LEGISLATIVE COUNCIL

Wednesday 7 June 2006

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

PAPERS TABLED

The following papers were laid on the table:

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

By laws—
District Council—
No. 1—Permits and Penalties
No. 2—Moveable Signs
No. 3—Local Government Land
No. 4—Roads
No. 5—Dogs.

LEGISLATIVE REVIEW COMMITTEE

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

Report received.

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

Report received and read.

SOCCER, WORLD CUP

The Hon. P. HOLLOWAY (Minister for Police): I lay on the table a copy of a ministerial statement on the World Cup bid made earlier today in another place by the Premier.

Members interjecting:

The PRESIDENT: Order! We will leave sport until later.

QUESTION TIME

MENTAL HEALTH

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 community mental health services.

Leave granted.

The Hon. J.M.A. LENSINK: In its previous budget, the government allocated $25 million in one-off funding to additional community health services, $14 million of which has been allocated to packages of support for people who are either not receiving or who need additional services. On 28 April this year on Radio 5AA, Dr John Brayley, Director of Mental Health Services, stated that some 197 people are now receiving packages of support. The opposition has been advised by people working in the sector that all of the $14 million has now been allocated to clients and that the kitty is now bare. My questions to the minister are:

1. Who was on the allocation committee; and how many meetings did they have and over what period to determine which services to fund?

2. Will the minister confirm whether the new funding has all been allocated (not spent, but allocated), and is she seeking additional funds in the upcoming budget?

3. How many people are to receive packages as a result of this program and how many of these people live outside the metropolitan area?

The Hon. G.E. GAGO (Minister for Mental Health and Substance Abuse): The $25 million of one-off funding for NGO mental health services (which was contained in the 2005-06 state budget) was to enable the provision of extra community support services for people with mental illnesses.

In terms of the commitment of those funds, $14 million was for extra intensive support packages in the community provided by NGOs that have been accepted into the mental health provider panel and $2 million was for group-based day rehabilitation programs run by NGOs and incorporating specialist mental health expertise. The programs will focus on relapse prevention, illness and medication management. There was $3.25 million for GP partnership programs using divisions of general practice, including $1.25 million for shared care programs coordinated between GP and specialist services. Some $2 million was to employ nurses, social workers and occupational therapists to work with GPs and other specialist mental health services.

There was $1 million to expand the GP access program currently operating in the western suburbs and $1 million for training and employment of peer support workers to work alongside mental health services. There was $2.25 million for carers, which included $1 million for in-home respite for carers of people with mental illnesses and consumers, and $1.25 million to NGOs to increase support and assistance to carers. In addition, there was $1 million for beyondblue programs, focused on prevention, and $500 000 for programs targeting mums, young babies and people with multiple needs. In relation to the details of the process put in place for the allocation of those funds, I am happy to take that matter on notice and bring back a response.

MARINE PARKS

The Hon. D.W. RIDGWAY: I seek leave to make a brief explanation before asking the Minister for Environment and Heritage a question about marine parks.

Leave granted.

The Hon. D.W. RIDGWAY: On 9 May this year, the Hon. Mark Parnell asked a question about consultation with respect to marine parks and, in particular, the wilderness protection status under the Wilderness Protection Act. In the minister's answer she said:

> 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 consultation, including fisheries, the aquaculture industry and the community, has occurred.

This was sent back to me with a big ring around it asking, 'What consultation?' My questions to the minister are:

1. What consultation has her department undertaken with the fisheries and aquaculture industries?

2. When did the department meet with them, and on how many occasions have they met?

3. When will the first marine park be established, and when will all 19 of the marine parks be established?

The Hon. G.E. GAGO (Minister for Environment and Conservation): I thank the honourable member for his answer—sorry, his question.

The Hon. D.W. Ridgway: I've given you the answer.

The Hon. G.E. GAGO: He has given me the answer! This government's commitment to protect our environment and conserve our precious resources has been demonstrated through our commitment to deliver these 19 marine parks.

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: Order! The Hon. Mr Ridgway will listen to the answer.

The Hon. G.E. GAGO: We are committed to delivering the marine parks, and we have set a target and a time line for that. We have designed these marine parks to protect and conserve representative samples of marine habitats and, indeed, we have been consulting for many years in the lead-up to this. If I recall correctly, when I answered on the occasion referred to, I was talking about our Encounter Marine Park pilot, which was undertaken to inform and develop marine park legislation. It was used as a pilot study to determine the processes which would be required and the systems which would have to be put in place to enable us to then roll out the other 18 marine parks in a much simpler way, using Encounter Bay as a pilot study.

That has been a really important commitment of this government. I am happy to provide any details that are available. It has been an ongoing process. A paper has gone out in relation to the Encounter Bay pilot, and this has allowed people to provide feedback on this matter. That has been in the public arena for some time. We have committed to ensuring that the other 18 marine parks are rolled out concurrently.

We know that marine parks raise very controversial feelings. We know that it is about balancing the various interests of the different parties and stakeholders involved. We have conservation parties and their interests at one end and commercial interests at the other, and it takes time to bring the parties together and to reach a compromise. Being determined to deliver these parks, we are required to work with stakeholders to ensure that that does occur. We are very pleased with the way in which these things are proceeding.

PUBLIC SECTOR, TARGETED SEPARATION PACKAGES

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make an explanation before asking the Leader of the Government a question about TVSPs.

Leave granted.

The Hon. R.I. LUCAS: The government has announced in recent weeks that it has offered 390 targeted separation packages to redeployees throughout the public sector. Will the minister indicate the number of targeted separation packages offered to agencies or departments reporting to him as minister and, in particular, will the minister indicate whether any packages have been offered in the police department as part of the government's proposed offer of 390 targeted separation packages?

The Hon. P. HOLLOWAY (Minister for Police): I would have thought that the Leader of the Opposition would be well aware that the 390 packages in question were offered to people who had been displaced. Whether there are technically any people who are assigned to that department but not doing any work in it, I do not know, but I will find out. The point is that at the last election the Leader of the Opposition said that he would get rid of 4 000 people who are doing real jobs, and what we are talking about here is those people who for some time have not had a permanent position within government.

The Leader of the Opposition has been going out and trying to create some mischief in this matter, but he has not gained any traction whatsoever. I am sure that the people of this state fully understand that it makes sense to offer a separation package to those people who, in spite of the government's best efforts, have not been able to be retrained in another job in the public sector.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: It is really irrelevant to talk about to which section they are assigned. The fact is that everyone in the police department who is doing a job will not be offered TVSPs, and that applies to other departments as well. We are purely talking about the 390 people in what is often referred to as the transit lounge, that is, people who have not been assigned a permanent position within those departments. As I have said, that is a huge difference from what the Leader of the Opposition in this place (the shadow treasurer opposite) offered at the last election.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: I find it absolutely amazing that the shadow treasurer cannot tell the difference between saying that 4 000 will go, regardless of what they are doing, and saying that a voluntary separation package will be offered to 390 people who do not have a permanent position and have been displaced—and that includes people who have been around for many years and, for whatever reason, have not been able to get a position. They may or may not take it, but it is a sensible operation. If the Leader of the Opposition wants to try to get some public traction on this, I wish him luck. I am sure the public of this state know the difference between the two policies—just as they did back on 18 March.

The Hon. R.I. LUCAS: I have a supplementary question. Is the minister indicating that he has not had any briefing at all as to whether any officers within his department, who report to him, have been offered targeted separation packages?

The PRESIDENT: I think the minister has answered that.

The Hon. P. HOLLOWAY: I have, sir. What the Leader of the Opposition does not understand is that packages are being offered to people who do not have positions within the department.

The Hon. R.I. Lucas: How many in your department?

The Hon. P. HOLLOWAY: I do not know what their background is; I do not know the background of people who may have been displaced. They might be working in other areas, they might be in the transit lounge. The fact is that, within all the departments under me, the people who have positions will continue to work in those positions. The police officers and public servants in that area will stay, but I will find out about where there is someone who, once upon a time, happened to be in the police department but who, for whatever reason, has been unable to get a permanent job, wherever technically they might be assigned. What is important is that this government has a very sensible, simple policy to offer TVSPs to those people.

The Hon. R.I. LUCAS: I have a further supplementary question. If these people are lying around in departments doing nothing, as the minister is suggesting, why did he and the government not offer packages to these officers two years ago and save wasting millions of dollars of taxpayers' money?

The Hon. P. HOLLOWAY: My understanding is that packages were offered to many of these people in the past, but one would hope that the conditions—

The Hon. R.I. Lucas: That is untruthful.

The Hon. P. HOLLOWAY: Not in the past two years, but they were offered them in the past. The government will

again see whether any of those people, on reflection, wish to take a position somewhere else. However, again—

The Hon. R.I. Lucas: Once you start telling porky pies you have to have a long memory.

The Hon. P. HOLLOWAY: There are no porky pies. I will tell you what the Leader of the Opposition could not do: he could not tell everyone where the 4 000 would come from. He was saying, 'We have 4 000. They won't be doctors, or police, and they won't be teachers or nurses.' When you boil it all down, those 4 000 people would have absolutely devastated the services provided, particularly in regional South Australia, because they would all have had to come out of administrative areas such as the Department of Primary Industries and Resources.

Because the Leader of the Opposition excluded about 20 000 or 30 000 public servants, there would have been 40 000 left, and he offered 4 000, or 10 per cent. Imagine what impact a cut of 10 per cent would have made to the Department of Primary Industries and Resources, with all the offices it has and with 50 per cent of its employees out in South Australia. It would have been a massive cut and would have meant the closure of offices in many areas of regional South Australia. The Leader of the Opposition would not stand up and say that.

I hope that many of the 390 people who have been displaced for various reasons from their department, and who do not have a substantive position within the Public Service, will wish to take the voluntary separation package, which will give them a chance to undertake some other activity. If they wish to remain in the Public Service and not take the package, that is their right. If they take that course of action, hopefully they will win some other position. The Leader of the Opposition seems to think that there is some problem with the policy of this government. I do not, and I do not think the people of South Australia see anything other than plain commonsense and good management in that policy.

WOOD SMOKE

The Hon. I.K. HUNTER: I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about wood smoke.

Leave granted.

The Hon. I.K. HUNTER: Mr President, as you know the air we breathe is not a discrete substance. It is made up of a mixture of gases and small solid and liquid particles. Some substances come from natural sources, while others are caused by human activities, such as the use of motor vehicles, and domestic activities, such as wood fires. As a result of these activities, the air can contain particles in quantities that could harm the health of humans and animals or, at the very least, cause discomfort. Will the minister please advise what actions have been taken to address some of these issues in the Adelaide Hills?

The Hon. G.E. GAGO (Minister for Environment and Conservation): I thank the honourable member for his important question and his ongoing interest in these matters. I am pleased today to be able to advise the council of one activity which has recently been launched in the Adelaide Hills to address the issue of wood smoke. Wood smoke is an issue of concern to the South Australian community, and its impact on air quality and human health and amenity is well recognised. Wood smoke can be a cocktail of noxious gases and fine dust particles that can become a nuisance for residents. Concentrations of wood smoke can also pose a significant public health hazard, especially to the elderly, children and those with respiratory illnesses such as asthma.

Domestic wood heaters are a significant source of pollution, contributing more particulate matter to our air currents and suchlike in winter than cars. As part of the broader approach of improving air quality, the EPA has developed a strategic solution to minimise domestic wood heater emissions and to encourage householders to use their wood heaters more efficiently.

In March 2004, the EPA conducted a survey that found that more than half of all wood heater owners had never been exposed to information on how to use their wood heaters effectively, and many of these people were contributing to unnecessary air pollution without actually being aware of it. As a result, the EPA ran a campaign specifically targeting the South Australian wood heating community, aiming to change their attitudes and behaviours regarding the environmental impact of wood heater use. The evaluation of the campaign proved that it did have an impact on changing wood heater use and behaviour, and that further campaigning would provide positive reinforcement to the program's messages.

The campaign was conducted again in 2005 and was also well received. This year the EPA has launched a pilot behavioural change program and media campaign to be implemented in conjunction with the Adelaide Hills Council. It includes a statewide wood smoke awareness campaign, coupled with a pilot wood heater behaviour change program targeting the Adelaide Hills Council area—at least for now. The pilot program is called SmokeWatch. SmokeWatch will be run between June and September 2006 and will look at changing behaviours, and it seeks to utilise the council, local schools and the business community to help deliver the program.

The EPA will provide resources and financial assistance to implement the program and provide advice as required. SmokeWatch encourages wood heater users to take actions such as burning dry, seasoned wood and keeping air vents open for 20 minutes after starting a fire. It is also encouraging students in the Adelaide Hills to become involved by having air monitoring equipment at their schools so they can record and view data. In conjunction with the pilot program, the EPA will conduct monitoring of fine particulate matter, nitrogen oxide and carbon monoxide, and it is expected that the monitoring will be undertaken during the same period in 2007 to determine whether the levels of pollutants associated with wood burning activities have been reduced as a result of these campaigns.

The Hon. J.M.A. LENSINK: Can the minister advise the council—she might need to get this information and come back with a reply—about the burning of brown coal versus wood, and its contribution to greenhouse gases?

The Hon. G.E. GAGO: I thank the honourable member for her supplementary question and am pleased to take that on notice and bring back a response.

KEY EARLY YEAR SERVICES

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 concerning Key Early Year Services.

Leave granted.

The Hon. A.L. EVANS: Key Early Years Services is a not-for-profit organisation that provides early intervention and support for children with autism. The program has been running for one year and uses an American early intervention plan called Intensive Applied Verbal Behaviour Therapy. AVB therapy includes teaching children how to communicate and perform everyday tasks for themselves as well as training parents to continue the therapy at home. Even though approximately 20 children are diagnosed with autism every month in South Australia, KEYS can manage to assist only seven children at a time at a cost of $1 100 per week to parents. KEYS already has a waiting list. My questions are:

1. Will the minister explain why the government has not provided funding for KEYS to expand its program despite its proof of success in assisting autistic children and their families?

2. Will the minister advise whether the government will allocate funding to KEYS in the next budget; and, if not, why not?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): 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.

DRUGS, RECREATIONAL

The Hon. S.G. WADE: I seek leave to make a brief explanation before asking the Minister for Mental Health and Substance Abuse a question about the term 'recreational drugs'.

Leave granted.

The Hon. S.G. WADE: On Monday, I asked the minister whether she could ensure that state government officers would support the Drugs are Simply Drugs campaign by refraining from using the term 'recreational drugs'. The minister indicated her support for the removal of terms such as 'recreational drug use' as they tend to sanitise the severity and harmfulness of such drugs; however, she studiously ignored the issue of the use of the term by state government officers.

An internet search indicates that numerous state government web sites use the term 'recreational drugs'. One information sheet in a section aimed at young adults even refers to recreational drugs 'such as marijuana, heroin, and amphetamine-type stimulants'. The fact that heroin has been referred to as a recreational drug highlights the dangerous ambiguity of the term. I ask the minister:

1. What action will she take to ensure that state government officers avoid the use of the term 'recreational drugs'?

2. Specifically, will she issue a direction to the Department of Health and its agencies that the term 'recreational drugs' shall not be used?

The Hon. G.E. GAGO (Minister for Mental Health and Substance Abuse): I thought I had made it perfectly clear in my earlier response that I recognise that often we sanitise and play down the dangers associated with illicit and non-illicit drugs and alcohol. Referring to illicit substances as party or recreational drugs can give the impression that taking these substances will ensure that a good time will be had and it implies that they may not have any harmful consequences. The word 'recreational' can suggest a sense of legitimacy in relation to illicit substances; in fact, this type of language pervades the whole issue. For instance, too often we will hear someone say that when a person has had too much to drink they are happy or merry. This gives the impression that excessive amounts of alcohol might be necessary in order to celebrate an event or an occasion or just when one goes out but, as we all know, excessive alcohol abuse can cause someone to be far from merry or happy. We would have all seen the unsightly and very unhappy effects caused by those who consume alcohol to excess.

I have acknowledged clearly in this chamber before that I am concerned about these matters, and I have reiterated that today. The body of information that we have on this issue and the way in which some of our policies are written is dated—some of them were written some time ago. I am happy to ensure that all of this literature is reviewed by my department and across agencies to bring the terminology up to date so that more acceptable language is used.

The Hon. D.G.E. HOOD: By way of supplementary question, will the minister assure the council that all references to recreational drugs will be removed from the web sites within 14 days?

The Hon. G.E. GAGO: I have said that I am more than happy to have it reviewed. I am not too sure what amounts of time or resources would be needed to do that. I have given a commitment to ensure it is reviewed. I would need to assess what time constraints would be involved.

The Hon. NICK XENOPHON: By way of supplementary question, given that the minister states that the use of recreational drugs is totally inappropriate, what specific time frame can she give us? Can she at least give us a ball park figure for the removal of such references?

The Hon. G.E. GAGO: I have answered that question.

EAST TIMOR

The Hon. R.P. WORTLEY: I seek leave to make a brief explanation before asking the Minister for Police a question about the involvement of South Australian police officers in the Australian peace-keeping effort in East Timor.

Leaved granted.

The Hon. R.P. WORTLEY: I am sure all of us would be aware of the strife currently befalling our near neighbour, East Timor. Violence and other serious crimes have forced thousands of people to flee the capital of Dili. The Australian Defence Force and the Australian Federal Police are working closely with local and international law enforcement agencies to try to stabilise the situation in East Timor. Will the minister detail the role of South Australian police officers in the peace-keeping effort?

The Hon. P. HOLLOWAY (Minister for Police): I thank the honourable member for his question. South Australia's police force has a proud tradition of assisting Australian efforts in the world's trouble spots. In recent years South Australia Police has provided officers for security deployments in Papua New Guinea and Cyprus and at present we have eight SAPOL officers serving with the international deployment group in the Solomon Islands.

Yesterday the Police Commissioner informed me that SAPOL had been approached by the Australian Federal Police to provide officers for its contingent in East Timor. As the honourable member mentioned in his question, for some weeks now our nightly television news services and daily newspapers have been running stories about the serious issues confronting the young democracy of East Timor. The turmoil being created by the gangs and general lawlessness is of particular concern to Australia, given our nation's role in

helping East Timor to become an independent democratic country.

In that context SAPOL has confirmed that 10 officers will be deployed as part of the AFP's contingent in East Timor, which is assisting the Australian Defence Force efforts to bring calm to the country. The 10 South Australian officers will play an important role with the AFP contingent and are likely to be involved in public order and anti-gang operations. Our officers will be deployed as soon as possible, and at this stage they are likely to be in East Timor for three to four months. At the end of that initial deployment the government and SAPOL would consider any further requests for support from the AFP should the situation in East Timor still require an Australian peace-keeping presence.

The AFP has suggested that members with previous AFP international deployment group experience would be committed primarily. SAPOL is also considering the deployment of a senior officer as part of SAPOL's contribution. Officers wishing to be a part of this contingent will need to apply. Effectively, the officers deployed take leave and, for the term of their deployment, they become members of the AFP, with the commonwealth covering the costs. There will be no direct cost to SAPOL. I am advised by SAPOL that a 10-officer deployment will have little impact on its day-to-day operational activities here in South Australia. Other states and territories have also committed officers to the AFP East Timor contingent. I understand that Western Australia has just announced that it will send 10 officers and Queensland will provide 12.

I note that the federal Attorney-General, Mr Ruddock, has welcomed the cooperation of the states and territories. I understand that almost 2 000 Defence Force personnel are on the ground in East Timor or are directly supporting the ADF operations in the country. The Australian Federal Police contingent is working closely with the ADF and other international groups. I am told that there are an estimated 160 East Timor police still on active duty. However, many others have simply fled or disappeared.

Clearly, especially at night, sections of Dili are still experiencing violence and lawlessness, and the citizens of that city need proper protection. Our SAPOL officers heading to East Timor will play a key role in the Australian law and order and humanitarian operations, and I am sure that all members will join me in wishing them a safe return home at the end of their deployment.

Honourable members: Hear, hear!

NUCLEAR ENERGY PARTNERSHIP

The Hon. M.C. PARNELL: I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about South Australia's role in the Global Nuclear Energy Partnership.

Leave granted.

The Hon. M.C. PARNELL: In an answer to a question asked yesterday by the Hon. Sandra Kanck, the minister said that he did not believe that the issue of uranium enrichment was likely to come before this government during its current term. However, neither he in his answer nor the Premier in his World Environment Day ministerial statement of 5 June has ruled out supporting uranium enrichment in this state. I note that today's *Financial Review* reports that the Prime Minister is considering a proposal from the United States as part of the Global Nuclear Energy Partnership which would involve South Australian uranium being enriched at Olympic Dam.

The enriched uranium would then be exported by the Adelaide to Darwin rail line to countries such as India and China. The radioactive waste from the nuclear facilities in those countries would then be imported back into Australia and transported back along the railway to a dump at the former nuclear testing site at Maralinga. According to the *Financial Review*, this could include the importation of spent plutonium from the United States' nuclear weapons program. My questions to the minister are:

1. Now that the issue of the enrichment of uranium is clearly on the national agenda, will the government rule out such a facility during this or any subsequent Labor government?

2. Will the government now write to US President George W. Bush and the Prime Minister to express this state's opposition to both uranium enrichment and nuclear waste dumping in South Australia?

3. Will the government provide financial assistance to Aboriginal communities both at Maralinga and along the route of the Adelaide to Darwin railway to enable them to have their voice heard in this debate at a national level, as well as internationally?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): I am not privy to any program, whatever the Prime Minister might call it, which would involve the state in nuclear waste disposal. The position of this state was made very clear several years ago, and that remains the same and it will remain the same, namely, total opposition to any such plan that would involve this state in waste disposal of that type. That has been made quite clear by the government and it remains the position. As I understand it, this plan that is being touted around at the moment is one which apparently the President of the United States (Mr Bush) requested of our Prime Minister.

As I indicated yesterday in answer to a question, I do not believe that sort of policy deals in the real world as far as what the reality might be as to the future of uranium expansion in this state. As I said yesterday, it will still be some years away before there is any increased production at Olympic Dam. It is my view and, I am sure, the view of many other members in this council that this is rather a false debate to provide a bit of a diversion with the federal election not all that far away. I am sure the Prime Minister of our country knows that the leader of the federal opposition, Mr Beazley, has been seeking to make nuclear non-proliferation an important issue in the future.

I believe that this whole phoney debate that we are having at the moment is really part of the tactics to try to play wedge politics and to try to take away from the federal Labor Party initiatives in that regard. I do not place a great deal of credibility on these proposals. I repeat that the state government has made quite clear its position in relation to any such proposals that would involve that sort of nuclear disposal in this state.

The Hon. SANDRA KANCK: Sir, I have a supplementary question. Given that the minister has raised the issue of the nuclear non-proliferation treaty, will he rule out the exporting of any South Australian uranium to countries that have not signed that treaty?

The Hon. P. HOLLOWAY: The member would know that the export of uranium is a matter for the federal government. We have made it quite clear that it is our view that

uranium should not be sold to countries that are not signatories of the NPT but, ultimately, under the constitution, those export controls are matters for the federal government, not the state government. However, again, we are quite happy to make our position well known, and that is that being a signatory to the NPT should be a condition of any sales.

DNA TESTING

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Minister for Police a question about the CrimTrac database.

Leave granted.

The Hon. R.D. LAWSON: In March 2001, an agreement between the states and the commonwealth was reached concerning the establishment of a national DNA database called CrimTrac. In 2002, when amendments to our criminal forensic procedures legislation were passing through this parliament, the Attorney-General made great play of the fact that South Australia's legislation had to comply with CrimTrac so that we could, in fact, enjoy the benefits of a shared national database. Earlier this year, the federal justice minister, Chris Ellison, lamented the fact that only Queensland, Western Australia and the Northern Territory had joined CrimTrac's DNA database, leaving gaping holes in a network designed to thwart criminals who move across state lines. South Australia has not yet joined the national database. Mr Ellison said that a national DNA database was essential for modern crime fighting, and the delays were unacceptable. He also said:

> In some states, they're bickering between their attorney-general and minister for police over legislation—privacy and a range of matters—but it has been long enough.

In January this year, Professor Henneberg of the University of Adelaide said that potentially hundreds of crimes could have been solved if South Australia had linked its database to other states. He said that our failure to join the national database is leaving a gaping void in cross border criminal investigations. He went on to say:

> This DNA data of criminals should be shared immediately, particularly for the purpose of catching criminals. Time is of the essence in such cases and to drag the process out because of bureaucracy is certainly a very bad policy.

My questions to the minister are as follows:

1. When will South Australia be joining the national DNA database?

2. What is the state of discussions between the minister and the Attorney-General concerning privacy and other issues referred to by Senator Chris Ellison?

3. Why was no mention made in the Premier's latest announcements about DNA legislation of our failure to join the CrimTrac database?

The Hon. P. HOLLOWAY (Minister for Police): In respect of the second part of that question about my relationship with the Attorney-General, the member would be well aware that the Attorney-General and I have been discussing the issue of DNA very recently. We have had discussions with solicitors in the Attorney's department and the Police Commissioner. As a result of those discussions, of course, we had the changes that were announced yesterday. The government will introduce legislation later this year not only to fulfil our election promise to extend the range of offences for which DNA records will be kept (and that, of course, will increase the database) but also we have made the policy decision that anywhere DNA is lawfully obtained it will remain on the DNA database. Those changes will significantly increase the size of that database and, therefore, dramatically increase its effectiveness. The numbers involved in that, I suggest, will be far greater, given that most of the people who are apprehended as a result of DNA testing will be in the home jurisdiction.

Certainly, it is important that we exchange DNA information with other states. Of course, it was the exchange of information from this state, as I understand it, that ultimately led to the apprehension and conviction of Bradley Murdoch, who was convicted for the murder of the English tourist, Falconio. As I understand it, there are a number of memorandums of understanding between the states. There are significant inconsistencies between the database of each of the states. The databases have all been formed separately, and they all have different technical capabilities. I have also been advised that there are problems with the federal legislation as it relates to the change of information with the national database—certainly, that is the case from the perspective of the Attorney-General's office. I do not believe that the position is quite as rosy as set out in the honourable member's question.

This matter has been listed for the police ministers conference, which will be held here in Adelaide at the end of this month. It is one of those items that will be listed by the states that are trying to resolve these issues so that there can be an improvement in the way in which information is transmitted between the databases of the various states. The changes announced by this government yesterday will, if they get through, be far more significant in terms of apprehending people using DNA techniques. When this legislation comes before the parliament, I hope that all members, including the member opposite, will support it, so that we can significantly increase the size of our DNA database.

I point out that the United Kingdom, which in 2001 took a position similar to that taken by this state, decided to retain all DNA data that was lawfully obtained on that database, and I think it now has about 5 per cent of its citizens on its DNA database. Since that change was made in 2001, over 200 000 DNA records have been retained on that database which would otherwise have been destroyed. When a review was undertaken, something like 10 750 offences were identified from data that would otherwise have been destroyed had that law not been in place, including 88 murders and a number of serious crimes. I am quite pleased that this state will lead the rest of this country—

The Hon. R.I. Lucas: We are behind the rest of the country.

The Hon. P. HOLLOWAY: We are not behind the rest of the country. With this legislation, we will lead this country.

An honourable member interjecting:

The Hon. P. HOLLOWAY: I was going to come to that. The other question the leader raised is the dispute between the shadow—

Members interjecting:

The Hon. P. HOLLOWAY: And aren't they touchy! I read two comments this morning. One was by an unknown person—I am not sure whether it was the shadow minister for police who supported it, but it was suggested that the opposition would support these changes. But then we see the shadow attorney-general saying that we need more debate on it. Of course, we had the shadow minister for police over there sitting on the fence and saying that he would make up his mind on the matter. This government has grappled with this difficult issue, and we have made a decision. We look

forward to members of the opposition indicating their support in relation to this matter.

Members interjecting:

The Hon. P. HOLLOWAY: It is a pity that of all the interjections we get—

Members interjecting:

The Hon. P. HOLLOWAY: We hear all these interjections, but the one interjection we haven't heard—and I invite an interjection from members opposite—is about whether they will support the legislation when the government introduces it later this year. Are you going to support it? They obviously cannot say, Mr President.

The PRESIDENT: Order! The minister should not be inviting interjections; they are out of order.

SAFE ROUTES TO SCHOOL PROGRAM

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

Leave granted.

The Hon. J. GAZZOLA: Safety around schools is an issue that is important to the community. Will the Minister for Road Safety outline initiatives that are in place to address the issue?

The Hon. CARMEL ZOLLO (Minister for Road Safety): I thank the honourable member for this important question. Crash statistics show that children aged five to 13 years are most at risk on the journey to and from school, particularly in the few hours after school. The South Australian government currently leads the way in addressing the safety of children around schools and travelling to and from school. We have the lowest school zone speed limit in Australia and the lowest speed limit at crossings on all major roads, as well as having the Safe Routes to School program.

Under this program the Department for Transport, Energy and Infrastructure, in partnership with local schools, brings about engineering improvements around schools. This could include improved footpaths with pram ramps, review of the parking arrangements, pedestrian refuges, improved linemarking and signage, installation of pick-up and drop-off zones, review of the school zones, and installation of Safe Routes to School signage. The teaching of road safety in the classroom and the provision of information to the whole school community then reinforces good road safety behaviours around these improvements.

Currently, department and council staff have conducted a series of meetings with the teaching staff of 23 primary schools in the Salisbury, Charles Sturt, Holdfast Bay and Port Adelaide Enfield council areas. These schools are now ready to commence the next stage of the program, which includes sending out Safe Routes to School travel surveys to each family. These surveys ask families to indicate which mode of travel they use to and from school and why that mode is chosen. Families are also able to identify the locations that they believe are dangerous on the journey to school, state why they believe those spots are dangerous, and provide their ideas to reduce the dangers. Other schools in the Adelaide metropolitan area nearing the final stages of the program are having Safe Routes to School signage installed in the next few months.

Regional areas have not been forgotten. Today, 7 June, I announced that Port Lincoln's primary school students, teachers and parents will soon be able to take advantage of the benefits of the Safe Routes to School program. Staff from the department and from the City of Port Lincoln recently met with the teaching staff of the five primary schools in Port Lincoln and, as a result, these schools are also now ready to send out the travel surveys as they commence the next stage of the program.

Safe Routes to School is a vital tool, as it is a combination of traffic safety education and learning about health and the environmental benefits of walking and cycling, as well as engineering improvements and community awareness. While Port Lincoln is the first town in the Eyre Peninsula/West Coast area to be involved in the Safe Routes to School program, I am pleased to say that the program will be instigated in other primary schools across the region in coming years.

The Hon. CAROLINE SCHAEFER: I have a supplementary question. As part of the Safe Routes to School program, will the minister be initiating the installation of seat-belts on school buses?

The Hon. CARMEL ZOLLO: That is hardly coming out of the answer I gave; however, I thank the honourable member for her question.

The Hon. G.E. Gago: This is another question.

The Hon. CARMEL ZOLLO: It is another question, because it has nothing to do with this, but I will provide the honourable member with a response as best I can. The honourable member probably knows that the issue of seatbelts on school buses was given careful consideration by the Department for Transport, Energy and Infrastructure and the South Australian Road Safety Advisory Council. I am advised that the Department of Education and Children's Services has over 600 school buses in South Australia, but the total number of buses carrying schoolchildren is more than that because there are also private bus companies which operate school buses. My advice is that a new fleet of buses with seatbelts, roll-over protection and high-back seats would cost about $180 million. As I have said, the Department for Transport, Energy and Infrastructure gave this matter careful consideration, and it was also looked at by the Road Safety Advisory Council, which, as honourable members would know, is chaired by Sir Eric Neal.

The council recommendation at the time was that attention be given to strategies to educate school-age children of the risks of boarding and alighting buses from the front door and walking in front of a bus into oncoming traffic. It was its view that that was probably an area which caused more incidents than anything else. Again, this was an issue which was referred to the Minister for Education and Children's Services, and any final decision about the matter does rest with her.

ELURA CLINIC

The Hon. A.M. BRESSINGTON: I seek leave to make a brief explanation before asking the Minister for Mental Health and Substance Abuse a question.

Leave granted.

The Hon. A.M. BRESSINGTON: I have in front of me a letter from a constituent that I would like to read which states:

Please find enclosed copy of letter from Elura Clinic, Drug & Alcohol Services—South Australia, regarding Ken, dated 13.04.06.

I am a friend of Ken and I have known him for several years. Since meeting him it has been evident that he suffers from drug and alcohol issues via his inability to maintain and live a stable life and also his obvious regular intoxication on both drugs and alcohol. Ken

was recently released from prison where he served a short sentence for drug and alcohol related offences where he apparently remained drug and alcohol free. Upon his release his demeanour and attitude was quite good and he indicated to me his plan to get on with his life and stay of the alcohol and [drugs].

To his credit he secured employment, leased a unit close to his work and applied to the courts for his driver's licence. He was referred to Elura Clinic, Drug and Alcohol Services, for assessment (enclosed) for drug and alcohol dependence—a prerequisite for his ability to hold a driver's licence given his previous history. Over the last several weeks since receiving the enclosed assessment, I have witnessed Ken being grossly intoxicated and out of control on alcohol [and drugs] on numerous occasions; the following are two examples:

(1) On one occasion he rode an unregistered motor cycle [which he] does not hold a driver's licence to a mutual friend's premises where I was present. [Ken] was so badly intoxicated on alcohol that he had fallen off on the way and injured his leg. I arranged for him and his motor cycle to be taken to his home.

(2) On another occasion he became engaged in a brawl at his unit complex whilst grossly intoxicated where he attempted to assault another man with a baseball bat. I believe that he may be evicted from his unit as a result. [Ken] is also constantly broke, as by his own admission [he] spends most of his wages on [drugs] alcohol and [now] poker machines and is currently in arrears with his rent.

As a concerned friend I have questioned [him] about his addictive behaviours and indicated to him that in my opinion his life is beginning to spiral out of control . . . via his inability to drink [or use drugs] in moderation. His reply to this was he does not have an alcohol [or drug] problem as he has been assessed as 'no longer suffering from alcoholism'. It seems to me that this so-called clearance of his addiction has fed his denial and has made it even more difficult for friends to be able to get him to see that his life is back where it was prior to his recent imprisonment.

Can you explain to me how a man such as Ken can be assessed as no longer suffering from alcoholism by a government agency, where it seems obvious that he suffers from a serious addiction? It is a concern that this man is now behind the wheel of a car which means that the safety of anyone else on the road at the same time and place as him is jeopardised. This may be another driver or it could be one of my children crossing the road on the way home from school. Is the government aware that their agencies are so incompetent, or that they have no idea the outcomes they are producing for the rest of the community to deal with?

I have a copy of the assessment letter where it states that after just three months of assessment:

I now report to you that after considering all the evidence from the re-examination it is my opinion that Ken no longer suffers from alcoholism.

My questions to the minister are:

1. Is the minister aware that the practice of handing out letters stating that a client of Elura no longer has a drug and alcohol problem is being undertaken?

2. Will the minister provide figures of how many clients reoffend or relapse after they have received their letter of clearance, including drug-driving and drink-driving offences?

3. Will the minister advise on what basis it is determined by Elura that a drug and alcohol problem no longer exists after only three months, given that addiction is considered to be a long-term, high-relapse disorder?

4. Can the minister tell us how many individuals are referred to Elura in a 12-month period?

5. What observations are undertaken to ensure that compulsive habits have been broken?

6. What therapies are employed by Elura to break those compulsive habits in as short a period as three months?

The Hon. G.E. GAGO (Minister for Environment and Conservation): I thank the honourable member for her many questions. Again, I invite members who have concerns about the welfare or wellbeing of any individual to contact me at any time. I have raised concerns before about these matters being held over until question time in parliament and then raised with me and my office for the first time.

Members interjecting:

The Hon. G.E. GAGO: Well, this person may have raised this issue with my office previously, but I am not aware of that. To the best of my knowledge, this is the first time that this concern has been raised with me. If this person is driving around in a dangerous way under the influence of illicit drugs, this matter should have been raised with the police at the time as a matter of urgency, not only for the wellbeing of the individual involved but for the safety of others. I cannot help but wonder why this matter was held over until now. I do not know the details, but I am happy to receive any information from the honourable member and follow it up. One should always be mindful of information being passed on by a third party, because only one side of the story is provided, and that is a problem.

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: That is one of the problems with raising these issues in parliament, because inevitably only one side of the story can be given. Individuals are often portrayed in a most unfair and unreasonable light and they are in no position to come in here to defend themselves. So, I raise that as a matter for consideration. Clearly, if any concerns of members of the community have been passed on to members, I am happy to consider those matters at any time. I have raised these issues time and again. As I said, one cannot help but wonder—

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: —how these matters of urgent concern can be held over until question time.

The Hon. NICK XENOPHON: I ask a supplementary question. Will the minister at least be able to address the systemic issues raised by the Hon. Ms Bressington in her question?

The Hon. G.E. GAGO: As I said, I am happy to receive the details of these important matters that have been raised and I will take whatever course of action is appropriate.

MATTERS OF INTEREST

VSU LEGISLATION

The Hon. J. GAZZOLA: Mr President—

Members interjecting:

The Hon. J. GAZZOLA: No, I won't be talking about Port Adelaide, that great football side. I note that the lessons of history are rarely heeded. It is unfortunate that, as Flinders University celebrates its 40th anniversary and we farewell History Week, the fabric of student and vibrant university community life will be put to the sword through the actions of the federal government and a compliant state opposition. One day of guillotined debate on this legislation in the Senate gives you an idea of the arrogance and concern the federal government has for the overall wellbeing of both students and university life.

I bring to the attention of the council the consequences of VSU on student associations. We have the examples under

similar legislation in Western Australia, where the student associations almost collapsed. Murdoch University Guild survived on loans, and Edith Cowan University Guild went into liquidation and closed all of its services. As the dries and supporters of the legislation endlessly justify flaky user pays and freedom of association arguments, there will be losers in this—people on the margins who are dependent on association services to study and on health services that provide essential services and information, let alone those clubs whose memberships are small but offer a variety of interests that make up the life of any university. These people will not have freedom of association. Financial support for the less well off in the real world is the essential key to freedom of association, not just the ability to make a choice, the latter being the fallacy the federal government peddles.

Associations knew that cost efficient measures needed to be taken, but the draconian sweep of this legislation threatens the spirit of university life by turning them into drab and mean degree factories. The unpalatable consequence of this politically correct dreariness will also have economic repercussions, as recognised by Melbourne University, in that wealthy overseas students and their families are increasingly unattracted to universities that cannot offer the required support services that associations have traditionally provided. How will the government remedy this? Through the ESOS provisions—provisions that will make it mandatory for a university to provide the same existing services and facilities for international students but not for ordinary Australian students. What a hypocritical and preposterous position: a two-tiered student service—one for the wealthy international students and a second rate one for Australian citizens.

To return to Flinders University and its possible losses, the parent centre will survive this year but probably not next year. This centre, equal in size but distinct from the other Flinders University child care centre, offers a drop-in child-care facility for those students who do not have access to child care because of circumstance or disadvantage. Around 55 parents pay a flat rate of $60 per semester but are required to work on a pro rata basis to maintain and manage under the professional staff the centre's operations. Thirty per cent of users are from a low socio-economic background, 16 per cent are sole supporting parents, and 63 per cent of these are undergraduate students. We all know that life for many tertiary students is a struggle, but to further penalise the vulnerable who endeavour to improve themselves and who wish to contribute to our society is criminal.

Restructured student services facilities at Flinders will generally cost more and levels of service will suffer, as the association's economic modelling suggests. Clubs and societies will charge more and, if it is not financially viable or the level of service is unacceptable, some could fold. There will be a human cost as the current association's work force is reduced from 36 full-time equivalent positions to 18. Student support services will attempt to do the same with less. Student representation, undertaken by the association, will be reduced, leading to less well informed representation on committees. Campus activities, unless sponsored, will be threatened, while the *Empire Times*, a publication of around 37 years duration, and student radio may well cease. These are but a few of the consequences that will befall university life across the country.

RAIL, NOARLUNGA

The Hon. S.G. WADE: Over 12 months ago the state government made a commitment to conduct a feasibility study into the proposed extension of the Noarlunga rail line. I acknowledge the vigorous advocacy of the federal member for Kingston, Mr Kym Richardson. Since his election in 2004, Mr Richardson has lobbied the state government and the local state member, John Hill, to have the train line extended to improve transport for residents of the southern suburbs, and he secured the government's commitment to a feasibility study, with a view to extending the rail line to Seaford and possibly Aldinga.

The proposed Noarlunga rail extension is an issue of great concern to the residents of the southern suburbs of Adelaide. At a public meeting organised by the *Sunday Mail* last month, residents again raised concerns that transport problems and infrastructure in the south of Adelaide were being neglected by the state government in favour of high publicity projects such as the tram extension down King William Road. Residents spoke of a feeling of isolation and abandonment. In the past week, every day has brought fresh news of another state government transport project going over budget, planned projects being scrapped, and blowouts to the tune of $300 million and counting.

As the budget blow-outs spiral, the minister is apparently moving to scrap projects, and the Noarlunga rail line seems to be an early casualty. Last week I asked the Minister for Police, representing the Minister for Transport, to confirm that the Noarlunga rail extension feasibility study was still going ahead and that the transport infrastructure for the south would remain a priority. I was amazed when the government stated that the Noarlunga extension was no longer on the government's list. Kym Richardson, the federal member for Kingston, issued a press release today on this issue entitled 'The state government ignores the south again', which expresses his outrage over the state government's announcement.

Mr Richardson states that, over a year ago, he was there when Mike Rann and John Hill came down to Colonnades and, in front of about 100 people, announced that the rail line would go ahead. Mr Richardson's press release states:

> . . . I have seen the letter to residents where John Hill did a backflip claiming all they had agreed to was a feasibility study. I am not surprised that, at a public meeting recently, the new Labor state member for Mawson defended the transport needs of Glenelg and North Adelaide residents in relation to the multimillion dollar extension of the tram line over the needs of southern suburbs' residents to have their rail line extended.

Mr Richardson's press release further states:

> It is time that this state government stopped ignoring the needs of the south. We have played second cousin to the northern suburbs ever since Mike Rann came into power. They were quite happy to promise southern suburbs' residents the rail extension when the election was around the corner, but now they don't need the votes they certainly won't be delivering down here.

Mr Richardson queried from where the additional funds were coming to fund the cost blow-outs in other Rann government road projects. Mr Richardson commented:

> If Mr Conlon and his department had been able to add up correctly, the additional funds that the government are now miraculously going to be able to find could have gone a long way towards solving the transport problems for the people of the south.

I agree with Mr Richardson. It seems that this government thinks that the people of the south should be happy with South Road underpasses. Again, the government is demon-

strating that there is no coherent transport plan. The minister seems to be playing project roulette: spin the wheel and see what project gets funded! It is not fair to the people of the south who are still waiting for an integrated, accessible rail network. It is time that the government took responsibility for infrastructure in the south and listened to the needs of the people. The southern suburbs have been forgotten and they are isolated. I urge the government to provide real solutions to the problems of ordinary South Australians.

LAKE BONNEY

The Hon. B.V. FINNIGAN: On the last occasion I spoke to the council on a Matter of Interest, I spoke about the solar schools' program and, in particular, the Keith Area School. Today I will speak about the Lake Bonney wind farm. I applaud the government on its commitment to sustainable and renewable energy in stark contrast to the federal government, which is trying to lead a national furphy on the subject of nuclear power. As the Premier pointed out recently, the Rann Labor government takes sustainable energy very seriously. We are the first state to have a Minister for Climate Change.

The state has 45 per cent of the nation's grid-connected solar power, and it has a significant investment in hot rocks exploration. The South Australian parliament was the first parliament to install solar panels, saving 29 tonnes of carbon dioxide per year. South Australia currently has 51 per cent of the nation's wind energy production, which is soon to be expanded by the approval of the second stage of the Lake Bonney wind farm. I am proud to say that the largest wind farm in Australia, and one of the largest in the world, will be located in South Australia's South-East as agreements are finalised for the construction of stage 2 of the Lake Bonney wind farm.

The site is adjacent to the existing Lake Bonney wind farm; and, in terms of wind resource in Australia, it is located in one of the best regions. The current wind farm is made up of 46 wind turbines and produces 80.5 megawatts of power. Stage 1, which was built in 2005, has proven to be a successful site for wind energy generation and has led to the proposal for stage 2. Stage 2 will include the building of an additional 53 turbines next to the existing wind farm at Lake Bonney, which is near Millicent in the South-East. The new turbines will be built by a Danish company and will sit on 80-metre high towers at a cost of $400 million.

A statement from the project owners, Babcock & Brown Wind Partners, to the Australian Stock Exchange indicates that construction will begin immediately. The wind generators are expected to be fully operational by the middle of 2008 and will generate 159 megawatts of power, which will bring the total power generated by the two stages of the project to about 240 megawatts. Mr Peter O'Connell, the Chief Executive Officer of Babcock & Brown Wind Partners, stated:

> The Lake Bonney wind farms are located on a world-class wind site and are being built on a world-class scale. Australia can be proud of its very significant contribution to the world's renewable energy generating capacity.

The Chairman of Babcock & Brown Wind Partners, Mr Peter Hofbauer, said:

> Babcock & Brown has extensive global expertise in the wind energy sector and is putting this to use in the development and operation of wind assets around the world. The construction of the second stage of the Lake Bonney asset, which enjoys strong community support, will create the largest wind farm in Australia and one of the largest in the world.

Mr Hofbauer went on to say:

> Lake Bonney Stage 2 highlights the huge potential for investment in wind energy in Australia in a global market that is forecast to attract over US$130 billion of investment in the five years to 2010.

Of course, it is important that our state—and, indeed, our nation—should be part of that potential market and growth in renewable energy development, which provides economic and environmental benefits. The announcement regarding the Lake Bonney wind farm comes almost two weeks after Roaring 40s put on hold its project near Saddleworth in the Clare Valley, claiming a lack of federal government support. It is greatly disappointing to me (and, I am sure, to other members of the council) that the federal government has chosen to go down this track of launching a mock national debate about nuclear power when it is clearly unsustainable and uneconomical, and is likely to remain so for many years—as the federal finance minister said, for over 100 years. Given that Australia has the capacity to build its renewable energy sources and also our coal reserves, it is simply nonsensical for the country even to consider the option of nuclear power. I commend the Premier and the government for opposing any such move.

MENTAL HEALTH

The Hon. J.M.A. LENSINK: Facts have been raised on several occasions in this parliament in relation to illicit drugs, alcohol and activities at the Glenside campus. On 7 and 8 November 2005, the then minister for mental health and substance abuse told parliament, in response to concerns raised about a specific incident, that she had sought a review of security procedures at Glenside to prevent drug and alcohol use. She undertook to bring details back into parliament at another time. Issues were then raised again by me on 28 November 2005. Following the state election, a new minister was installed in that role, and on 3 May I asked the new minister a generic question about the same topic without mentioning names, but citing a previous example, and referring to the fact that opposition members have information that other incidents have occurred. In her reply to this question, the minister said:

> In relation to the evidence, as the honourable member herself indicated, it is only anecdotal. As I mentioned yesterday, if the honourable member has evidence or allegations of any impropriety whatsoever, she has a responsibility to draw that to my attention.

On 31 May, I took the minister's advice. I outlined to the parliament the details of a specific example to highlight wider problems, without injecting hyperbole. The details speak for themselves. The minister did not answer the question about the facts of the incident or public safety but talked instead about absconding (which was not the issue) and about not stigmatising people by mentioning names and details in parliament.

The following day, through a ministerial statement, the minister warned me that I might be named and shamed on the SANE Australia web site. However, I did not hear the honourable member protest when she was on the back bench and her predecessor in the ministerial role, in response to a question on 22 November last year about Mrs S, a mentally ill woman who presented to the Lyell McEwin Hospital and had to wait some 35 hours for a bed, put issues on the public record in relation to Mrs S's husband's employment status, facts which bore no relation to the case. One can only

conclude that this government has determined that all bad news or dissent will be met with the tactic of shooting the messenger.

The opposition receives a number of legitimate complaints. They come from members of the public, family members, friends and loved ones and, in some instances, people within the system who are distressed by what they have witnessed and/or experienced. The government has chosen on this occasion to hide behind anonymity to deflect attention from the underlying issues, when its own record is inconsistent and selective at best. Members on this side of the council would not be doing their job if we did not continue to raise the genuine concerns of members of the public to highlight ongoing issues that should necessarily concern us all.

MILLENNIUM SEED BANK PROJECT

The Hon. I.K. HUNTER: I rise today to bring to the attention of honourable members an important project which is helping to preserve our state's natural biodiversity for future generations. This project may have passed many of us by as it is neither glamorous nor especially lucrative, but it is nevertheless an important investment in this state's future. I probably do not need to remind members that diminishing biodiversity, over-development and climate change are problems across the world, and these problems are best tackled by the international community working together towards common goals.

Next year, Norway will begin work on an ambitious project to drill deep into a mountain on the remote Arctic island of Svalbard in order to create a bank of all the world's known agricultural crops. The vault, measuring 5 metres by 5 metres by 15 metres, will be cut from solid rock in the side of a mountain. It will be paid for largely by Norway and will be officially announced later this month. The seeds will remain the property of their countries of origin.

There are, of course, many seed banks around the world. This one, though, which is being organised by the Global Crop Diversity Trust, will be housed in such a way that it should be able to withstand global catastrophes such as nuclear war or massive natural disasters, thereby acting as a back-up for other less well protected seed banks. Dr Cary Fowler, Executive Director of the Global Crop Diversity Trust, told *New Scientist* magazine:

> This will be the world's most secure gene bank by some order of magnitude. . . But its seeds will only be used when all other samples have gone for some reason. It is a failsafe depository rather than a conventional seed bank.

Dr Fowler added that, while the facility would not be permanently staffed, 'the mountains are, however, patrolled by polar bears'. The remote island, some 300 miles north of the mainland, was selected because of its remote location, cold climate and permafrost. Norway's agriculture and food minister, Terje Riis-Johansen, has likened the project, which is due to be completed by September 2007, to a modern day Noah's Ark.

While Norway's project is focused largely on agricultural food crops, the Royal Botanic Gardens Kew Millennium Seed Bank project aims to conserve seed from 10 per cent of the world's dryland flora—some 24 000 species—by 2010. This is being achieved through international collaborative partnerships with research institutions around the world.

I was pleased to learn that we here in South Australia are doing our bit to help preserve the world's biodiversity through this project which, while less dramatic than the Norway project, is no less important. Over the past 200 years, we have had a devastating impact on the natural environment of our state. For example, of a total of 4 300 kinds of plants found in the wild in South Australia today, nearly 1 200 (or 30 per cent) are weeds—non-native plants that have escaped into the wild and are now a serious threat to our natural biodiversity.

South Australia, through the Botanic Gardens Seed Conservation Centre, is one of over 20 international partners in the Millennium Seed Bank project. The primary focus of the project is to undertake seed collections of threatened and priority native plant species for the establishment of a long-term ex situ conservation seed bank. Research is conducted on all of the species collected to determine germination and long-term storage requirements. Seed collections are an important insurance policy in the event that a plant becomes extinct in its natural environment. In such an event, seeds can be extracted from storage, germinated and plants returned to their natural environment to re-establish populations.

These conservation collections therefore complement in situ conservation activities that are occurring throughout the state. For example, seed from threatened plant species, including the fat-leafed wattle, ironstone mulla mulla and the tufted bush pea were collected from Eyre Peninsula in the months prior to the devastating 2005 Eyre Peninsula bushfires. These samples are available in storage should they be needed to restore affected populations in the future. I am pleased to say that, over the past three years, the Seed Conservation Centre has collected more than 700 plant species, which equates to approximately 20 per cent of the South Australian native flora.

Plants generated through germination research are currently being utilised in restoration and revegetation programs in different regions throughout our state, and 150 of these species are designated as being endangered, vulnerable or rare under the National Parks and Wildlife Act 1972. This is an exciting project and I am pleased that South Australia is part of such an ambitious and important undertaking.

URANIUM MINING

The Hon. SANDRA KANCK: There is a nuclear debate going on in Australia at the moment and maybe, since the capacity to split the atom has emerged, every generation must have its own debate. However, there was a long and significant debate 30 years ago with the Fox inquiry, which now appears to be forgotten. I doubt that any new inquiry will come up with much different outcomes, so I wonder why it is being talked up so much right now. It is not just the Prime Minister who is talking it up; so too are our Premier and our Treasurer, anticipating with glee the removal of the ALP's so-called 'three mines policy' and the further expansion of the Olympic Dam mine.

On the surface, I suppose, the debate is about nuclear power, but it is really about pushing up demand for uranium and increasing share prices in uranium mining companies. On the one hand, our Premier correctly says that nuclear power is not a solution to the pressures of climate change, yet on the other hand he wants South Australia to live off the profits of the uranium industry. It is a bit like good old snake oil—it has no health benefits other than swelling the wallet of the snake oil salesman—and, just like the snake oil salesman, our Premier, the Treasurer and ministers are spruiking and

spinning in order to make that sale. As we heard in question time in this place yesterday, this government will not rule out the prospect of uranium enrichment. I have recently taken to suggesting that the motto of the Rann government is, 'We will do it for the money', and that certainly seems to fit when it comes to uranium.

Let us look at the proposed expansion of the Olympic Dam mine. The proponents have been proudly boasting that it will be the largest open cut mine on this earth. It will cover an area larger than the city of Adelaide—that is, from one outside edge of the Parklands to the other—to a depth of one kilometre. I ask members to think about that. We are talking about an area of at least 10 square kilometres—imagine the native vegetation that will be destroyed on that site. The soil overburden will have to be removed and then dumped somewhere nearby, so it is very clear that not only will the native vegetation and associated animal habitats in that 10 square kilometres be destroyed but also the land on which the overburden is dumped. However, it is a geological fact that when extraneous dirt and rocks are removed from mines the release of the natural compression sees a greatly increased volume of material—probably up to three times what the material is currently taking up in space. So it will not be a matter of removing this material from an area of 10 square kilometres and placing it on another 10 square kilometre patch; and, remember, apart from the issue of the expanded volume of the waste, we are talking of a depth of one kilometre.

The Australian Conservation Foundation (ACF) has calculated that at present the Olympic Dam mine produces enough tailings each year to cover AAMI stadium to the top of the goal posts 25 times over; however, with the expansion of this mine we are talking about a tripling of production, so it will be 75 times over. Another way of putting that is that, with the increased output at Olympic Dam, AAMI stadium would be filled with waste to the height of the goal posts every 2½ days. And we can expect these tailings dumps to be at least 60 metres high—in other words, we are looking at the height of 20-storey buildings—and cover an enormous expanse.

In addition to the native vegetation that will be destroyed, this expansion will be singularly responsible for an increase of 20 per cent in South Australia's greenhouse gas emissions, so I cannot understand why we have a Premier who titles himself as the Minister for Climate Change and Sustainability but who thinks that getting rid of the ALP's three mines policy, as well as the expansion of Olympic Dam, are good ideas.

As a contestable customer in the national electricity market the then owners of the Olympic Dam mine, Western Mining Corporation, were able to negotiate a very attractive deal on electricity prices for running that mine. It is a price that all South Australian consumers, particularly household consumers, have been cross-subsidising for nearly a decade. We are being asked to ignore the environmental damage and turn a blind eye to the greenhouse gas costs of expanding this mine. We are not being told what it will mean for us all in terms of increased use of electricity and electricity prices. In the 1970s and the 1980s I used to wear a badge that said 'Uranium costs the earth'. It did then and it still does.

INDIGENOUS TRANSITION PATHWAYS CENTRE

The Hon. A.L. EVANS: Today I would like to speak on the success of the Playford Council's Indigenous Transition Pathways Centre in changing the lives of indigenous young people in the north of Adelaide. Northern Adelaide is currently home to 50 per cent of the indigenous population in the metropolitan area, and the number is steadily increasing due to the availability of housing. It is widely know, however, that the social and economic participation of indigenous people is significantly lower than that of the wider population. It is also reported that more than 80 per cent of the indigenous young people do not engage well in school based learning, which often leads to intergenerational unemployment and a number of social problems.

The City of Playford recognised a need in its area for a support program that specifically targeted indigenous young people. In response, the Indigenous Transitions Pathway Centre was established late last year, consisting of a network of government and local agencies that collectively assist in forging pathways into training and employment for its clients.

Prior to the operation of the centre, indigenous youth participation in learning and employment programs has been minimal. Between August 2005 and June this year, however, some 120 at risk participants have been assisted in finding employment, or received training in fields such as technology, horticulture, hospitality, hair and beauty, business administration, and visual arts. The health and wellbeing of these young people has also improved and their dreams for the future reignited.

Impetus and funding for the project was provided by the Social Inclusion Unit and the commonwealth Department of Education, Training and Science, with subsequent funding provided through the South Australian Works program. However, it was a commitment of schools, training bodies and industries that has enabled the centre to prosper. The Youth Education Centre, TAFE, Para Worklinks and Australian Workplace Services were particularly vital in the development and sustainment of the program.

An event to celebrate the centre's success was recently held at the Kuarna Plains School. The federal Minister for Education, Science and Training was the guest of honour, with more than 200 indigenous people in attendance. This is a clear indication of the amount of support and recognition there is for the centre's invaluable work. I congratulate the City of Playford and all who are involved in the Indigenous Transitions Pathway Centre. The initiative has certainly had a significant impact on the local community and thoroughly deserves the ongoing support of all levels of government.

Time expired.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: UPPER SOUTH EAST DRYLAND SALINITY AND FLOOD MANAGEMENT ACT

The Hon. R.P. WORTLEY: I move:

That the report of the committee, 2004-2005, on the Upper South East Dryland Salinity and Flood Management Act 2002, be noted.

The Upper South East Dryland Salinity and Flood Management Act came into force on 19 December 2002. The act

provides that the committee take an interest in the scheme and report to parliament annually. The aim of the scheme is to improve the environment and agricultural production of the Upper South-East. The key issues of soil and salinity and pasture inundation are being addressed in the scheme. The Department of Water, Land, Biodiversity and Conservation oversees the management and implementation of the scheme for the Minister for Environment and Conservation, and provides quarterly reports to the committee on the progress and success of the scheme.

The Mount Charles, Taunta and Bunbury drains make up the northern catchment drainage system. Their construction was completed during this reporting period. The Hon. David Ridgway attended the opening of these drains on behalf of the committee. In the central catchment drainage system the construction of the Taratap and Kercoonda drains commenced, and they were still under construction at the end of this reporting period. The Didicoolum and Bald Hills drains (also in the central catchment) were in the design stages, and consultation was under way with landholders.

It was towards the end of this reporting period that the committee started to hear some objections to the drainage schemes from landholders. This led to further consultation between landholders and the Department for Water, Land, Biodiversity and Conservation, as well as further consideration and review by the committee. The committee visited the region in September 2005. The issues raised and the outcomes will be discussed in the committee's next report to parliament in 2005-06.

During this reporting period, the biodiversity offset scheme was implemented. This scheme allows landholders to offset the levy they are required to pay under the program by entering into an agreement to conserve native vegetation that already exists on their property. Initially, case studies were undertaken to determine how best to assess the biodiversity of these properties and the dollar amount to be awarded for the Biodiversity Significant Index. Following these case studies, it was recommended by the Upper South-East Program Board that the index be increased from the proposed $5 to $10 per Biodiversity Significant Index per hectare. The Minister for Environment and Conservation approved this and the scheme commenced shortly thereafter.

By the end of the March 2005 quarter, 206 applications for the biodiversity offset scheme had been received, and by the end of the reporting period 80 had been assessed. One-quarter of those assessed were unlikely to be viable due to the lack of biodiversity on their property. Those not successful in receiving a biodiversity offset were required to pay the levy, along with other landholders in the region. Objections were received from some zone C landholders to the second round of levy notices issued. They outlined several reasons for this, including that the water is not originating on their properties but from Victoria and that zone C does not suffer from a salinity or flooding problem, unlike zones A and B.

Although there was opposition to the program, particularly by zone C landholders to the levy and landholders affected by the construction of drains, the committee received no complaints with respect to the minister's exercising his powers under this act. It is noted that delays are occurring in the construction of the drains due to the issues raised by landholders regarding the alignment and construction of some of the drains. The committee believes it is important to have adequate consultation and to address the issues and concerns of these landholders prior to the construction of the drains.

I would like to thank those members of the community for raising issues with the committee and the government departments for providing us with information. I also acknowledge the work of my fellow members of the previous and current Environment, Resources and Development Committee—in particular, my colleague the Hon. David Ridgway whose depth of knowledge on this issue was invaluable to the development of this report—and the committee staff, Philip Frensham and Alison Meeks.

The Hon. I.K. HUNTER secured the adjournment of the debate.

CONTROLLED SUBSTANCES (SALE OF EQUIPMENT) AMENDMENT BILL

The Hon. A.M. BRESSINGTON obtained leave and introduced a bill for an act to amend the Controlled Substances Act 1984. Read a first time.

The Hon. A.M. BRESSINGTON: I move:

That this bill be now read a second time.

Today I present an amendment to the Controlled Substances Act 1984, specific to the sale of equipment used to consume and manufacture cannabis. This amendment aligns with existing legislation, namely, part 5, division 1, offences, section 31, which already states in subclause (1)(c):

> A person must not have in his or her possession any piece of equipment for use in connection with the smoking, consumption or administration of such a drug or substance, or the preparation of such a drug or substance, for smoking, consumption or administration.

It appears that further clarification is required to have this legislation enforced. This amendment will also propose that the Controlled Substances Act 1984 now be specific to make the sale or possession of equipment, namely, pipes, water pipes and bongs, an offence with an increased fine for the sale of these items and a further increase in fine with the possibility of imprisonment for the sale to minors.

This amendment brings the penalties for the sale of this equipment to minors in line with the tobacco regulations. This amendment also takes into consideration the sale of hydroponic equipment for the purpose of cultivating cannabis, with the sale of such equipment being subject to a fine and/or imprisonment, and again a more severe penalty for the sale of such equipment to minors.

The amendments to this bill are not as radical as one might think, given the existing legislation. It appears that the law needs to be further refined for enforcement to occur at the street level. This was a point made by the Hon. Robert Lawson, shadow attorney-general, in this place last week when we were debating legislation regarding the throwing of objects. It has struck me, in the process of having this amendment bill prepared, that this state, in fact, contravenes: the law of the state; the law of the commonwealth via the Crimes (Traffic in Narcotic Drugs and Psychotropic Substances) Act 1990; and international law through the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, to which Australia is a signatory.

I am hopeful that the passing of this legislation will also lead to the closure of shops that have pipes, bongs, water pipes and other drug-using equipment on display for sale and where a person of any age can purchase their products. In fact, even under existing legislation it is questionable that such businesses should ever have been able to trade. What we are seeing is that our children are being lured into the use of

drugs that cause serious harm to their physical, emotional and psychological health, and at some point we will be held accountable for this.

Current interpretation of the law, as I understand it, is that the possession of this equipment is illegal only after it has been used. It would be unthinkable for a tobacconist to be able to sell cigarettes to minors on the understanding that those minors would not open the packet and smoke the cigarettes. It would be just as unthinkable to sell alcohol on the understanding that the bottle would not be opened and the alcohol not consumed. There is no room for us as a society to allow for anyone or anything to undermine our intent and our responsibility to protect and nurture our future generations.

As a new person in this place, I am disappointed that a firmer stand has not been taken to enforce the letter of the law and that other members and I will spend more time refining legislation in the hope that eventually we will be able to create change as well as justice. I said in my maiden speech that I am committed to do the work necessary to restore balance, but I see that the mechanisms already exist for this where drugs are concerned. It appears to be simply a matter of enforcement and political will.

I will summarise some of the harms of cannabis, harms of which we are all very much aware by now and, if we are not, it beggars belief that we can sit in this place claiming to be capable of undertaking the roles and responsibilities that we have sworn to fulfil. Cannabis is known to have long-term effects on the unborn child, with an increased risk of those children exposed to cannabis developing childhood leukaemia and also the risk of developing learning and behavioural problems in later life. The use of cannabis has been connected with psychosis and schizophrenia. There is a strong connection between cannabis and violent crime. The growth and distribution of cannabis is directly connected to organised crime. There is nothing positive or passive about this drug, and the latest research shows that there is direct evidence of the early onset of emphysema—some 20 years earlier for cannabis users who use bongs and water pipes—and that it results in a far more progressive form of this horrendous disease.

The legislation I am proposing cannot be considered as just another law. It is an opportunity to send a clear message to members of the community that we support them in their efforts to provide a safe and secure environment for their children and that the use of this drug is unacceptable. I have seen the devastation this drug has caused to many and I know that our children are being led down a path that brings them grief, and we are responsible. We as a council are the law makers, and I understand that those in the other place have the responsibility of ensuring that systems are in place to make the law work for the community.

Cannabis and other drugs are as harmful as tobacco and alcohol. This means that there is no legitimate argument for a soft-on-drugs approach and that a tough-on-drugs approach requires more than words on paper. Those who want drug law reform fail to learn from past experience—that of availability and acceptability of alcohol and tobacco. Their legal status has not reduced the harm or uptake; in fact, we can see by the statistics that they are the two biggest killers in the country. Legalisation and a tolerance to these two substances has had no effect on controlled use. It is for this reason that we cannot afford to make the same mistakes and, when legislation is developed to protect the community, as it should be, it must be taken seriously.

I implore all members in this place to support the amendments to the Controlled Substances Act put before them today and to make their own personal commitment to ensure that effective legislation is developed and enforced to show the community that we are in agreement on the negative impact they are experiencing from the sale and use of drugs such as cannabis. The pro-drug lobby has adopted the same approach to the tobacco industry—to cast doubt on the actual harms of cannabis and other drugs by steadfastly refusing to acknowledge the dangers and using only selective evidence to further their cause. The purpose is to create discourse within the community. One tobacco industry executive has stated, 'Doubt is our product', since it is the best means of competing with the body of fact that exists in the mind of the general public. It is also a means of creating controversy. When controversy exists and debates ensue, there is always doubt. When agreement is reached, solutions can be found.

The statement to which I just referred is not only a clear indication of the plan to confuse the public but an exact replica of the actions of the pro-lobbyists. The tobacco industry, through its omissions, created the illusion of an individual's right to smoke, and the pro-drug lobby has created the same illusion of the right to use drugs by diverting the focus away from illicit drugs to legal drugs such as tobacco and alcohol. This is hypocrisy at its worst and the height of irresponsibility.

When we pass legislation in this place in relation to tobacco and alcohol, it should be equal with legislation against the use of cannabis and other drugs. The hypocrisy can continue no longer. The discourse must be broken, and that is our responsibility, not as moralists, not as prohibitionists, not as anti-drug campaigners or any other label but as responsible legislators paid by the people to work for the people. If this is truly a house of review, if it is truly the place that people believe it to be (which was indicated by their votes at the last election), it is our moral obligation to empower and support the population. That should be our agenda.

People out there live in fear: fear that their children will use drugs and destroy their lives; fear of the lawlessness that exists because of drugs; and fear that they have been left to fend for themselves. They pay us to ensure that, to the best of our ability, their fears are not realised, and we are obliged to do our best. Is it any wonder that there is such public and obvious loathing for politicians, and that their opinion of us is so low? It is not because the people begrudge paying for government, and it is not because they do not see the need for government and law: it is because they believe they are not getting a bang for their buck, and they have recognised that their needs are not being met.

The basic need of every individual is to feel safe and secure; and, in a state such as South Australia, a state that has so much to offer, their safety is denied through the behaviour of a few. The majority of those few are problematic drug users, and the culture that provides the drugs are a law unto to themselves. Anyone who supports a soft approach on drugs is in agreement with the organised crime that currently rides shotgun over this state. Illicit drugs is and will be an issue with the law. On ABC news last night, the Premier said:

> Where there is an issue with the law, let's clean up the law.

I now leave this matter with the council.

The Hon. NICK XENOPHON secured the adjournment of the debate.

FUEL SUPPLY

Adjourned debate on motion of Hon. N. Xenophon:

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

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

(b) The impact of the 2003 closure of the Port Stanvac refinery and fuel storage facilities have had on the reliability and pricing of petrol and diesel for South Australian consumers;

(c) (i) The agreement entered into between the government of South Australia and any entity or entities over the closure of the Port Stanvac refinery and fuel storage facilities;

(ii) The effect of the closure of Port Stanvac on the price and availability of petrol and diesel in South Australia.

(iii) The effect of the agreement on aiding or impeding wholesale competition for petrol and diesel in South Australia;

(d) The nature and extent of competition in the wholesale petrol, diesel and LPG market in South Australia and the impact of such on the supply and pricing of these products to South Australian consumers.

(e) The practices and conduct of oil companies operating in South Australia (including Mobil, Caltex, Shell and BP), and the impact of such on the supply and pricing of petroleum fuels in South Australia;

(f) Whether the South Australian industry, the farming sector, emergency and essential services operators have been affected by any issues relating to the supply of diesel and petrol since 2003, and, if so, whether such matters have been addressed satisfactorily, or need to be so addressed;

(g) The potential impact on consumers of the price of petrol and diesel in South Australia of fuel storage facilities not controlled by major oil companies.

(h) The potential role of government to facilitate wholesale competition for petrol and diesel in South Australia and any infrastructure issues relating thereto.

(i) The environmental state of the Port Stanvac refinery site and the steps needed to ensure that the site is returned to an acceptable environmental state; and

(j) Any other matters;

2. That standing order 389 be so far suspended as to enable the chairperson of the committee to have a deliberative vote only;

3. That this council permits the select committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the committee prior to such evidence being presented to the council;

4. That standing order 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating; and

5. That the evidence given to the previous Legislative Council Select Committee on Pricing, Refining, Storage and Supply of Fuel in South Australia be tabled and referred to the select committee.

(Continued from 31 May. Page 233.)

The Hon. NICK XENOPHON: I thank members for their indication of support. This committee still has work to do. When it sat prior to the election a reasonable amount of evidence was taken, documents were obtained and research was carried out, but, clearly, there is more work to be done. I note that, about two weeks ago, there were reports of a shortage of diesel in at least one major fuel wholesaler in this state; and that ought to be of significant concern to primary industries in this state and to users of diesel fuel generally. That situation indicates that some broader issues need to be addressed by this committee in terms of security and reliability, as well as the competitiveness of fuel supplies in this state. These issues were debated in the previous parliament. I do not propose to say any more. I thank members for their support for the re-establishment of this committee.

Motion carried.

The council appointed a select committee consisting of the Hon. B. Finnigan, the Hon. I. Hunter, the Hon. D. Ridgway, the Hon. T. Stephens, and the Hon. N. Xenophon; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to report on Wednesday 20 September 2006.

The PRESIDENT: In accordance with the resolution, I lay upon the table the evidence given to the previous Legislative Council Select Committee on Pricing, Refining, Storage and Supply of Fuel in South Australia.

CRIMINAL LAW (SENTENCING) (VICTIM IMPACT) AMENDMENT BILL

In committee.

Clause 1.

The Hon. R.D. LAWSON: Can the Hon. Mr Xenophon indicate whether the proposal contained in this bill has previously been floated with the government or any other authority and what has been the response?

The Hon. NICK XENOPHON: I can indicate in general terms that I have been floating issues of victims' rights for a number of years, because I receive a lot of calls from constituents who are dissatisfied with the way in which the justice system operates. I am not certain whether the proposal in this form was floated, but previously (over at least two or three years) I have raised publicly the concern of victims who feel disconnected or who feel that they do not have a voice within the system. There was a fairly awful case of a young woman who was killed in a motor vehicle accident. The driver was charged with driving without due care. The parents in that case did not have any opportunity to make a statement to the court about the death of their daughter, and that compounded their distress. I think we have all been put on notice that the current system does not give a right to victims in summary offences, where there has been a death or a serious injury, to make a victim impact statement as to how that person (or, if a person is deceased, how that person's family) has been affected by the crime.

The Hon. R.D. LAWSON: I thank the honourable member for that intimation. The purpose of my query was really to ascertain whether or not there had been any indication from the government as to whether it will support this measure. We on this side of the committee commend the honourable member for bringing this measure forward, and we will certainly be supporting it. However, I am aware that last year, when the honourable member floated the idea of a commissioner for victims' rights, that proposal fell on stony ground, so far as the government was concerned. I note that that proposal is not contained in the bill that the honourable member has introduced, although he has indicated that that issue and others will be dealt with in another piece of legislation.

The Hon. R.P. WORTLEY: During the election campaign the government promised several major reforms to improve the treatment of victims in the criminal justice system. The government will soon introduce a comprehensive package of amendments to fulfil its election promises. The government is committed to justice for victims, and its proposed amendments will reflect that commitment. However, the government believes that it will be better for these important reforms for victims to be dealt with in a coordinated manner rather than piecemeal. So, while we will not oppose the clauses at this stage, we will be opposing the bill at the third reading.

The Hon. NICK XENOPHON: This is a fairly straightforward piece of legislation. It relates to a discrete issue. To say that it is piecemeal, I think, is quite unfair, in the sense that there is a pressing need now for victims of crime to have an opportunity to make a victim impact statement. The instance I have given (which I think a number of honourable members on this side of the chamber, given their union backgrounds, will appreciate) is that, where there is a death as a result of an industrial accident and there is a prosecution, invariably, under section 19 of the occupational health and safety legislation, the family of the deceased does not have any right to insist that the directors of the company or the employer attend court for the handing down of the penalty; nor do they have the right to make any statement about the loss of their loved one. My concern is that the victims of crime legislation will be much more complex and, as I understand it, a new statutory office will be created. Let us remedy this now. In a sense, I am trying to help the government fulfil an election promise—and the opposition is happy to help the government as well. I think it is a win-win situation.

I indicate that in the next sitting week of parliament I will introduce victims of crime legislation, on which I have consulted extensively with victims of crime, including Di Gilcrist-Humphrey and Carolyn Watkins, as well as a number of other victims of crime, who have been of great assistance to me in relation to their experiences with the justice system. If nothing else, I hope that it will focus our mind on this very important issue.

At the end of the day, I just want some good results for victims of crime. This is a straightforward issue arising out of the situation Julie MacIntyre has found herself in as a result of the death of her son Lee. Most recently, Andrea Madeley, whose son Danny was killed in an horrific industrial accident two years ago this month, has made the point that she does not have any rights in the system. The victims of crime legislation will take three, four or five months, and I understand that. Why delay this legislation? Why deny numerous victims the right to have some sense of justice in the court process?

The Hon. R.D. LAWSON: I must say that I regret the dog-in-the-manger attitude of the government in relation to this matter. The Hon. Mr Wortley has indicated that the government would prefer to see its own legislation up in lights—one can already see the sort of press release the Premier would issue in relation to this—rather than according credit to the idea proposed by the honourable member.

I ask the honourable member who mentioned the fact that industrial incidents that cause the death or serious harm to a person—and, of course, might result in prosecution under the occupational health and safety legislation—whether he can assure the committee that he has had advice to the effect that the definition of 'prescribed summary offence' will be sufficient to cover such offences and not only offences under the Road Traffic Act and other legislation?

The Hon. NICK XENOPHON: I have sought advice from parliamentary counsel on this, and the advice I have, in unequivocal terms, is that it does cover those industrial offences, because they are summary offences under section 19, which is the source of all prosecutions. I do not think section 59 has ever been used to prosecute anyone in the 20 years it has been in operation, and that offence carries a gaol term.

Clause passed.

Remaining clauses (2 to 4), schedule and title passed.

Bill reported without amendment; committee's report adopted.

Bill read a third time and passed.

AUDITOR-GENERAL'S REPORT

Adjourned debate on motion of Hon. R.I. Lucas:

1. That a select committee be appointed to inquire into and report upon issues relating to allegedly unlawful practices raised by the Auditor-General in his Annual Report 2003-2004, and, in particular—
   (a) all issues related to the operation of the Crown Solicitor's Trust Account and the $5 million 'interagency loan' between the Department for Administrative and Information Services and the Department for Water, Land and Biodiversity Conservation;
   (b) whether the practices were in fact unlawful;
   (c) the extent to which these practices have been used in other departments;
   (d) issues of natural justice surrounding the treatment of Ms Kate Lennon;
   (e) why agencies were unable to meet statutory reporting deadlines;
   (f) suggestions as to how the management of unspent funds should be approached in the future; and
   (g) all other related matters.
2. That standing order 389 be so far suspended as to enable the chairperson of the committee to have a deliberative vote only.
3. That this council permits the select committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the committee prior to such evidence being reported to the council.
4. That standing order 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating; and
5. That the evidence given to the previous Legislative Council Select Committee on Allegedly Unlawful Practices Raised in the Auditor-General's Report 2003-2004 be tabled and referred to the select committee.

(Continued from 31 May. Page 239.).

The Hon. NICK XENOPHON: When this matter was last considered, I sought leave to conclude my remarks. I indicated my support for this motion, primarily on the basis that there ought to be a completion of the work that the committee in the previous parliament had commenced in relation to this matter. I did express some concern with respect to the inquiry and said that I thought it was important that the committee consider evidence fairly and comprehensively and that not to do so would undermine the very basis of the committee system, in which the Legislative Council has a very important role to play in this parliament. They were the concerns which I expressed and which I would endorse in relation to the other motion (to which I will speak briefly).

I note that in relation to this particular matter—known colloquially as the 'stashed cash inquiry'; and perhaps that in itself carries an inclusive judgment which many would consider to be unfair—already a considerable amount of evidence has been called, but there is further evidence to be called, in relation to not only matters concerning the Attorney-General but also broader issues about governance and the way in which departments operate. I think that raises wider issues. I do not see that as a finger-pointing exercise, but, if this inquiry recommends that there are better ways of dealing with governance issues within departments, I believe that some good will come out of it. I think that this committee, as well as the other proposed committee, has a clear obligation to consider evidence thoroughly and fairly before handing down its report.

The Hon. B.V. FINNIGAN: I rise in opposition to the establishment of the committee to inquire into the Crown Solicitor's Trust Account. I understand the Hon. Mr Xenophon's point that the committee system is an important part of the functioning of the Legislative Council and the parliament, but I think that is in the context of committees that have a genuine purpose in dealing with matters before them which are worthy of investigation, and in the context that the conduct of those committees is such that it reflects well on the parliament and is in accordance with the principles of due process. I submit that this committee in the past has not been run on that basis.

The first thing to note about the supposed stashed cash affair is that it is the subject of a police investigation which is ongoing. I do not consider it appropriate that the parliament should choose to investigate further a matter which is already the subject of a police investigation and which has not been concluded. It would seem to me to be very much prejudging the issue and calling into question the police investigation itself—which is clearly in contravention of the standard procedure of government and the parliament. When a matter is before the police or the courts it is not appropriate for the parliament itself to be investigating the matter simultaneously.

The Hon. R.P. Wortley: Let's not let a police investigation get in the way of good point-scoring!

The PRESIDENT: Order!

The Hon. B.V. FINNIGAN: Secondly, the Auditor-General has made it clear that he believes that the Attorney-General was not told about the operation of the Crown Solicitor's Trust Account. There are any number of remarks by the Auditor-General to which I could point in support of that proposition, be it in the Auditor-General's Report or the Auditor-General's evidence to the Economic and Finance Committee on 20 October 2004. On that date, at a hearing of the Economic and Finance Committee, the Auditor-General said:

> A minister of the Crown has a right to rely upon the chief executive and the senior executives within his department to ensure that proper lawful processes are complied with at all times, and that there is regularity in the way in which public financial transactions are undertaken.

Of course, that is not what happened on this occasion—and the Auditor-General has made that clear. On that day he also said:

> The bottom line is that the Attorney really did not know.

That is what the Auditor-General told the Economic and Finance Committee: 'The bottom line is the Attorney really did not know.' He went on to say:

> It is not fair to say that he should have known. When he became aware of it he took all the necessary steps to ensure the corrective procedures were undertaken.

The Auditor-General in his evidence to the Economic and Finance Committee made it clear that the Attorney-General had acted correctly in investigating the matter and, in fact, it was the departmental officers who were misleading the Attorney-General. He further stated:

> Her [that is Ms Kate Lennon's] explanation was such that Simon and I were in no doubt that what she was saying was that the Attorney did not know about the use of the account.

That is the Auditor-General telling the Economic and Finance Committee that he was in no doubt that Kate Lennon was saying that the Attorney did not know about the use of the account. He went on to say that had he been in any doubt about that matter he would have required Ms Lennon to give evidence under oath. The Auditor-General has made clear his position on this matter. In his evidence to the Economic and Finance Committee on 20 October 2004, he further stated:

> The Attorney has been the victim of some seriously misleading and deceptive conduct. If it was sought to have the Attorney understand what was going on, why would they have adopted the stratagem of splitting it so that the Attorney was kept out of the loop—out of understanding of what was going on? This conduct speaks pretty loudly in terms of the culture that was going on in that place.

The Auditor-General, who is the independent watchdog charged with ensuring that the public accounts of the state and the government are carried out correctly and within the procedures that are required, has said that the Attorney has been the victim of some seriously misleading and deceptive conduct. That was his evidence to the Economic and Finance Committee, and it is what he has held to consistently throughout this process. It is clear that the Auditor-General, who is responsible for ensuring that public accounts are kept in a proper order, believes that the Attorney-General was not told about what was going on with the Crown Solicitor's Trust Account.

Thirdly, I refer to the misuse of the committee that occurred in the previous parliament, and particularly the intimidation of witnesses by members of the opposition. Ms Angela Allison, from the finance section of the Department of Administrative and Information Services, was seen in tears following two hours of questioning by opposition members.

The sort of behaviour that opposition members have shown in the committee inquiring into the Crown Solicitor's Trust Account—and, indeed, in the committee inquiring into the Atkinson/Ashbourne/Clarke affair, which I will come to later—has been completely unacceptable. A very good example of what Liberal members are capable of when it comes to questioning witnesses—and, in particular, public servants—was when Mr Jerome Maguire, the acting deputy chief executive from the Attorney-General's department, appeared before the Economic and Finance Committee in January 2005. Mr Martin Hamilton-Smith, the member for Waite in another place, said to Mr Maguire, 'It is nice being the Deputy CEO of the department now,' to which Mr Maguire responded, 'Is that a question?' The exchange went on:

> MR HAMILTON-SMITH: I see that you and Mr Johns have done quite well out of Ms Lennon's departure, along with a couple of other people, haven't you?
> MR MAGUIRE: Is that a question?
> MR HAMILTON-SMITH: Yes, it is—a nice big salary increase?
> MR MAGUIRE: Not significant, no.

So here we have public servants being bullied and intimidated by members of the Liberal Party when they turn up to parliamentary committees. I agree with the Hon. Mr Xenophon that it is important that the parliamentary committee system works well, but how can that be the case when members of the opposition are intimidating witnesses who appear (including members of the Attorney-General's department) and, in effect, suggesting a very grave allegation, one made under privilege, that people have, essentially, colluded to get other public servants in trouble in order to get themselves a promotion and a salary increase. I would have thought that that was a very vile accusation to make of anyone, but that is the clear imputation of what the member for Waite was saying on that occasion. That is the sort of approach that the Liberal opposition has taken with these committees in the past, and with other parliamentary

committees—the intimidation of public servants and suggestions that they are personally profiting out of the actions that they have taken.

The fourth matter I would like to raise is prejudgment of the issue. The Hon. Mr Lucas issued a press release on 8 November 2004, two days before the upper house select committee into the Crown Solicitor's Trust Account was established. The press release was entitled 'A-G should join Premier's reading challenge', and in it he suggested that the Premier could direct the Attorney-General to take up his reading challenge and actually read, or perhaps he could just sack him for incompetence or negligence or both. So here we have the Hon. Mr Lucas, two days before the committee into the Crown Solicitor's Trust Account was established, suggesting that the Attorney-General be sacked for incompetence or negligence. That is a clear prejudgment of the matter and it really does call into question the purpose of having a parliamentary committee if you have decided what the findings are going to be. Is it the case that Mr Lucas or his office had been working on the report that they want the committee to come up with before it had even heard its evidence? To make judgments about what the findings will be before any of the evidence is taken is an unacceptable way to go about any proceeding, particularly a parliamentary committee.

Finally, Mr President, I draw your attention to what an independent commentator has said about this matter, writing in *The Adelaide Review* of 7 March 2005. Mr Michael Jacobs, in an article entitled 'Nothing yet shows the Attorney-General knew', said:

> She [that is, Ms Lennon] did know that the scheme, i.e. the misuse of the Crown Solicitor's Trust Account, would enable her department to duck the government's carryover policy because she was part of the discussion about starting the scheme, and she knew her minister was part of a cabinet which had approved a tighter approach to cash management and carryovers.

Mr Jacobs goes on to say that the Attorney-General's sworn evidence to the Auditor-General suggested the following:

> . . . he rode his department's finances with an unusually light rein. When his officials told him more money was needed for a project, he joined in the battle to get it out of Treasury. But he generally left it to the chief executive who is, after all, the person made responsible for departmental accounts by the Public Finance and Audit Act.

There we have an independent commentator writing in *The Adelaide Review* that the Attorney-General left the minutiae of account transactions to the chief executive who is, after all, Mr Jacobs says, 'the person made responsible for departmental accounts by the Public Finance and Audit Act.'

So here we have the government putting in place a very clear and committed policy on the way that the budget is to be administered that ensures a high level of fiscal rectitude, and part of that is ensuring that departmental executives comply with the regulations that are set down, the requirements of the law and the policies of the government—which includes not carrying over money in the way that has occurred on this occasion. It is clear that there was some wrongdoing. That is being investigated by the police. The Auditor-General has made findings in relation to it. He has made it clear that he has no doubt in his mind that the Attorney-General did not know that the Crown Solicitor's Trust Account was being misused in the way that it was.

Therefore, it is extraordinary that the Liberal opposition should think that the time, resources and energy of the parliament, and of the members of the Legislative Council, should be spent investigating a matter that is subject to other processes, from which it has been very clear that the Attorney-General was not aware of what was going on, and where appropriate procedures have been followed and where the matter is being investigated by the police. Given the record that this committee has shown in the last parliament, and that the members of the opposition have shown in their respect for and the use of parliamentary committees (which I will speak about a bit more in the next item of business for the day), there is absolutely no justification in my mind for reinstituting this committee. It is a matter that has clearly been already dealt with. It is clear that inappropriate accounting procedures were going on. The Auditor-General has identified that. He has made clear that he believes that the Attorney-General did not know that that was happening. Therefore, I really do not see that there is anything more for the Legislative Council select committee to consider. I strongly recommend to members that they oppose this proposition.

The Hon. R.I. LUCAS (Leader of the Opposition): I thank honourable members for their contribution to the motion. I respect the loyalty that the Hon. Mr Finnigan has shown, as a wholly-owned subsidiary of the Labor right, in regurgitating a speech largely or partly prepared by the Attorney-General's own staff, but I think it is extraordinary—

The PRESIDENT: The Leader of the Opposition would be better off sticking to the motion.

The Hon. R.I. LUCAS: Mr President, can you point out where I am not?

The PRESIDENT: Where the Hon. Mr Finnigan belongs has nothing to do with this motion whatsoever.

The Hon. R.I. LUCAS: Mr President, as I said, the fact that the contribution that Mr Finnigan has just presented was wholly or partly produced by the Attorney-General's own staff is, indeed, a matter of interest to not only members of this committee but, I think, to anyone who follows the debate in respect of this committee. As I said, I respect the fact that Mr Finnigan's loyalty to the Attorney-General is such that he was prepared to stand up and regurgitate those matters on the Attorney-General's behalf.

I found it extraordinary for a new member to this chamber to indicate that issues that the Auditor-General found as being unlawful (in his report of 2003-2004) were not issues of importance or worthy of investigation. Here is a new member to this chamber who is saying that a $5 million loan—which was unlawful—between minister Weatherill's old department and minister Hill's department was not an issue of importance and was not worthy of investigation. What an extraordinary set of values for the new member to be displaying in this chamber in that the issue of accountability as to who knew what and as to how on earth this occurred in relation to that unlawful transaction is not something that the Hon. Mr Finnigan believes is important or worthy of investigation.

The reason why, of course, is that the Hon. Mr Finnigan (as with this government) does not want to be held accountable for these sorts of issues. We know the government's policy is to abolish this Legislative Council to stop the establishment of committees like this to hold ministers and the government accountable when the Auditor-General or somebody else finds that there is something wrong, or improper, or unlawful going on in the Rann government's administration. This chamber ought to retain the power and the authority to hold accountable governments and ministers, and also public servants, if that practice is—

The Hon. R.P. Wortley: We had an election.

The Hon. R.I. LUCAS: The election has got nothing to do with this issue. It is extraordinary that the Hon. Mr Finnigan's values in this chamber would indicate that he does not deem these actions to be important and, further, unworthy of investigation—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —in respect of the unlawful provisions, or the unlawful actions, that not only relate to the $5 million unlawful loan but also the actions in relation to the operation of the Crown Solicitor's Trust Account. What the Hon. Mr Finnigan is saying, on behalf of the Attorney-General and the government, is that, if the Auditor-General reports in his annual report and finds unlawful practices by the administration of the Rann government, that is unimportant and not worthy of further investigation by the parliament; that it ought to be just left because it is the Rann government that is in control and nobody should hold it to account. The parliament should not hold the government to account for its actions or those of its ministers, or in terms of the administration of their portfolios. That might be the set of values that the Hon. Mr Finnigan and his cohorts bring to this debate and bring to this chamber, but they will not be the values that we bring to this chamber in relation to holding the government to account. Governments, ministers and public servants need to be held to account.

In relation to this issue, we have had, as with the next motion that we will debate, an unprecedented lobbying campaign from the Attorney-General, the Premier, other senior ministers and Rann government representatives, trying to block the establishment of these committees. In relation to this one, with the passage of time some of the discussions, or understandings (in inverted commas) that the Rann government entered into, or offered, or discussed, will become apparent to all in this chamber in terms of trying to stop the establishment of this select committee.

One of the lobbying points that the government has been using is that this—which has become known as the stashed cash committee, as other members have referred to—is only looking at the issues in relation to the Crown Solicitor's Trust Account. I remind honourable members to look at the terms of reference. The terms of reference relate to the issues in respect of the operation of the trust account and the $5 million interagency loan between DAIS and the Department for Water, Land and Biodiversity Conservation. It asks whether or not those practices were unlawful; the extent to which these practices have been used in other departments; issues of natural justice surrounding the treatment of Ms Kate Lennon; why agencies were unable to meet statutory reporting deadlines; and suggestions as to how the management of unspent funds should be approached in the future.

As I highlighted earlier, the issue in relation to the interagency loan between minister Weatherill's former department and minister Hill's former department has nothing to do with the Attorney-General—not that we are aware of, anyway. I am not aware that they had anything to do with the Attorney-General. They are issues that relate to a middle-level manager in one department supposedly making a decision to lend $5 million to a middle-level manager in another department and, supposedly, the two ministers knew nothing about it, and, supposedly, the two chief executive officers knew nothing about it, and these two officers just in a pally way decided to lend each other $5 million.

That is the sort of behaviour that the Hon. Mr Finnigan says is not important and is unworthy of investigation. What an extraordinary values system the Hon. Mr Finnigan and this government must have when we can have a situation where people within the Public Service can make judgments of their own volition to loan each other $5 million supposedly without anybody up the departmental tree or the minister responsible knowing anything about it. This committee has commenced taking evidence from some of the associated parties under that particular term of reference and, as I said, to my knowledge, that term of reference has nothing to do with the Attorney-General, the hapless Mr Atkinson.

If the Hon. Mr Finnigan has some information that he would like to share with the committee or the parliament that the Hon. Mr Atkinson is somehow involved with that particular transaction, I invite him to do so. What the Independents and others have been told is that this is a shameless witch-hunt to try to get Mr Atkinson. Parts of the terms of reference do relate to the hapless Attorney-General, but other parts are unrelated to him, and, whilst we have taken significant evidence on the first issue, we have only just commenced taking evidence on the second issue of the $5 million interagency loan.

The other issues that have been raised so far in evidence to this committee raise significant accountability issues in relation to departmental management of unspent funds within not only these agencies but others. With the new cash management policy that has been implemented by the Treasury, agencies and public servants within those agencies are experiencing problems. For example, if I can put it simply, they have been unable to get an answer as to whether they can carry over unspent moneys until five months into the financial year. On a strict and technical reading of current government policies, if they have not had approval for carry-over of funds on 1 July they are to stop those particular projects and programs until they do get approval. Departmental officers have advised the committee that in some cases this does not occur until five months later: in November. What is going to happen this year (with the budget itself being delayed by four months) to cash management and unspent funds from the 2005-06 financial year, we do not know, but we hope that if the committee is established we will be in a position to throw some light on those issues.

If the Premier and the hapless Attorney-General are successful in preventing the re-establishment of this committee, they will successfully stop the Auditor-General from finalising his evidence. The Auditor-General is in the process of giving evidence on these issues. I think there are some genuine questions to be asked about how the Auditor-General's staff conducted the audit of a number of these issues, but the Auditor-General has not completed answering questions on these issues. For some reason the Premier and the Attorney-General do not want to see the completion of the evidence of the Auditor-General to this committee. We in the opposition welcome the opportunity to explore these issues further with the Auditor-General. We want to ensure that he has the opportunity to answer fully all the questions that are put to him by committee members.

There are also a number of significant witnesses who, for a variety of reasons, have been unable yet to give evidence to the committee. One of those is a former CEO of the department, Mr Johns, who is now, I think, the Coroner. For a variety of reasons he has been unable to give evidence to the committee. He and one of two others are potentially very important witnesses in terms of the evidence that they might be able to give on some of these issues. Looking at the issues which relate to the Attorney-General and those which

relate to minister Weatherill and minister Hill, all we are interested in is getting to the facts of the situation. If there are criticisms of public servants involved in that, so be it. Also, if there are criticisms of ministers, so be it.

The Hon. Carmel Zollo interjecting:

The Hon. R.I. LUCAS: Well, the Auditor-General has not explored all the issues with this particular committee in terms of the details. It is also a furphy to suggest that the police are considering all the issues that relate to this particular select committee. That statement by the Hon. Mr Finnigan is not true: the police investigation, should it still be continuing, is certainly not looking at all the issues related to the terms of reference of this particular committee.

The remaining major issue that I want to place on the record, given the disappointing contribution of the Hon. Mr Finnigan on behalf of the hapless Attorney-General—

The Hon. J. GAZZOLA: On a point of order, Mr President, standing order 193 provides:

> The use of objectionable or offensive words shall be considered highly disorderly; and no injurious reflections shall be permitted upon the Governor or the Parliament of this State, or the Commonwealth, or any Member thereof. . .

The Leader of the Opposition referred to the Attorney-General as hapless. I think that is an injurious reflection on the Attorney-General.

The PRESIDENT: Order! The leader will refrain from referring to members and ministers by anything other than their proper title.

The Hon. R.I. LUCAS: Thank you for your defence and support, Mr President. I have referred to him by his appropriate title, that is, the Attorney-General, the Hon. Mr Atkinson. The fact that I used an adjective, whether it be hapless, beleaguered or whatever, has nothing to do with the correct designation of the Attorney-General, and I will continue to follow the standing orders, so thank you for your protection, sir.

The issue that needs to be considered is that the Hon. Mr Finnigan has studiously avoided—and I am not surprised—one of the critical issues that has come from the evidence so far gathered, namely, the allegation that the Attorney-General has committed a criminal offence in swearing a false oath in evidence he gave to the Auditor-General. I am not surprised that the Hon. Mr Finnigan did not address that issue. He talked about whether or not the Attorney-General—

The PRESIDENT: Order! The leader referred to the evidence so far gathered. The committee has not yet made a report to parliament. The leader should not be referring to the evidence gathered in the committee so far because it has not reported to parliament.

The Hon. R.I. LUCAS: There is no standing order along those lines. The Hon. Mr Finnigan just quoted at length from evidence given to the select committee and he is not even on it. There is no standing order that prevents a reference to select committee evidence.

The Hon. G.E. GAGO: On a point of order, sir, I understand that pointing is not acceptable conduct in this chamber—it is offensive.

The PRESIDENT: The Leader of the Opposition will refrain from pointing.

The Hon. R.I. LUCAS: From evidence presented so far, we have a situation where the Attorney-General stands accused of potentially committing a criminal offence by swearing a false oath. The evidence he gave to the Auditor-General was that he did not even know of the existence of the Crown Solicitor's Trust Account. We are not talking of whether or not he knew of the use or misuse of it, but his sworn evidence on oath to the Auditor-General was that he did not even know of the existence of the Crown Solicitor's Trust Account. From the evidence presented thus far, we are aware that the Attorney-General on two or three occasions—

The PRESIDENT: Order! I remind the Leader of the Opposition that standing order 190 provides:

> No reference shall be made to any proceedings of committees of the whole council or of a select committee until such proceedings have been reported.

The Hon. R.I. Lucas: We don't have a select committee at the moment.

The PRESIDENT: The proceedings of the last select committee have not been reported.

The Hon. R.I. Lucas: We don't have a committee.

The PRESIDENT: You had a committee that has not reported to parliament and you continue to raise things on the evidence given to that committee.

The Hon. R.I. LUCAS: Mr President, we do not have a select committee at the moment. I remind you to check: we do not have a select committee at the moment and it has not reported. We are trying to re-establish the select committee.

The Hon. CARMEL ZOLLO: On a point of order, Mr President, if that evidence has been given to a select committee and it has not been reported, it is still privileged evidence.

The Hon. R.I. LUCAS: It is not privileged—it's public.

The Hon. Carmel Zollo: No, it's not because you haven't reported it to the parliament.

The Hon. R.I. LUCAS: The minister does not know what she is talking about, frankly.

The PRESIDENT: The Hon. Mr Finnigan also has not had access to the same evidence as you have—

The Hon. R.I. LUCAS: It was all written for him. He did not have to have access to it.

The PRESIDENT: Under standing order 190, you should not be referring to evidence taken by a committee that has not reported to parliament.

The Hon. R.I. LUCAS: There is no select committee and no report has been presented. I understand what you are saying, sir, but I just do not agree with you. The position I am raising now relates to information and evidence we presented to the parliament before the select committee was established, anyway.

The Hon. Carmel Zollo: We did?

The Hon. R.I. LUCAS: We did. I raised it by way of questions. We have a situation where the Attorney-General presented two or three annual reports of his own department, which all clearly referred to the audited accounts of the Crown Solicitor's Trust Account. Here is the Attorney-General presenting his own annual report to the parliament, which he approves with his chief executive officer. As all former and current ministers would know, you see the annual reports before they are presented to parliament and you approve them.

First, the Attorney-General presented annual reports of his own department which have significant sections in them on the Crown Solicitor's Trust Account and, if one is to believe the Attorney-General, he did not read the annual reports of his own department to parliament. Secondly, the Auditor-General every year presents an annual report on all departments and agencies. The first thing a minister does when the Auditor-General presents a report is go to their departmental section to see what the Auditor-General said about your department. Every year the Auditor-General reports on the activities of the Crown Solicitor's Trust Account. If one is to

believe the Attorney-General, he does not read the Auditor-General's reports on his own departments, either. Thirdly, on transition to government he was given a briefing on the Crown Solicitor's Trust Account. If one is to believe the Attorney-General, he does not read his transition to government briefing folders.

There has been other evidence as well, and I will not go through all of it, but they are the three most blatant examples. If one is to believe the evidence given by the Attorney-General—and, frankly, I and most people do not—the Attorney-General would stand accused of incompetence, negligence or both; that is, he does not read his own annual reports, does not read the Auditor-General's reports, does not read his transition to government briefing folders, and did not listen to briefings he was given by his former chief executive officer.

These are important issues that this committee is being asked to address, contrary to the dismissal by the Hon. Mr Finnigan that they are unimportant issues. If the Attorney-General has committed the criminal offence of swearing a false oath, he cannot remain a minister of the Crown and he cannot remain as Attorney-General. It is as simple as that.

The Hon. R.P. Wortley: You wish!

The Hon. R.I. LUCAS: It is not 'I wish', I inform the Hon. Mr Wortley. The simple fact is that, if he has sworn a false oath, the Hon. Mr Atkinson cannot continue as a minister of the Crown or as Attorney-General, and that is a critical issue in terms of accountability. It is one of the issues, amongst many others, that this committee has been exploring. Let me conclude the substantive part of the contribution by, again, dismissing the nonsense presented by the Hon. Mr Finnigan that these are issues of no importance and unworthy of investigation.

If the committee is to be established, and that is a vote for the chamber, we know that the Attorney-General has very strong views about the personnel who might serve on it. He has expressed strong views that he does not believe that certain members ought to serve on the committee. I am happy to indicate that, if it is established, we will be nominating the Hon. Mr Xenophon as the Independent member to the committee. The Hon. Mr Atkinson is the only member of parliament I am aware of who has had a family holiday with the Hon. Mr Xenophon; so, he cannot say—

The Hon. Nick Xenophon interjecting:

The Hon. R.I. LUCAS: A fishing holiday, was it? I think that it will be difficult for the Hon. Mr Atkinson to be critical if the parliament is to appoint the Hon. Mr Xenophon to this committee. As I said, certainly, the Hon. Mr Atkinson and the Hon. Mr Xenophon have been able to work together on a number of legislative and related issues over the years. I believe, therefore, that, if it is to be established, it is an indication of willingness, certainly by the Liberal Party, to ensure that someone acceptable to the Attorney-General is appointed as the Independent member of the committee.

I am sure that the Attorney-General is working on the basis that the two government members are highly likely to be supportive of the Attorney-General. He may well work on the basis that the members of the opposition may well be likely to form a view different from the Attorney-General's. The Hon. Mr Xenophon potentially will be the Independent member if the committee should ultimately be established by the chamber. I had not intended speaking at length in reply, although I must refer to a lengthy contribution in which the Hon. Mr Finnigan made a number of unfounded claims on behalf of the hapless Attorney-General.

I believe that at this stage it is important that the opposition's response be put on the record to ensure for anyone who reads *Hansard* that the reasons for the establishment of the committee are well established.

Members interjecting:

The PRESIDENT: Order! I put the question: that the motion be agreed to. All those in favour say aye.

Honourable members: Aye.

The PRESIDENT: All those against say no.

Honourable members: No.

The Hon. G.E. Gago: Divide!

The PRESIDENT: I heard only one voice.

The Hon. R.I. LUCAS: Just look at the standing orders.

The PRESIDENT: I heard one voice.

The Hon. R.I. LUCAS: What do you mean, you heard one voice?

The PRESIDENT: I heard one voice. I will put the motion again.

The Hon. R.I. LUCAS: I rise on a point of order, Mr President. What are you talking about?

The PRESIDENT: I heard one voice.

The Hon. R.I. LUCAS: About what? You need only one voice to call 'Divide', and the voice came from the Hon. Gail Gago.

The council divided on the motion:

AYES (10)

Kanck, S. M.	Lawson, R. D.
Lensink, J. M. A.	Lucas, R. I. (teller)
Parnell, M. C.	Ridgway, D. W.
Schaefer, C. V.	Stephens, T. J.
Wade, S. G.	Xenophon, N.

NOES (9)

Bressington, A.	Evans, A. L.
Finnigan, B. V.	Gazzola, J. M.
Holloway, P. (teller)	Hood, D.
Hunter, I.	Wortley, R.
Zollo, C.	

PAIR

Dawkins, J. S. L.	Gago, G. E.

Majority of 1 for the ayes.

Motion thus carried.

The council appointed a select committee consisting of the Hons B.V.Finnigan, R.I. Lucas, D.W. Ridgway, R. Wortley and N. Xenophon; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to report on Wednesday 20 September 2006.

The PRESIDENT: In accordance with the resolution, I lay on the table the evidence given to the previous Legislative Council Select Committee on the Allegedly Unlawful Practices Raised in the Auditor-General's Report 2003-04.

ASHBOURNE, CLARKE AND ATKINSON INQUIRY

Adjourned debate on motion of Hon. R.I. Lucas:

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

(a) Whether the Premier or any minister, ministerial adviser or public servant participated in any activity or discussions concerning—

(i) the possible appointment of Mr Ralph Clarke to a government board or position; or

(ii) the means of facilitating recovery by Mr Clarke of costs incurred by him in connection with a defa-

mation action between Mr Clarke and Attorney-General Atkinson.

(The activity and discussions and events surrounding them are referred to in these terms as 'the issues'.)

(b) If so, the content and nature of such activity or discussions.

(c) Whether the Premier or any minister or ministerial adviser authorised any such discussions or whether the Premier or any minister or ministerial adviser was aware of the discussions at the time they were occurring or subsequently.

(d) Whether the conduct (including acts of commission or omission) of the Premier or any minister or ministerial adviser or public servant contravened any law or code of conduct; or whether such conduct was improper or failed to comply with appropriate standards of probity and integrity.

(e) Whether the Premier or any minister or ministerial adviser made any statement in relation to the issues which was misleading, inaccurate or dishonest in any material particular.

(f) The failure of the Premier, Deputy Premier, the Attorney-General and the then minister for police to report the issue in the first instance to the Anti-Corruption Branch of the SA Police.

(g) Whether the actions taken by the Premier and ministers in relation to the issues were appropriate and consistent with proper standards of probity and public administration and, in particular—

(i) why no public disclosure of the issues was made until June 2003;

(ii) why Mr Randall Ashbourne was reprimanded in December 2002 and whether that action was appropriate;

(iii) whether the appointment of Mr Warren McCann to investigate the issues was appropriate;

(iv) whether actions taken in response to the report prepared by Mr McCann were appropriate.

(h) What processes and investigations the Auditor-General undertook and whether the Auditor-General was furnished with adequate and appropriate material upon which to base the conclusions reflected in his letter dated 20 December 2002 to the Premier.

(i) Whether adequate steps were taken by Mr McCann, the SA Police and the Office of the Director of Public Prosecutions to obtain from Mr Clarke information which was relevant to the issues.

(j) Whether the processes undertaken in response to the issues up to and including the provision of the report prepared by Mr McCann were reasonable and appropriate in the circumstances.

(k) Whether there were any material deficiencies in the manner in which Mr McCann conducted his investigation of the issues.

(l) Whether it would have been appropriate to have made public the report prepared by Mr McCann.

(m) The matters investigated and all the evidence and submissions obtained by and any recommendations made by the Anti-Corruption Branch of the SA Police.

(n) Whether Mr Ashbourne, during the course of his ordinary employment, engaged in any (and, if so, what) activity or discussions to advance the personal interests of the Attorney-General and, if so, whether any minister had knowledge of, or authorised, such activity or discussion.

(o) Whether Mr Ashbourne undertook any and, if so, what actions to 'rehabilitate' Mr Clarke, or the former member for Price, Mr Murray DeLaine, or any other person into the Australian Labor Party and, if so, whether such actions were undertaken with the knowledge, authority or approval of the Premier or any minister.

(p) The propriety of the Attorney-General contacting journalists covering the Ashbourne case in the District Court during the trial and the nature of those conversations.

(q) With reference to the contents of the statement issued on 1 July 2005 by the Director of Public Prosecutions, Mr Stephen Pallaris, Q.C.—

(i) what was the substance of the 'complaint about the conduct of the Premier's legal adviser, Mr Alexandrides';

(ii) what was the substance of the 'telephone call made [by Mr Alexandrides] to the prosecutor involved in the Ashbourne case';

(iii) what were the 'serious issues of inappropriate conduct' relating to Mr Alexandrides;

(iv) whether the responses of the Premier, the Attorney-General or any minister or Mr Alexandrides or any other person to the issues mentioned in the Director of Public Prosecutions' statement were appropriate and timely; and

(v) whether any person made any statement concerning the issues referred to in the Director of Public Prosecutions' statement which was misleading, inaccurate or dishonest in any material particular.

(r) Whether it would be appropriate in future to refer any credible allegation of improper conduct on the part of a minister or ministerial adviser (that has not already been referred to the police) to the Solicitor-General in the first instance for investigation and advice.

(s) If the reference of such an allegation to the Solicitor-General would not be appropriate (in general or in a particular case) or would not be possible because of the Solicitor-General's absence or for some other reason, who would be an alternative person to whom it would be appropriate to refer such an allegation in the first instance for investigation and advice.

(t) Whether Mr Alexandrides assisted in framing the Terms of Reference for the Inquiry proposed by the Government in the resolution of the House of Assembly passed on 5 July 2005.

(u) What action should be taken in relation to any of the matters arising out of the consideration by the Inquiry of these terms of reference.

The select committee must not, in the course of its inquiry or report, purport to make any finding of criminal or civil liability.

2. That standing order 389 be so far suspended as to enable the chairperson of the committee to have a deliberative vote only.

3. That this council permits the select committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the committee prior to such evidence being reported to the council.

4. That standing order 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating; and

5. That the evidence given to the previous Legislative Council Select Committee on the Atkinson/Ashbourne/Clarke Affair be tabled and referred to the select committee.

(Continued from 31 May. Page 241.)

The Hon. NICK XENOPHON: I sought leave to conclude my remarks when this matter was last before the council, and I will do so. I will be brief in relation to my remarks. I indicated at that time that further material was to be provided to me by the Attorney's office, as it was entirely proper then to do so. I have had an opportunity to read a media release from the Hon. Paul Holloway dated 26 August 2005 entitled 'Auditor-General backs Premier's actions in Ashbourne inquiry'. I do not propose to reiterate what is in that release other than to say that it refers to quotes of the Auditor-General, Mr Ken MacPherson, outlining his views about the issue of Mr Ashbourne's being charged.

At this point I remind honourable members that, during Mr Ashbourne's trial in the District Court, I gave character evidence for him (and I was more than happy to do so), as did two of my parliamentary colleagues at the time, the Hon. Julian Stefani and the Hon. Mark Brindal. I note that, as a result, the jury subsequently acquitted Mr Ashbourne in what some considered to be near record time, even allowing for the tea break—

The Hon. R.D. Lawson interjecting:

The Hon. NICK XENOPHON: The Hon. Mr Lawson said 'not near record time'. In any event, it was a very speedy decision of the jury in that case. For that reason—

The Hon. R.D. Lawson: The jury's verdict was before you gave evidence.

The Hon. NICK XENOPHON: No, I gave character evidence in that matter in the course of the trial. For that reason alone, it would be inappropriate for me to be part of this inquiry (and I do not think there is any suggestion that I would be). For the reasons I have set out previously, and the reasons given by the Hon. Mr Parnell, I think it is important that this inquiry complete its work, however unfair some may feel the terms of reference or the very nature of this inquiry to be. It is important that it hears evidence fairly and impartially and gives fair and reasonable consideration to the terms of reference and the matters that are before it.

The Hon. Mr Lucas can perhaps elaborate on this, but my understanding is that most of the evidence has been given in relation to this select committee and that, unlike the other select committee that has just been established, there is less work to be done on this committee in order for it to complete its evidence-gathering process and deliberations. If the Hon. Mr Lucas is in a position to indicate that is the case, I would be grateful. Again, I remind honourable members that there was a trial in relation to the matters raised in part by the terms of reference and that a jury acquitted Mr Ashbourne in some 53 minutes, as I recollect. The primary principle, though, is that this committee ought not be blocked; it ought to complete its deliberations and hand down a report.

The Hon. B.V. FINNIGAN: I rise today in opposition to this motion. I think the Hon. Mr Lucas demonstrated in his last contribution precisely why we are opposing this motion. It was a collection of hearsay and scuttlebutt about the Attorney-General—what the Hon. Mr Lucas has heard in the corridors. I do not know whether the Hon. Mr Lucas has a hearing problem or whether he is prone to picking up voices that do not exist, but he seems to pick up a lot when meandering through the corridors. It is precisely that level of evidence and substantiation that comes to this proposition.

All the people involved in this affair have been cleared many times through many processes. We began with the McCann inquiry, which was conducted by the Chief Executive of the Department of the Premier and Cabinet. Mr McCann was appointed by the former Liberal government, of which the Hon. Mr Lucas was a member and more than hapless treasurer. When Mr Warren McCann was conducting the inquiry, he sought legal advice from two senior Victorian lawyers, including a former Victorian solicitor-general, regarding the process. Mr McCann's report was sent to the Auditor-General, and the Auditor-General concluded:

> I have reviewed the material made available to me with respect to the abovementioned matter enclosed with your letter of 4 December 2002. In my opinion, the action that you have taken with respect to this matter is appropriate to address all of the issues that have arisen.

That is what the Auditor-General had to say about the McCann inquiry. The Auditor-General, of course, subsequently told the former Select Committee on the Atkinson/Ashbourne/Clarke Affair that he was indeed surprised that Mr Ashbourne had been charged. He told the committee on 26 August 2005:

> I formed the opinion that there was no criminality, there was no basis for engaging the police, and no basis for taking it any further. . . It is a disciplinary matter. . . I was absolutely appalled when I heard that he [Mr Ashbourne] was charged.

Members opposite obviously have no regard for what the Auditor-General had to say, because they have not accepted his judgment in this matter or in the previous matter.

The matter was subsequently referred to the Anti-Corruption Branch of South Australia Police. I do not know whether or not members opposite trust South Australia Police to investigate matters, but it certainly did investigate the matter and confirmed that the Attorney-General was never a suspect. The following is a quote from the police files that were tabled in the previous committee. Mr Atkinson, the honourable Attorney-General, was interviewed by two Anti-Corruption Branch officers on 18 July 2003. Superintendent Simons said to Mr Atkinson at the beginning of the interview, 'Before clarifying some of the issues in your statement, I make the point that I do not have any cause to suspect that you have committed any offence'. That is what Superintendent Simons said to Mr Atkinson prior to the interview. So, the Anti-Corruption Branch investigated the matter. As we know, a charge was laid against Mr Ashbourne by the Director of Public Prosecutions, and a jury found him not guilty of the offence with which he was charged in less than an hour. The Attorney-General and senior ministers of the government testified in that case, and they came up to proof.

The Liberal Party does not accept the inquiry conducted by the Chief Executive of the Department of the Premier and Cabinet, who sought legal advice from senior Victorian lawyers; it will not accept the Auditor-General's judgment; it will not accept the judgment of the Anti-Corruption Branch; and it will not accept the judgment of a jury in a District Court trial. That is not good enough for members opposite. They want another go at it. One has to ask: how many ways and how many times must the Attorney-General and the other person involved in this matter, namely, Mr Ashbourne, be cleared of any wrongdoing? It is simply not enough for members of the opposition: they want another go.

Let us have a look at the record of the previous Select Committee on the Atkinson/Ashbourne/Clarke Affair. It relied on speculation and hearsay: it was a pure witch-hunt and an absolute charade—a committee which has brought discredit to this parliament and which the Liberals seek to revive and bring further discredit on the Legislative Council and its processes by making a mockery of the whole purpose of the select committee process. Let us look at what one person had to say.

The Hon. Terry Cameron, a former member of the Legislative Council and hardly the greatest friend of the government, given the history between them, told parliament on 30 November in relation to these matters:

> I am very reluctant to support a resolution which is inherently political. It is about damaging Michael Atkinson. Something I have always wondered about Michael Atkinson is that he always seems to draw the crabs. I do not know whether it his style, his manner, or what have you, but he has always had his detractors and it has never deterred him. I indicate that I do not intend to support the amendment moved by the Hon. Robert Lawson and, unless the Hon. Sandra Kanck can pull some rabbit out of the hat, I will not be supporting her motion, either. It is probably time we dealt with this and moved on to more important business.

That is what the Hon. Terry Cameron had to say to this chamber on 30 November 2005: 'It is probably time we dealt with this and moved on to more important business.' This came from someone who, it could hardly be claimed, had a fixed view about supporting the government.

Secondly, I would like to address the misuse of the committee's processes—in particular, the briefing of witnesses by the Hon. Mr Lucas. Mr President, as a member

of the committee, you asked Ms Edith Pringle on 24 November 2005 at the Atkinson/Clarke/Ashbourne select committee hearing whether she had spoken to any committee members before her appearance.

Members interjecting:

The PRESIDENT: Order! Under standing order 290 the honourable member will refrain from mentioning evidence that was taken by the committee. I understand that this motion by the Hon. Mr Lucas includes a paragraph asking for the evidence of that select committee to be tabled and referred to the new select committee. Please refrain from mentioning that until such time as the committee reports to the council. I am sure that the next speaker will do the same.

The Hon. B.V. FINNIGAN: It was clear that Edith Pringle had been coached by the Hon. Rob Lucas, and that is an entirely inappropriate process, to be briefing witnesses. It was admitted that she had spoken to the Hon. Mr Lucas before her testimony. When Mr George Karzis appeared before the committee on the previous occasion, he was intimidated and bullied by members of the opposition. Mr Michael Jacobs, the journalist, wrote in *The Adelaide Review* of 9 December 2005:

> He, George Karzis, began by pointing out the limits of the inquiry and the evidence he could give. He insisted that he could only answer questions which could be related to the committee's terms of reference, which is supposed to be the limits of a parliamentary committee's ability to do anything.

Members interjecting:

The PRESIDENT: Order! I understand that the honourable member is quoting from a newspaper article.

The Hon. B.V. FINNIGAN: From *The Adelaide Review*, Mr President.

The PRESIDENT: Carry on.

The Hon. B.V. FINNIGAN: It continues:

> These are the most basic principles for the conduct of inquiries and the fair treatment of witnesses.

I will repeat that: 'These are the most basic principles for the conduct of inquiries and the fair treatment of witnesses.' The article continues:

> That Karzis had to insist on them so persistently and that he got the combative reactions he did tells its own story. I have never heard a committee member, the Hon. Rob Lawson, tell a witness to 'Just shut up,' as I heard that morning and I never want to hear it again.

That is a statement from Michael Jacobs writing in *The Adelaide Review* about the committee.

In my previous contribution in respect of the Crown Solicitor's Trust Account I referred to the intimidation of witnesses before the Economic and Finance Committee by Liberal members, including the suggestion that they had something to personally gain. It is clear that there are a number of members who have a predetermined position, a prejudgment on this matter. The Australian Democrats leader, the Hon. Sandra Kanck (who at the time was leader of three members), said on 6 June 2005 in a statement made outside the Supreme Court, the day that the trial of Mr Ashbourne began, that she thought that there should be a royal commission so that 'we can get to the heart of how a government behaves'. On the very day that the District Court trial began, the Hon. Sandra Kanck called for a royal commission. That is clearly a prejudgment of the matter and it almost ran the risk of causing a mistrial by trying to prejudge the issue and the result of the court case.

It is clear that the opposition is only interested in hearsay and speculation. Mr Gary Lockwood was a witness before the previous committee and he acknowledged that it was evasion, he said, in relation to the statement that he had made to the Anti-Corruption Branch. Mr Lockwood acknowledged that the only evidence he had was the word of Ralph Clarke. That is the basis of the opposition's entire case: that someone heard that someone said that someone told them that this is what they had heard. That is, of course, speculation and hearsay. The Anti-Corruption Branch did not call Mr Lockwood as a witness because it did not see him as a credible witness; it knew that he had nothing but speculation and hearsay to contribute.

This is the record of the committee as it operated in the previous parliament—calling discredited witnesses who had nothing to offer but speculation and hearsay, tenuous connections at best. The previous committee made the decision, against the wishes of government members, to release police evidence. This is an extraordinary thing to have happen, and it has cast into doubt people's willingness to cooperate with the police because they know that if they are interviewed by the Anti-Corruption Branch or the South Australia Police on any matter that the record of their interview could end up in public.

It could end up being produced in a parliamentary committee and then released for political gain. It discourages people from cooperating with the police, because it is axiomatic that when you talk to the police you expect that what you are saying to them is going to be used by them for their investigation, not ending up as part of some political football, not ending up being the plaything of the Hon. Mr Lucas. That was an appalling decision, in my view, of the previous committee. It sends a clear message to people that when they are interviewed by the police they should be very careful about what they say, because it could end up in public appearing in the newspapers.

The other point to make about the opposition, of course, is its extraordinary double standards on this. The former leader of the opposition, Mr Rob Kerin, the member for Frome in the other place, appeared on the David Bevan and Matthew Abraham show on the ABC a while back. Mr Kerin, the former leader of the Liberal Party (and a very successful one he was) appeared on ABC Radio and was asked about suggestions that a federal Liberal MP had been involved in finding a job for Ralph Clarke. I think Mr Kerin suggested that he knew about it only when it was raised on the program. Mr Bevan said to him:

> You had never heard of it before then, Rob Kerin?

Mr Kerin said:

> No, I hadn't. I sort of—well, the guy rang me pretty quickly and it wasn't secret because he'd actually told you. He never told me, but he'd actually told you that he'd had that thought, but I think that he thought better of it and no, no offers were ever made.

Mr Abraham then asked Mr Kerin:

> He did discuss it, though, with a federal minister, didn't he?

Mr Kerin replied:

> My understanding is that there was a brief discussion as to whether or not, you know, sort of anything should be done and obviously decided not to.

Mr Abraham asked:

> Well, have you given that MP's name to the police?

Mr Kerin replied:

> Well, nothing transpired, absolutely nothing transpired. There was—he said he had that thought—

To which, of course, the presenter of the program said:

> Well, it was more than a thought. There was a discussion that had taken place about whether it would be possible to find a job for Ralph Clarke, to help Mr Clarke continue his legal action against the Attorney-General.

That had happened; while this person had changed their mind, this has happened after an approach had been made. Mr Abraham asked Mr Kerin:

> So you don't think that that needs an independent inquiry?

Mr Kerin's response was:

> Oh, look, if that needs an independent inquiry, we'd have inquiries until the cows come home.

That was the response of the Hon. Mr Kerin when he was asked by Mr Abraham whether an independent inquiry was warranted into whether or not a federal Liberal MP had been involved in allegedly trying to find a job for Mr Clarke in order for him to continue his defamation action. That is why we oppose this motion; it is calling the parliament into disrepute, in my view. The record of the previous committee and the way the opposition has behaved on committees, select committees and standing committees, is a record of intimidation, of pressuring witnesses, of coaching witnesses, of hearsay and innuendo, ignoring proper legal processes and listening to and getting contributions from people who have nothing to say. One has to ask what they could possibly think is left for this committee to do. I do not know whether Mr Clarke has an aunt that we have not heard from, or perhaps the Attorney-General's hairdresser has heard something.

All that the opposition wants to know is: is there someone who heard someone say to them that they overheard Mr Clarke saying on the phone that something had gone on? That is the level of the evidence which the opposition thinks can be the basis of this select committee. One would hope that members opposite would accept the judgment of the South Australian people who have returned the government, including the Attorney-General. You would think that they would be able to accept that judgment and move on, and it is disappointing, but not surprising. It is hardly surprising that they are not able to do that and that they are carrying on with the same, tired games and the same shadow-boxing that they have gone on with in the past.

The record speaks for itself. As to the parties that chose a process of obstruction and political witch-hunts with no basis in fact—primarily the Liberal Party and the Australian Democrats—they have managed three out of 11 seats in the Legislative Council, the worst result that they have ever experienced, certainly in the Liberal Party, and virtual political annihilation of the Australian Democrats. That is the record of the party which has gone down this track of chasing these political inquiries that have no basis in fact. But it is not surprising that is the way the Liberal Party should choose to behave; it cannot accept that the people have made a judgment in support of the government, in support of the Attorney-General.

What the members opposite are asking now is for the Independents and the minor parties to join with them in that respect. We have one of the most exciting Legislative Councils that has ever been elected. We have the Hon. Mr Mark Parnell of the Australian Greens, the first time they have been able to capture a seat in the parliament; we have of course the Hon. Ann Bressington here, who has impressed us by her passionate commitment to issues relating to drug reform; the Hon. Nick Xenophon, of course, who obtained a very good result at the election, is here; and the Hon. Dennis Hood, who has established that Family First is a force to be reckoned with in South Australian politics. All these members have come here with their agenda, their plans, their dreams, their hopes for the future, their vision for South Australia and what they want to do. What do they get from the Liberal Party?

The Liberal Party says, 'Forget about your hopes and dreams, forget about drug reform, forget about the environment, forget about families. What you should do is come with us; join the Liberal Party in chasing shadows. Join the Liberal Party in setting up a political star chamber where anyone with half a dollar and a grudge against the Attorney-General can come in, say whatever they like—it doesn't matter if it is hearsay, it doesn't matter if it is speculation; the Liberal Party wants to hear from you. Call the Hon. Mr Lucas's hearsay hotline, straight into the office of the Hon. Rob Lucas. He wants to hear your hearsay and speculation. He wants to hear what you have to contribute. It doesn't matter if it would never stand up in a court of law. It doesn't matter if it's a travesty of any concept of due process. The Hon. Mr Lucas wants to hear from you.' It is an absolute mockery of this parliament. I would like to share with you—apologies to Lewis Carroll—a passage from *Through the Looking-glass*:

> '. . . there's the King's Messenger. He's in prison now, being punished; and the trial doesn't even begin till next Wednesday; and of course the crime comes last of all.' 'Suppose he never commits a crime?' said Alice. 'That would be all the better, wouldn't it?' the Queen said . . .

That represents the Liberal Party's view. It is the Hon. Rob Lucas in Wonderland with the members opposite. He is judge, jury and executioner; he has made his decision; he has cast his verdict before any evidence is in; he is not interested in due process or the fact that this matter has been investigated by inquiries of the Chief Executive of the Department of the Premier and Cabinet, the Auditor-General, and the Anti-Corruption Branch of South Australia Police. It has been the subject of a District Court trial (no less), where a not guilty verdict was returned within less than an hour.

That is not good enough for the Hon. Mr Lucas or members opposite; they want to continue shadow-boxing; they want to continue with this political witch-hunt and try to bring down people who have been successful against them, who have stood up against the community and put in place valuable law and order policies. They know that they have been supported by the South Australian people, that they have delivered their judgment, but they will not accept it.

Now they ask the Independents and the minor parties to join with them in chasing down these shadows and setting up this star chamber, a process that will bring the parliament and the Legislative Council into disrepute. If they are serious about the future of the Legislative Council and if they disagree with what the government has had to say, there is no greater way to prove whether or not the Legislative Council should continue to exist than by engaging in these political witch-hunts which simply bring the parliament into disrepute.

That is the record of the previous committee: a record of intimidation, of hearings, speculation and hearsay. The Attorney-General and all the people involved in this (including Mr Ashbourne) have been cleared again and again through several processes. It is time that members opposite accepted that they do not have a case. They have no basis for continuing with this select committee and they have no basis for trying to drag the minor parties and the Independents along with them, wasting the parliament's time and resources, forcing those members to wade through a thousand pages of transcript and spend their time with the Liberal Party chasing

shadows instead of getting on with their plans, their visions, their hopes for South Australia, which they were elected to follow. I ask all members to oppose this motion.

The Hon. R.I. LUCAS (Leader of the Opposition): It hurts me to say this, but I have to concede that the stuff that George Karzis wrote for the Hon. Mr Finnigan made him sound better than the stuff he produced for himself. It pains me, but I have to acknowledge Mr Karzis publicly. One can forgive the Hon. Mr Finnigan for what he has had to say, because he has had to accept, in essence, what the Attorney-General's staff have provided to him, but to have a situation where—

The PRESIDENT: The Leader of the Opposition might be better off reading the stuff that has been provided to him.

The Hon. R.I. LUCAS: There isn't any, Mr President. The President might be better off not interjecting during speeches, too, and sticking to the standing orders.

The PRESIDENT: Carry on.

The Hon. R.I. LUCAS: Thank you, Mr President.

The PRESIDENT: The Hon. Mr Lucas.

The Hon. R.I. LUCAS: Would you like to continue to interject?

The PRESIDENT: No, I'm fine, thank you, Mr Lucas.

The Hon. R.I. LUCAS: Don't let me interrupt you.

The PRESIDENT: Carry on, Mr Lucas, and stick to the motion.

The Hon. R.I. LUCAS: Thank you, Mr President. It's just that you were interjecting on my speech, Mr President. I want to be respectful to you—

The PRESIDENT: The honourable member has the floor and he might want to stick to the motion.

The Hon. R.I. LUCAS: I want to be respectful to you, Mr President, so, if you want to interject, feel free to do so.

The PRESIDENT: Thank you.

The Hon. R.I. LUCAS: I have great respect for the office, Mr President. In relation to this issue, the Hon. Mr Finnigan's knowledge of this committee and its work obviously depends on information provided to him. I do not intend to go into a detailed rebuttal of all that is wrong with the contribution of the Hon. Mr Finnigan other than to make a couple of key points. First, this committee is not, has not, and will not be seeking to reconsider the criminal issues that have been determined in relation to Mr Ashbourne.

The Hon. R.D. Lawson interjecting:

The Hon. R.I. LUCAS: Exactly. As the Hon. Mr Lawson would know, because he drafted the terms of reference, they are clearly part of the terms of reference. So the Hon. Mr Finnigan's contention that in some way the criminal issues as they relate to Mr Ashbourne are not to be further explored specifically by way of the terms of reference of this committee is not correct. This committee is required to consider a whole range of the other accountability issues as outlined in the detailed terms of reference that the Hon. Mr Lawson originally and with others was responsible for drafting.

We noted the length and breadth of the Hon. Mr Finnigan's vicious attacks on opposition members and other individuals in his contribution. I am happy to accept those that come within the standing orders of the Legislative Council, Mr President, and I am sure that in the future you would rule fairly and impartially if, on occasions, opposition members were to use similar language to criticise government members and ministers. In your impartial way (in terms of the presidential office) we hope you will rule similarly and that similar criticisms of government members and ministers will now be accepted.

As I said, I will not go into a detailed rebuttal other than to, in essence, disagree with virtually everything that the Hon. Mr Finnigan said. I will encapsulate what the Liberal Party is about with this: that is, to get to the facts of the situation. We are not interested in rumour or innuendo; all we are interested in is uncovering the facts of the situation. What, sadly, this government is about is trying to stop those facts from getting out. What the Hon. Mr Finnigan did not realise in his comments lauding the inquiry that was conducted by Mr McCann is that, if it had not been for the opposition being given the information to raise this issue, no-one in South Australia would have ever heard of these particular circumstances.

If it had not been for the opposition blowing the whistle on this issue, no-one would ever have heard, because the inquiry was conducted in secret and it was never reported to the parliament by the Premier, the Treasurer, the Attorney-General or anybody else for almost six or seven months—from November 2002, I think it was, through to the middle of the following year. It was only through the work of the opposition that these circumstances were revealed in the first place.

The Hon. Mr Finnigan does not realise, in his wonderful naivety and inexperience, that what then happened was that his own fellow traveller in the right, the Treasurer, the Hon. Kevin Foley, was the person who in the end blew the whistle and brought in the police. It was one of the government's most senior members of the Hon. Mr Finnigan's own faction who, having seen the results of this wonderful inquiry from Mr McCann and having seen ultimately the questions raised publicly in the house, ensured that the issues were then referred to the police. They were never referred to the police in the first instance. Why not? Because there was a conspiracy between senior ministers of the government to ensure that the police and others were not advised of what had occurred in relation to this issue. Yet six or seven months later, when questions were first raised, only then when the whistle was blown was it referred to the police.

If the questions had not been raised it would never have been referred to the police. It would have been a dirty little secret, kept by senior members of the government and its fellow travellers, that no-one in the public would ever have heard about. It would have been a dirty little secret being kept by senior members of the government. They believed that they, and they alone, were entitled to know what had gone on. They had had their own little secret inquiry, they had all got a little tick and they all went away, and it was only when it became public that suddenly the police were brought in to look at—

The Hon. R.D. Lawson: A squalid affair.

The Hon. R.I. LUCAS: As my colleague says, a squalid affair indeed.

The PRESIDENT: The Hon. Mr Lawson is out of order.

The Hon. R.I. LUCAS: It is my view that, given what has occurred so far, there is a limited number of potential further witnesses to be heard in evidence by this select committee. It is true that Randall Ashbourne—a not insignificant player in all of this—will not be revisited in terms of criminality, but there are issues of ministerial codes of conduct and codes of conduct for ministerial advisers about which, sadly, it would appear that the Hon. Mr Finnigan does not believe we ought to be worrying ourselves. There are also issues of whether or not ministers have misled the parliament. Clearly the Hon. Mr

Finnigan believes that, unless it is a criminal issue, issues of ministerial propriety—whether or not a minister has misled the parliament and whether or not the ministerial code of conduct or the code of ethics for ministerial advisers have been breached—are not important. I am disappointed that they are the sorts of values that the Hon. Mr Finnigan brings to the Legislative Council in the first place.

I will respond to the questions from the Hon. Mr Xenophon. Unless there is a change of heart, I do not believe that there will be a significant number of other witnesses. Other than Randall Ashbourne, who indicated late last year that he might in certain circumstances be prepared to give evidence to the committee—and he has not (and he is an important player)—there are two key witnesses within government ministers' offices who, at least at the time last year, were outside South Australia. We understand that one of them might be domiciled in South Australia again and therefore might be able to present evidence to the committee. Assuming that the ministers refuse in a cowardly fashion to present evidence to the select committee and to answer questions from committee members, then it is hard to envisage how many more witnesses there would be.

It is my view—and the view I have put to members who have asked me—this committee is much closer in terms of reporting than is the 'stashed cash committee', as it is referred to. We are likely to see, even under the old committee, two or even three reports, depending on the individual views of members of the committee, as occurs in the Senate on a number of occasions. It is important for the committee to conclude its evidence taking and to allow those one, two or three final reports to be presented and for the parliament to have the opportunity to consider the evidence taken and what further action, if any, it might want to take against ministers, or what action it might recommend against anyone else who might be involved.

The last point I make is that the Hon. Mr Finnigan was waxing lyrical about what an exciting Legislative Council we have, referring to particular members. The effrontery of the Hon. Mr Finnigan and government members to talk about that, when members opposite have pledged to abolish the Legislative Council! They want to get rid of the Hons Mark Parnell, Ann Bressington, Dennis Hood and Nick Xenophon. For them to say, 'What an exciting chamber this is and what wonderful members we are, but I am pledged to abolish the lot of you', is hypocritical. Only government members could not see the hypocrisy of that policy position. It is sad that they cannot recognise the hypocrisy of the position they are adopting on this issue.

The council divided on the motion:

AYES (10)

Kanck, S. M.	Lawson, R. D.
Lensink, J. M. A.	Lucas, R. I. (teller)
Parnell, M. C.	Ridgway, D. W.
Schaefer, C. V.	Stephens, T. J.
Wade, S. G.	Xenophon, N.

NOES (9)

Bressington, A.	Evans, A. L.
Finnigan, B. V.	Gago, G. E.
Gazzola, J. M.	Hood, D. G. E.
Holloway, P. (teller)	Hunter, I. K.
Wortley, R.	

PAIR

Dawkins, J. S. L.	Zollo, C.

Majority of 1 for the ayes.

Motion thus carried.

The council appointed a select committee consisting of the Hon. B. Finnigan, the Hon. S.M. Kanck, the Hon. R. Lawson, the Hon. R. Lucas and the Hon. R. Wortley; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to report on Wednesday 20 September 2006.

The PRESIDENT: In accordance with the resolution, I lay upon the table the evidence given to the previous Legislative Council Select Committee on the Atkinson/Ashbourne/Clarke Affair.

SUPPLY BILL

Adjourned debate on second reading.

(Continued from 6 June. Page 316.)

The Hon. D.W. RIDGWAY: I rise today to speak in support of the Supply Bill, which supplies the public sector with enough money to ensure that South Australians are provided with effective and efficient public services that their taxes have paid for. Also, I take this opportunity to point out some of the inefficiencies within the management of our Public Service which, I believe, has driven up the Supply Bill to some $3 100 million in 2006-07 compared to the last Liberal government Supply Bill of $1 400 million in 2001-02.

An intergovernmental agreement was formed in 1999, which outlined that all revenue raised from the GST would go to each state and territory of Australia to compensate for the loss of revenue they would have raised before the introduction of the GST. As a provision for receiving this revenue, the states also agreed that they would use the extra funding for better service delivery and tax reform. So far under this government there has been no significant tax reform, and there was some paltry tax relief (carefully tailored to ensure that not many would benefit from it) in the last budget.

In the 1999 GST agreement, the federal government made provision to ensure that no state would be worse off under the introduction of the GST and that the federal government would provide extra grants if necessary. As we are probably all well aware, the revenue raised through the GST has been substantially greater than first estimated. In fact, this state (and all states) are considerably better off since the introduction of the GST, which leads me to ask: why has this government not offered an equally substantial tax break to South Australians?

The intergovernmental agreement states that, aside from tax reform, the extra money from the GST is also to help deliver better services to the state's constituents. In a report titled 'Opportunities squandered—how the states have wasted their reform bonus', released by the Institute of Public Affairs on 28 May, it was concluded that the South Australian government has thrown a lot of the estimated $5.5 billion windfall generated between 2001 and 2005 on significant increases in public servant numbers and public servant wages. Perhaps this realisation is what has caused the government to go back on its promises and the offer, at this stage, of 390 targeted voluntary separation packages to cull some public servants. I suspect that this is only the tip of the iceberg and that we will see the full extent of the iceberg emerge in the budget in September. In his contribution to the Supply Bill last Tuesday, the Hon. Ian Hunter said:

> This government is committed to increasing the number of public servants in the front-line services like police, nurses and teachers.

The report from the Institute of Public Affairs tells quite a different story. It estimates that the increase in administrative staff has been three times higher than the increase in health and education professionals. So, just like the commitment that this government made before the election not to cut any public sector jobs, Mr Hunter's claim that the government wants to increase front-line public servants has turned out to have absolutely no substance.

This government oversaw a low unemployment rate in time for this year's election, with an unbudgeted increase of some 6 243 public servants in just three budgets. The Treasurer likes to see himself as one of the greatest treasurers this state has had, and he thinks he is so famous for restoring the AAA credit rating with his very tough fiscal policy. How can one increase the number of public servants by 6 243 more than one budgeted for? It just beggars belief that the Treasurer can preside over a budget that can blow out by that much—6 243 extra public servants. This Public Service blow-out was definitely paid for by the increase in the revenue from the GST. With an unbudgeted increase of this magnitude, and public servants' wages forever on the rise, this Labor government has found itself in a crisis. Just as the New South Wales government is doing, the South Australian government will have to cut more and more public sector jobs.

While I am on the topic of this government's squandering opportunities for this state (and, as we all remember, the Hon. Paul Holloway was a member of the other place during the last time a Labor government squandered the opportunities and the future of South Australia with the State Bank), I fear that this government has now squandered the opportunities from the GST revenue and is embarking on a path where it will squander the future of South Australia.

Here in South Australia we have 30 per cent of the world's known recoverable uranium, and in the next 50 years the global population will use more energy than the total consumed in all of previous history. We now find ourselves running out of oil and having to look for alternative energy options. By ruling out a nuclear power plant without even looking at the options, the Premier is extremely short-sighted. By the year 2050, global consumption is set to double and nuclear energy, no matter which way we look at it, will be the next major power source for the world. This state now has an opportunity to capitalise on it. The chance to capitalise on such a demand, especially with respect to energy, has not been seen since the Middle Eastern countries discovered that they held the majority of the world's oil reserves early in the 20th century.

We only have to look at Iran to gain an understanding of where this Labor government is steering our state. Iran holds one-fifth of the world's known oil reserves, yet it has done little to fully maximise the economic outcomes of having such an essential resource. It imports petrol for domestic use, despite being a member of OPEC. As the Institute of Public Affairs suggests, this Labor government is heading down the same path. It is limiting the amount of our exports and, in turn, we as South Australians are paying for it, with our services not matching up to those of other states. The reason why our services are not up to scratch is the government's mismanagement of the public sector by wasting money for valuable front-line services on unneeded rubber stamp jobs.

Currently, some 440 nuclear reactors are in operation across the globe, and the annual worldwide consumption of uranium is some 60 000 tonnes per year. Here in South Australia we could experience similar wealth to those countries that have cashed in on the need for such energy requirements. The need for uranium will only grow stronger as we are faced with ever increasing greenhouse emissions and we start to feel the real effects of global warming.

I believe that this state should support and endorse the federal government's investigation into uranium and the fuel cycle. We should consider a number of the aspects of it. We should look at the opportunities it presents for South Australia. We should consider what some of my federal colleagues have been suggesting and process the vast amounts of uranium we have here throughout the whole nuclear cycle—from digging it up to storing the waste. I have heard the term 'value adding' used in many discussions about the export of uranium, and it is true. The more steps in the cycle we can develop, the more economic benefits this state can reap.

We must have a very open and frank debate about the whole nuclear cycle. We have an opportunity in South Australia that may come along in a state or a country once in a lifetime or perhaps a millennium, or even perhaps once while this world is in existence, and we as members of the South Australian parliament—Liberal, Labor and Independent—must endorse this full and frank study of this issue to make sure that we have looked at all the opportunities, risks and threats and ensure that it is done in a balanced, sensible and reasoned fashion because, if there are opportunities for South Australians and for future generations, we cannot afford to let them pass.

Unfortunately, the Premier would rather just dig it up and give the chance to capitalise to another state or country. The Premier does not think that the people of this state should reap the rewards of more jobs and greater economic stability. I also do not think the Premier is that interested in cutting the 1990 greenhouse emissions by 60 per cent by the year 2050. I do not think he cares at all, because he knows that the government will change many times before then. He certainly will not be the premier at that time.

As with the case of the opening bridges over the Port River and the major cost blow-outs we have recently seen with the South Road tunnel project, it is very clear that the Premier is driven by big flashy projects and disregards the fact that the people of this state would much rather be getting some value for their tax dollar through adequate health and education services. It is just another way in which the government has wasted its reform bonus—a reform bonus that was to be used to reduce the state's tax takes. I suppose the Premier thought that, if he put his face on a few major projects, the people of this state would like him better than if he cut their taxes. The truth is that these projects are not necessary. There is no need for the expenditure of $100 million on opening bridges.

Due to the mismanagement of the Minister for Transport, we have seen the cost of the South Road tunnel blow out by $35 million, plus the sacking of the department's CEO, which has cost the state an extra $326 000, plus relocation expenses. This state is paying a heavy price merely so that the Premier looks like he is taking an active role in the running of this state, when the fact is that anyone can throw extra revenue around. In this instance, when the government starts putting extra revenue into the public sector it will mean that our community will not be able to access the much needed higher standard of services.

If the Premier were serious about his commitment to reduce greenhouse gas emissions, he would not be ruling out the possibility of nuclear power in Australia. With the added economic stability, we would gain by increasing our stake in

the nuclear cycle, this state would benefit, with increased funding for our parks and wildlife and additional support to our environmental and research efforts. In conclusion, I support the Supply Bill, because it provides the public sector with sufficient funds until the budget is brought down in September. I support the bill.

The Hon. S.G. WADE secured the adjournment of the debate.

GOVERNMENT FINANCING AUTHORITY (INSURANCE) AMENDMENT BILL

In committee.

Clauses 1 to 3 passed.

Clause 4.

The Hon. R.I. LUCAS: I thank the minister for the answers he provided at the conclusion of the second reading debate. Given the hour, I will not go through all the issues, but I put a question to the minister about the slight change in wording from the regulations under the SAICORP public corporations regulations provision, which meant that, in relation to dealing in property, SAICORP needed to get the prior written approval of the Treasurer. The SAFA legislation just uses the term 'to get the approval' of the Treasurer. What has happened is that the SAICORP regulation is to be removed, and we will be relying on the general SAFA provision, which provides 'to seek the approval of the Treasurer'. My question is: does the approval of the Treasurer, as opposed to the prior written approval, mean that it is possible that the Treasurer might give retrospective approval at some stage?

I must admit that it would be contrary to my layperson's expectation that that would be the case but, in discussions with one or two of my legal colleagues, their view is that it is at least arguable that, given the parliament expressly removes the phrase 'prior written approval' and replaces it with the word 'approval', a court of law might interpret that as a conscious decision of the parliament not to require that it be prior and that it be written. I would have some concerns if that was indeed the case, that is, that we were lessening the controls the Treasurer might have over the operations of SAFA and SAICORP. As I have said, one of the things I was contemplating was potentially moving an amendment to make this not necessarily written approval but prior approval.

I am potentially comforted by the advice of the minister, which states that the current operational practices and policies of SAFA are that it does require the prior approval of the Treasurer in relation to these issues; and, therefore, as it relates to the SAICORP handling of real property provisions, it would also require the prior approval of the Treasurer. Given that the minister has a senior officer available here in the committee, I seek through the minister an undertaking from the government—and, obviously, from the senior officer—that the current operational practices and policies will ensure that in all the circumstances I am raising—that is, where SAICORP is dealing with property—before anything occurs it would require the prior approval of the Treasurer. In essence, the same requirements that existed under the old regulations would be instituted, albeit not specifically required by the legislation but tied up with SAFA's operational practices and policies.

If the answer is that that is the case—and I hope that is the case—I am wondering whether it might be possible—and I accept it might not be now—for the government's advisers to provide through the minister a relevant copy of SAFA's operational practices and policies where it makes it quite clear that the prior approval of the Treasurer is required, and will be required, in relation to these issues; and some assurance, I guess, on behalf of the Treasurer, that that is his and the government's understanding as to how this will operate.

The Hon. P. HOLLOWAY: I am advised that the Government Financing Authority Act 1982, section 11(2), provides:

> For the purposes of this act, the authority may, with the approval of the Treasurer. . .

There is then a list of items (a) to (k) of the actions the authority may take, namely, borrow money within or outside Australia; accept money on deposit or loan from the Treasurer or a semi-government authority; lend or invest money held by the authority, and so on. The important part is that it provides 'for the purposes of this act, the authority may, with the approval of the Treasurer. . . ' From an operational point of view, I am advised it always would get the approval of the Treasurer in relation to all these actions provided for in section 11.

The Hon. R.I. LUCAS: Do SAFA's operational procedures require prior approval?

The Hon. P. HOLLOWAY: My advice is that they always would require prior approval of the Treasurer, unless there are specific delegations from the Treasurer that would obviate that—but that would be the only situation.

The Hon. R.I. LUCAS: I am wondering whether the minister and the government's adviser—and I accept he might have to take advice from the Treasurer and the Under Treasurer—might provide some comfort by way of a letter, or a copy of SAFA's operational practices and procedures (which are referred to in the minister's reply), or that section of them which relates to this particular provision, to ensure that what we are talking about is exactly what the minister has just indicated.

The Hon. P. HOLLOWAY: Given that this act is not yet in place, obviously the operational procedures will need to be rewritten. My advice is that Treasury officers are happy to put that requirement, if that is what satisfies the Leader of the Opposition, in those operational procedures when they are written, to make it clear.

The Hon. R.I. LUCAS: I am happy to accept that undertaking and will not delay the committee any longer. My understanding is that, as exists currently, where there is a delegation of officers the Treasurer has delegated powers; where there is not a delegation then it requires the prior approval of the Treasurer—it does not necessarily have to be prior written approval. I am happy to accept that undertaking.

Clause passed.

Remaining clauses (5 to 9) and title passed.

Bill reported without amendment; committee's report adopted.

Bill read a third time and passed.

ADJOURNMENT

At 6.30 p.m. the council adjourned until Thursday 8 June at 11 a.m.