply look elsewhere, and the many millions of dollars companies are prepared to invest will be lost to us, and that is a terrible thought. Until the ALP makes up its mind on this ridiculous 'no new uranium mine' policy, the uncertainty will continue to plague us. I look forward to working with all honourable members over the next four years for the betterment of South Australia.

The Hon. J.M.A. LENSINK: I commence by congratulating the Governor and the Lieutenant-Governor on their role. They have complementary skills and both carry out their duties very diligently and with good grace. I understand that they both have a very heavy schedule of official duties. I think that they both carry themselves extraordinarily well, and the people of South Australia should be very grateful to have two such distinguished people in our service.

I also note the passing of two former members of this parliament in the last term: the Hon. Ted Chapman and the Hon. Terry Roberts. With his wry smile and very dry sense of humour, Terry was one of the members of whom I was most fond. He was the sort of person you could make jokes with in the lift and he would always take them with good humour. He would often grin at us across the chamber as we asked our questions. While we do not want to downgrade the role of the parliament in question time too much, he was one of those members of parliament and ministers who understood and acknowledged that a lot of it is theatre at times, and for the benefit of the cameras. He took it all in good humour rather than ever being self-righteous about anything. I think that all people who aspire to such high office can take a lesson from Terry's style. I am very sorry at his passing and wish to add my condolences to those already expressed to his family.

I knew Ted Chapman a little through the Liberal Party. He was a great character and a great man, both in size and in personality. He is the father of our deputy leader, Vickie Chapman, who I am pleased to say has conducted herself in her own way and in her own style in this parliament. While

I think she probably has a lot of the strength of character of Ted, she is also her own person. I am sure that she learnt a lot from Ted, and I know that she was very saddened at his passing last year. Again, I pass on my condolences to Vicki and the rest of the family for their loss.

I also wish to congratulate the new members, who have all now given their first speeches in this parliament, which can be quite a terrifying experience. I remember not some three years ago when I gave mine. I was shaking like a leaf and I think I read through the words very quickly. I would like to congratulate them all on their first speeches which have added to our knowledge of them. We all look forward to working with them during this term.

The government's priorities were outlined in the Governor's speech, which we know is essentially written in ministerial offices, as was the case in our day, so I do not hold the Governor responsible for the comments in it. It is becoming apparent that the government is continuing to use the rather tired line of referring back to the last Liberal term in office. This Labor government has had four years in office. It has been re-elected and it has a huge amount of revenue that, quite frankly, we would have given our eye teeth to have had access to when we were last in government. This is no reflection on our esteemed former treasurer, because it is a fact that the budget is in such good shape thanks to the ETSA contracts that were able to retire a considerable amount of debt, and GST and property taxes, stamp duty and so forth, which have been growing thanks to a burgeoning federal economy.

I do not think that we can make that point enough, because this government likes to take credit for a whole lot of things that it really has not had a great deal to do with. It is, indeed, lucky—and I use that word quite firmly—to have the opportunities it has, because there is some 25 per cent or 30 per cent increase in revenue in comparison to the last Liberal government's revenue, which is a huge amount of money.

I recall working for Robert Lawson in the disabilities and ageing portfolios, and we always managed to find enough money to match the commonwealth government's HACC funding offer. It is a bit of a no-brainer: for every 38 cents that the state government puts in, 62 cents is put in by the commonwealth. I am astonished and amazed at the government's response to what the commonwealth has been offering in terms of mental health funding. I note from the Prime Minister's press release his comment that he is not tying that funding to a response from the state government—but, again, it is a bit of a no-brainer.

I referred in question time to the excellent forum that was put on by the Mental Health Coalition, which said that for every dollar—and it says that it has evaluated these figures—that you put into supported accommodation you save \$2 in other areas. I think that is health dollars—hospitals and associated areas. Again, I think that is a bit of a no-brainer.

Considering the huge increase in revenue, our question in the election campaign was: where has the money gone? I do not think you can say that we have some sort of 25 per cent or 30 per cent increase in services—as the Treasurer's favourite mantra is—in hospitals, schools and the police. If that was the case, we would not continue to have the chronic problems that we have, particularly within the health and mental health areas, which is something with which I have become particularly familiar.

I am also incredibly disappointed that the government has decided to delay the budget. I do not believe that there is any excuse for this. If the government says that it is on top of the

figures, why on earth did it go to the election and act so confidently about the position it was in and then, as soon as it was back in, say, 'Well, gosh, we've discovered that there have been these overspends and we really can't tell you what we're going to be spending the money on until later this year.' That is just disgraceful.

I note that the member for Bragg made the point, and a very good point, that when they came into office, when there were very few of them—if any—who had previous experience in government, they were still able to deliver a May budget. This is a Treasurer who fancies himself as a pretty good treasurer, but he just cannot see his way fit to bring down a budget until later in the year. I would suggest there is another reason behind that, and that is because the government knew very well that there were problems. It castigated the Liberal party for daring to suggest during the election campaign that we should cut the number of public servants and then, as it turns out, it looks like that is the way the government will get itself back into the black and keep the budget in line.

I think there were a lot of missed opportunities in the past four years, given the increase in revenue. If this is indeed a government of social inclusion, then I think there are a lot of investments in social policy that could have been made. The former minister for health had that in mind when she commissioned the Menadue review, which came up with the idea that we should be investing a lot more in preventative measures—something I agree with, but I think that goes only so far.

What it comes down to is that really there is a lot more in terms of primary care that can be done, which saves funds in the long run. In relation to the economic side of it, I heard the Hon. Nick Greiner at a Liberal Party address last night and I would have to describe myself in the same terms that he describes himself—'warm and dry'—rather than using the terms that were given to us by Margaret Thatcher, whereby we should also have used this as an opportunity to reduce red tape and taxes to encourage economic growth.

We have heard much in the past four years about the difficulties that a lot of people are having with land tax, particularly people who have tried to provide for themselves in their retirement. That often includes a lot of people from migrant backgrounds. I declare a conflict of interest as my parents are in that situation and regularly nag me about land tax.

It was with interest that I listened to Peter Saunders, a social researcher from the Centre for Independent Studies, this morning on ABC Radio. He has edited a book called *Taxploitation*. One of the notions he stated—and I am diverting into federal tax and welfare issues—was that, when you have people on lower incomes who are receiving income payments, when they are means tested they end up falling into a situation where, if they actually earn more dollars, some of those dollars will be cut back in some of their Centrelink payments. It might be time for us to think about some of these issues and look at the issue of means testing. Sometimes the way we structure our systems does not enhance the system at all but keeps people in traps that prevent them from being able to make the life choices they wish to make.

I come back to the issue of where the money went. The figures speak for themselves. There are 7 800 additional public servants on the payroll since our last year in office. I am a great fan of a strong and productive Public Service, but like many people on this side of the council I do not believe

in a centralised bureaucracy that is self serving, where you set up additional committees, councils and advisory bodies and so forth, which in effect reduces decision making in government because it is much harder to draw the lines of accountability. You have all these extra layers, and many of these committees can end up resulting in decision paralysis because they think that everything needs to be done by agreement amongst themselves. This is a large part of the reasoning behind the opposition's concerns about the Social Inclusion Board and the elevation of Monsignor David Cappo to the position of Social Inclusion Commissioner.

We have had the Minister for Mental Health and Substance Abuse and the Premier being questioned at length about various roles and responsibilities. It is not just who is in charge of mental health—is it the minister or the new commissioner? One can also ask: what is the role of the Director of Mental Health and any of the advisory committees and officers within the various departments and, indeed, what is the role of the Premier as the Minister for Social Inclusion? If we were to draw an organisational chart of accountability in mental health, we would have something akin to noodle nation, with all sorts of things going in all sorts of directions and nobody really knowing who is accountable to whom. This is a great concern.

I refer to the forum I attended this morning. Any comments I quote from this morning's session I did not seek the permission of the speakers to repeat them here, but because it was a public forum and the media was there it is fair enough to repeat some of them. Dr Jonathan Brayley, who is the Director of Mental health, stated that, when you try to design health services with a particular focus on mental health, you need clear lines of accountability, and it is best if the consumers and providers who are close to the coal face are the ones who have much more control of the new services. That makes a great deal of sense, but how is this possible when the mental health services in this state have so many layers?

I asked a question today in relation to housing for mental health services, which is an area that has been sadly neglected over the past four years. The government does not even know how many people with mental health problems need mental health services as it has no such thing as a waiting list. How can you, with a system this government has pursued, have any idea of what are the real needs and who is the person who is supposed to implement them? This is a huge concern, particularly in an area such as this, which has so much need. To talk about some of the specific issues in mental health, clearly accommodation is top of the list, particularly given that the commonwealth has made such a generous offer in terms of funding a whole lot of other primary services in mental health. It is up to this government to come to the party and make a commitment to properly fund some accommodation services.

I note from the government's mental health policy that it makes no reference whatsoever to funding new accommodation services, in comparison with the Liberal Party which said at the outset that Glenside would provide a new supported accommodation service for some 200 people. Accommodation services is quite a complex area. There are people with varying levels of need in mental health. Some people just need someone to visit them and make sure they are doing their shopping, eating properly, taking care of themselves and taking their medication. Other people need to be supervised and yet others probably need to be kept entertained (for want of a better word) on site because they might be a little

impulsive and therefore need much greater supervision. There is a whole range of services in accommodation that need to be provided to people with mental health difficulties.

I think that we have heard quite a lot of evidence in the past six or 12 months about the fact that the deinstitutionalisation policy of the 1980s was not followed with the amount of funding that was required to properly support people in the community and, indeed, I think it is also a given that there are some people who probably cannot live in the community without some sort of support. Instead, we have a system in this state which is failing people continuously, such as the man whom I mentioned who has been nicknamed by one of the newspapers as Spiderman for having scaled the relatively new six-metre fence at Glenside. I understand he was raised in a foster family and is a schizophrenic who sees aliens. When I have spoken to people about where his home is, I am told he does not have one.

There are a lot of these people who do not have accommodation and, frankly, for this government to point to the previous government, which is four years ago, when it has had \$6 billion since that time, is incredibly irresponsible. I acknowledge that there has been funding which has gone into community services, and that is welcomed, but I call on this government to make that \$25 million, which I think is over two years, recurrent funding available, because I know that the non-government organisations, in particular, who are providing services with that funding are in the process of training new people, whether they be certificate 3 people who have mental health qualifications, or whether they be psychologists or a whole range of different professionals who have been recruited to assist people in the community.

With one-off funding you do not have any continuity, and people in this particular work force, which is in high demand, need to be sure about their jobs in a couple of years. Members opposite, who love to remind us about job security and looking after the workers and those sorts of things, really ought to have a mind to giving these people some assurance. Given that they have been prepared to come on board and provide these services, the government should respond in good faith.

I wait with bated breath, but will not hold my breath, to find out what the government will do with Glenside Hospital. I think it was quite a shock to people in the mental health system when the Premier went there during the election campaign and announced that Glenside Hospital is here to stay, because the devolution project was already well under way.

The Hon. R.I. Lucas: Their research was telling them there was a problem.

The Hon. J.M.A. LENSINK: Indeed, my colleague interjects that their research was telling them it was a problem. The record shows that this government definitely intended to sell Glenside. I note, for instance, the report Not for Service, a state government report which was signed off by cabinet, we were told, referring to the Glenside closure. So, unless the ministers had not read it—

The Hon. Carmel Zollo: The only person who saw it was Dean Brown. He wrote a press release about it.

The Hon. J.M.A. LENSINK: Yes, but we asked you.

The Hon. Carmel Zollo: I can show you the press release, if you like.

The Hon. R.I. Lucas: But he wasn't the only one.

The Hon. J.M.A. LENSINK: I am quite happy to show the minister the comments that she made when she said it had been through cabinet and it had been signed off by minister

Lea Stevens. There is another reference in an article in *The Independent Weekly* in which Lea Stevens was quoted as saying that Glenside was going to close, and it was certainly well known in the sector. So I think there were a lot of people working in the sector who were quite shocked.

The Hon. R.I. Lucas: Evidence to parliamentary committees as well.

The Hon. J.M.A. LENSINK: There was evidence to parliamentary committees as well. So there are quite a few instances to which we can point. Regardless of the history, I think the government is now flapping and flailing about trying to find a role for Glenside. We are told it will be a hub of services. I admit that I am personally concerned about the prospect of some of the drug and alcohol services being relocated to the campus, given that there have been documented incidents of people becoming intoxicated at the Glenside site, but I understand that Monsignor Cappelletti is the person who has the role of finding a new place in the sun for the Glenside campus, and we await that outcome with great interest.

There have been a number of patients relocated to long-stay rehabilitation places from the Glenside campus, and that process has been under way and is, indeed, part of a work plan that was commenced under the previous Liberal government. There is a whole range of other things happening in terms of accommodation and rehabilitation services, but some of those are taking some time to come on stream. I note that South Australia has the second-lowest funding of any state in Australia, yet it was previously third-highest. Again, when this government tries to demonstrate that it is a government of social inclusion, it has to put its money where its mouth is. We are also awaiting the outcome of the review of the Mental Health Act, which has been out for consultation for 13 months. A number of those things are well overdue and need to be implemented post-haste. Those are just some of the issues in regard to mental health.

One of my other responsibilities for the Liberal opposition is that of correctional issues, and I would have to say that this is an area which is also in great need, particularly given the government's law and order policy—which I think some people are calling 'Laura (as in the lady's name) and order', just to signify the seriousness with which they believe this government is taking it. It is timely that Chief Justice Doyle has made some comments about the government's tough-on-crime policy because, of course, none of us lives in a vacuum.

Whenever one part of a system is under pressure, it impacts on others. One of the things I will be interested in seeing in the budget, when we finally get a look at it, is whether this government intends building any more prisons and whether it intends doing anything about what has been described as the Third World conditions existing in the Remand Centre and the women's prison. Whatever you might think of people who have committed crimes and been convicted, they are still citizens of this country and deserve to be accommodated in acceptable conditions.

I think that Chief Justice Doyle was pointing to a problem which is a result of the government's tough-on-crime policy, that is, that our courts are under-resourced to deal with the workload that a so-called tough-on-crime policy is pushing towards them. Certainly, our correctional facilities are under-resourced. There are a couple of very serious bottlenecks in the system that will make it even more difficult for the justice system to deal with these issues. In the case of some people in the Remand Centre, it might take some two years before they even face court. Obviously, witnesses' memories are

much hazier two years after the event, rather than two months after the event. Again, if the government is serious about this particular agenda, it needs to examine all the areas that are affected and, indeed, the Parole Board as well—and we have heard plenty of comment about that issue over time.

I am concerned about what I hear is a lack of rehabilitation of people in our prison system. What is the purpose of our prison system? I believe it should be primarily to keep our citizens safe. If people are being released from prison no better (for want of a better word) than when they went in, that is hardly serving the public of South Australia at all well. I note that in a previous budget the Premier actually cut the number of psychologists working within the corrections system, which is sort of counter-intuitive in an area where there is a great need for these programs. As it has been put to me, if you are not going to solve the problems, and if you pick on the little fish rather than the big fish—which comes down to having sufficient police resources—what good does that do for us over time?

The other area of responsibility I have on behalf of the Liberal Party opposition is the status of women—and clearly, as a woman, I know something about that. I think we have some emerging problems that are probably cultural, in that, while we like to think that women have choices about work, families and so forth, certain economic and cultural pressures prevent that happening. In my view, we should be doing all we can to keep women in the work force. If we are going to bother to provide women with a decent education, it does not make much economic sense not to do so. Women deserve choice as much as men, and that is something that needs to be addressed in greater depth, and it is something I want to put more energy into over the next four years.

I cannot speak for any of the minor parties, but most of us on this side of the chamber do not support a quota system for women, because we think it is tokenistic. I think the Labor Party is not always so kind to its female members, and I say to them that those of us who are members of other parties will watch that with interest. We are not particularly impressed with the way in which some of the Labor members treat their female colleagues, in a professional sense. I wonder at times whether the Labor Party—particularly this Labor Party—takes a commodity attitude towards women, such as ‘Yes, we know they are very important in the political cycle. We’ve got to have them on the front bench, and we’ve got to have them in our marginal seats.’ Women are more value to the party than they are given credit for.

I also want to send a signal to some of the Labor members who might be a bit frustrated at the direction this particular Labor administration has chosen to take. As Mr Finnigan said in his maiden speech, we actually do not have a lot of time in this place. Governments can lose office sooner than they think. So, if people have serious issues they want to see reformed, they had better get on with it, rather than being beholden to Treasury or, indeed, their bureaucrats. We should not take the safe options in this place. We all need to take risks. We need to nail our colours to the mast or else we will get to the end of our career and wonder what on earth it was that we got into politics for. I say to those Labor members who are frustrated: think for yourself and, if you need to, take the fight up within your party, because you might not be there in four years. Surprise, surprise!

I also want to touch on the role of the Legislative Council. One of the things that has surprised me is how vicious the Premier’s attack has been on this chamber. One of the things I try to do is read *Hansard*—which is a practice that I do not

imagine I share with many in the community—and I have considerable difficulty following question time in the House of Assembly, because there are so many interruptions.

The Hon. Sandra Kanck interjecting:

The Hon. J.M.A. LENSINK: Indeed. As the Hon. Sandra Kanck interjects, Mike Rann never actually answers questions.

An honourable member interjecting:

The Hon. J.M.A. LENSINK: It might be the pot calling the kettle black, Mr President. First of all, there is a comparison of question time, where there is a lot of hubris, particularly from the senior government front-benchers. We have had references to people pointing to Vickie Chapman’s jacket, which I think is such a load of nonsense. She is probably one of the most sartorially advanced people in the building. Labor’s obsession with what some of the Liberal women members wear is quite childish. As members will recall, I was subject to that, myself, for wearing what I thought were proper dress shorts in this parliament. I am assured that it was not my Liberal colleagues who would have dared to raise such a matter with the former president. But I digress.

I am comparing the Legislative Council with the House of Assembly. As has been pointed out by previous speakers, the Legislative Council is a much more efficient chamber than the House of Assembly. I was elected to this place in 2003, and there have been a number of times when we would rise early and cop a bit of stick from downstairs, but they did not have any legislation ready for us. Quite frankly, I look at both the notice papers and wonder where this great Labor Party program is, because there is not much on them. It looks like a whole lot of rats and mice stuff and a few of these reactionary policies that they have been dreaming up to get themselves a headline.

The Hon. Sandra Kanck: Unfair to rats and mice.

The Hon. J.M.A. LENSINK: ‘Unfair to rats and mice’, my colleague interjects.

An honourable member interjecting:

The Hon. J.M.A. LENSINK: I didn’t say that. There have been many times when this chamber has been waiting for legislation to come from downstairs (as we say) when we would have been well and truly ready to deal with it, but the government has not been able to get it through the House of Assembly.

There is one particular piece of legislation to which I would like to give some note, and that is the relationships bill which passed this chamber last year with a two-thirds majority (14 to 7). That bill received multi-partisan support. It was thoroughly examined, and I must say that I was embarrassed by the behaviour of the House of Assembly in not even seeking to start the debate on that bill. I call on the government to immediately bring that bill back into the parliament, because I cannot see why that particular issue needs to be delayed at all. With those brief comments, I support the motion.

The Hon. J. GAZZOLA: I rise also to support the motion and to thank the Governor for her speech opening the 51st Parliament of South Australia. I acknowledge that we meet on Kaurna land, and I thank Mr O’Brien for his welcome. This 51st parliament brings a significant number of new members to this chamber and notes the retirement of several members from the previous parliament. The Hon. Ian Gilfillan is one who retired, and I wish him well for the future. The honourable member was a productive member of the Legislative Review Committee, and I will miss his

experience and friendship. I also acknowledge the contributions in this place of the Hon. Angus Redford, the Hon. Julian Stefani and the Hon. Kate Reynolds. To the families of the Hon. Terry Roberts and former president the Hon. Jamie Irwin I again offer my condolences. I congratulate all the new members and hope they enjoy their time in this place.

I welcome my colleagues the Hon. Russell Wortley, the Hon. Bernie Finnigan and the Hon. Ian Hunter to a new-look government backbench, and I will resist noting any similarities in our physical appearance and gender. With regard to the Hon. Ian Hunter, I point out that I have known him for many years and I welcome his finally making it here. I thank him for his work as the State Secretary of the ALP: I was impressed with his leadership during what could only be described as a trying time for him and the party in dealing with issues of governance and structural rule changes.

The last four years of the Rann Labor government was an interesting experience. Governing as a minority and having two cabinet ministers who were not members of the Labor Party are testimony to the flexibility and resilience of the party and its members. Most pleasing was (and is) the government's determination to deliver on its priorities of health, education, law and order, the environment, housing, and social inclusion: issues which the public are most concerned about, as has been reflected in our election success. I congratulate the Premier on the government's priorities, momentum and energy for the people of South Australia.

Contrary to the opposition's rhetoric, the Premier and the Labor Party won the election, not just through populism but by listening to the people of South Australia, forging obvious priorities in a legislative agenda and governing for the people of South Australia. Labor continues to listen. This is the first election in my experience where people signalled their intention to vote Labor for the first time in their life. I am confident that at the next federal election they will match their inaugural vote for Labor.

There will be much made by the electorate in the next four years over the proposed referendum on the role, if any, of the Legislative Council. I believe that any society that is prepared to challenge and debate the role of its parliament and those who serve in that parliament is a sign of a robust and healthy democracy, one which is envied around the world. Only the timid and nervous Nellies have anything to fear about this review. I must admit, however, that there have been times over the past four years when frustration levels with the other parties have been truly tested and when the best course of action would have been to close the Legislative Council and consign it to history. Then I would have reflected on the system we have and thought that it had served us well but that perhaps it required a greater sense of reflection than has been in evidence on some occasions.

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

The PRESIDENT: Order! The honourable member has just had her turn.

The Hon. J. GAZZOLA: Nevertheless, I look forward to the debate that will engage South Australians over the next four years. I congratulate my friend and colleague the Hon. Gail Gago on her promotion to the government's front bench. Major debates and decisions over the next four years and beyond regarding water, climate change, and uranium mining (to mention just a few) will keep the honourable member busy. Another friend and colleague who deserves congratulations and thanks is the re-elected Labor member for Colton, the Hon. Paul Caica. I believe his result at the last

election has set a benchmark for campaigning and effective representation of the electorate. I should also point out that only once over the past four years did I actually catch more fish than the new minister, and I shall not let him forget this.

Congratulations are also due to the other new addition to cabinet, the member for Wright, the Hon. Jennifer Rankine, who continues to campaign strongly in championing the rights and issues of people in the north-eastern suburbs. I also welcome and congratulate our six new members of the House of Assembly: Lindsay Simmons, the member for Morialta; Tony Piccolo, the member for Light; Tom Kenyon, the member for Newland; Leon Bignell, the member for Mawson; Grace Portolesi, the member for Hartley; and Chloe Fox, the member for Bright. What a wonderful effort and result!

The Governor's opening address mentioned revising laws on suppression orders and the unacceptably low conviction rates in relation to rape and sexual assault. Her address notes that there is to be a major review of the relevant laws. I am pleased that the Legislative Review Committee tabled significant reports on these issues in the last parliament, and it appears that the government has noted and adopted the important recommendations in these reports. In concluding her address the Governor said:

My Government believes:

- that in its 170th year, the State of South Australia is in an optimistic and positive frame of mind;
- that we remain a richly diverse and fundamentally just society;
- that we are open and outward-looking in our dealings with the world;
- and that we enjoy both economic and social prosperity.

This confidence is not misplaced, as we see in the release of BankSA's *State Monitor*. Regrettably, however, if I can briefly turn our attention to the federal level, we are governed by a party which, among many unpalatable and unjust things, has committed us to a dishonest war in Iraq and now wages war on workers' rights and their unions. I am pleased that the state government has joined with unions and other state governments to fight the WorkChoices legislation.

In closing, I wish to thank the people of South Australia for having the confidence to support a Rann Labor government to build a prosperous, safe and fair South Australia. I also thank the ASU leadership team of Andy Dennard and Katrine Hildyard for their support. Mention must also be made of the support and assistance of Senator Anne McEwen and her staff. I acknowledge and, in doing so, thank Brenton Williamson for putting up with me for the past four years.

Members interjecting:

The Hon. J. GAZZOLA: I am attacked by my own here, Mr President; I require some protection. Finally, Mr President, I congratulate you on your election to the parliament and the presidency of the Legislative Council. You have been described in previous speeches as a fair man, and I cannot disagree with that. You have helped and supported me over the years and I consider you to be a good friend. Indeed, I have endured your gibes about my lack of fishing skills and my preparation for fishing excursions. May I remind you, sir, that it goes something like this: 'No beer, no bait, no burley.' I enjoy your exaggerations and embellishments. Your gentle ribbings aside, I believe you have the skills, character, good humour and support to successfully preside over this place. I wish you well in your term as President and thank you and your family for your friendship. To finish on a wonderful piece of news, I am sure we all welcome the return of the

Beaconsfield miners to safety and their families. They are proud members of the AWU, as you are, Mr President.

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

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

A quorum having been formed:

CITIZEN'S RIGHT OF REPLY

Adjourned debate on motion of the Hon. P. Holloway:

That, during the present session, the council make available to any person who believes that he or she has been adversely referred to during proceedings of the Legislative Council the following procedure for seeking to have a response incorporated in to Hansard-

1. Any person who has been referred to in the Legislative Council by name, or in another way so as to be readily identified, may make a submission in writing to the President-

- (a) claiming that he or she has been adversely affected in reputation or in respect of dealings or associations with others, or injured in profession, occupation or trade or in the holding of an office, or in respect of any financial credit or other status or that his or her privacy has been unreasonably invaded; and
- (b) requesting that his or her response be incorporated in to Hansard.

2. The President shall consider the submission as soon as practicable.

3. The President shall reject any submission that is not made within a reasonable time.

4. If the President has not rejected the submission under clause 3, the President shall give notice of the submission to the Member who referred in the council to the person who has made the submission.

5. In considering the submission, the President-

- (a) may confer with the person who made the submission;
- (b) may confer with any member;
- (c) must confer with the member who referred in the council to the person who has made the submission at least one clear sitting day prior to the publication of the response;
- but
- (d) may not take any evidence;
- (e) may not judge the truth of any statement made in the council or the submission.

6. If the President is of the opinion that-

- (a) the submission is trivial, frivolous, vexatious or offensive in character; or
- (b) the submission is not made in good faith; or
- (c) the submission has not been made within a reasonable time; or
- (d) the submission misrepresents the statements made by the member; or
- (e) there is some other good reason not to grant the request to incorporate a response in to Hansard, the President shall refuse the request and inform the person who made it of the President's decision.

7. The President shall not be obliged to inform the council or any person of the reasons for any decision made pursuant to this resolution. The President's decision shall be final and no debate, reflection or vote shall be permitted in relation to the President's decision.

8. Unless the President refuses the request on one or more of the grounds set out in paragraph 5 of this resolution, the President shall report to the council that in the President's opinion the response in terms agreed between him and the person making the request should be incorporated in to Hansard and the response shall thereupon be incorporated in to Hansard.

9. A response-

- (a) must be succinct and strictly relevant to the question in issue;
- (b) must not contain anything offensive in character;
- (c) must not contain any matter the publication of which would have the effect of-
 - (i) unreasonably adversely affecting or injuring a person, or unreasonably invading a person's privacy in the

manner referred to in paragraph 1 of this resolution, or

- (ii) unreasonably aggravating any adverse effect, injury or invasion of privacy suffered by any person, or
- (iii) unreasonably aggravating any situation or circumstance, and
- (d) must not contain any matter the publication of which might prejudice-
 - (i) the investigation of any alleged criminal offence,
 - (ii) the fair trial of any current or pending criminal proceedings, or
 - (iii) any civil proceedings in any court or tribunal.

10. In this resolution-

- (a) "person" includes a corporation of any type and an unincorporated association;
- (b) "Member" includes a former member of the Legislative Council.

(Continued from 2 May. Page 36.)

The Hon. R.D. LAWSON: The Liberal opposition supports the citizen's right of reply sessional order, although we would seek to make an amendment to the proposed sessional order. Members would be aware that this sessional order was first introduced when the Hon. Trevor Griffin was attorney-general and there was some discussion about the desirability of giving citizens a right of reply if a citizen was the subject of an adverse statement made in parliament about them. The Standing Orders were not amended to accommodate this right of reply, but instead what we have done at the beginning of each session is pass a sessional order. The Australian Senate has a similar provision, and the sessional order contained in this motion was based upon that of the Australian Senate. There is one respect in which we believe the rule has not operated as well as it should, and I might just explain and place on the record the procedure that currently applies.

When a citizen claims to have been misrepresented in parliament, the citizen is required to make a complaint in writing to the President and request that a statement be incorporated in *Hansard*. The President examines the submission. Under paragraph 5, he is not required to but may confer with the person who made the submission. He may confer with any member, but he must confer with the member who referred in the council to the person who made the submission. The obligation to confer with the member must be fulfilled at least one clear sitting day prior to the publication of the response.

The President's task in examining the submission is not to take evidence or judge the truth of what is said, but if the President is satisfied that the submission from the citizen is trivial or frivolous, or not made in good faith, or not made within a reasonable time, or misrepresents the statements made by the member in the council, or there is some other good reason, the President can refuse to allow the request; if the President does not make such a decision, the statement will be inserted into *Hansard*.

The difficulty that has arisen, and which is the subject of the amendment I propose moving, is because of the obligation to confer with the member. It is not entirely clear exactly what 'conferring with the member' encompasses. These difficulties have arisen in the small number of cases in which this rule has been invoked. As I say, the President must confer with the member who made the initial statement. Presidents have interpreted the obligation to confer somewhat differently. I think on two occasions of which I am aware the President said, 'My obligation to confer with you is to tell you that I have received a statement or submission from a

citizen. I am not prepared to show you the statement. I have decided that it is not frivolous, etc., and I propose to have the statement inserted in *Hansard*, but I am not going to show you or tell you what it is. My obligation is simply to inform the member.'

We believe that the spirit of this rule is that the President should actually say what the substance of the complaint is and should inform the member of the substance of the reply that is intended to be inserted in *Hansard*, because the member might want to explain the background to the President and say, 'You shouldn't insert a statement of that kind' for this or that reason, or 'It is contrary to the facts, and I can easily prove that it is contrary to the facts.' Just as a citizen is entitled to have this particular right, the member who has made the statement (and, it should be assumed, in good faith) should have an opportunity to know what it is that is to be said in *Hansard* against the member.

I have circulated an amendment to overcome what I see as the difficulty about this uncertainty of the extent of the obligation to confer. I move:

Paragraph 5(c)—After the word 'submission' insert 'and provides to that member a copy of any proposed response'.

As a result of discussions with some members, it has been suggested that the obligation to provide the member with a copy of the proposed response might be going too far and that it might be better to have a lower obligation—for example,

that the President (and I use these words advisedly) 'inform the member of the substance of the proposed response', rather than provide a copy of it. I will seek leave to conclude my remarks later so that the matter can be pursued tomorrow after discussions I will have with members.

By way of summary, there is an obligation to confer. The extent of that obligation is not spelt out in the resolution. We would like to have it spelt out rather more clearly. As I mentioned, this rule is based on the rule that applies in the Australian Senate. It has a somewhat different system because, rather than the citizen making the complaint directly to the President in the Senate, the complaint is referred to the Privileges Committee of the Senate. So, there is a committee that has this obligation to confer. Obviously, during the process of discussion in committee, and conferring with the member, a little more information is circulated.

This is a heavy responsibility that is laid on the shoulders of the President. I emphasise that we do not wish to water down the citizen's right of reply in any way. We are very happy with it, but we believe that the member should be given some information during the process of conferring. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

ADJOURNMENT

At 5 p.m. the council adjourned until Wednesday 10 May at 2.15 p.m.