LEGISLATIVE COUNCIL

Tuesday 14 November 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 President—

Reports, 2005-06—
- City of Marion
- City of Mitcham
- City of Victor Harbor

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

Reports, 2005-06—
- Administration of the State Records Act 1997
- Commissioner for Public Employment's State of the Service
- Construction Industry long Service Leave Board
- Construction Industry long Service Leave Board Actuarial Investigation of the State and Sufficiency of the Construction Industry Fund
- Department for Transport, Energy and Infrastructure
- Department of the Premier and Cabinet
- Director of Public Prosecutions
- Equal Opportunity Commission
- Freedom of Information Act 1991
- Office of Public Employment
- President of the Industrial Relations Commission and Senior Judge of the Industrial Relations Court
- Privacy Committee of South Australia
- Promotion and Grievance Appeal Tribunal—Report of the Presiding Officer
- Public Trustee
- SA Lotteries
- SA Water
- South Australia Police
- South Australian Classification Council
- South Australian Rail Regulation
- State Electoral Office
- State Emergency Management Committee
- State Procurement Board
- Tarcoola-Darwin Rail Regulation
- The Institution of Surveyors Australia—South Australia Division Inc
- TransAdelaide

Summary Offences Act 1953—Return of Authorisations issued to Enter Premises under Section 83C(1)—Report

Regulations under the following Acts—
- Electricity Act 1996—Default Contracts
- Gas Act 1997—Default Contracts
- Mutual Recognition (South Australia) Act 1993—Tobacco Products
- Trans-Tasman Mutual Recognition (South Australia) Act 1999—Tobacco Products

Section 25(5) of the Coroners Act 2003—Death in Custody

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

Reports, 2005-06—
- The Administration of the Development Act 1993
- The Planning Strategy for South Australia

Regulations under the following Act—
- Development Act 1993—
  - Bushfire Prone Areas
  - Show Grounds Zones

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

Reports, 2005-06—
- Department of Water, Land and Biodiversity Conservation
- Playford Centre

Gene Technology Activities in 2005—Report

Upper South East Dryland Salinity and Flood Management Act 2002—Quarterly Report for the period 1 July 2006 to 30 September 2006

Regulations under the following Act—
- Liquor Licensing Act 1997—
  - Dry Areas—
    - Copper Coast
    - Meningie
  - Victor Harbor Plan

By the Minister for Mental Health and Substance Abuse (Hon. G.E. Gago)—

Regulations under the following Act—
- Tobacco Products Regulation Act 1997—
  - Licence Fee
  - Tobacco Product Packages.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

The Hon. R.P. WORTLEY: I lay upon the table the report of the committee for 2005-06.

HEALTH REFORM

The Hon. G.E. GAGO (Minister for Environment and Conservation): I lay on the table a copy of a ministerial statement in relation to health reform made today by the Hon. John Hill.

QUESTION TIME

PUBLIC PRIVATE PARTNERSHIPS

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make a brief explanation before asking the Leader of the Government, representing both the Treasurer and the Minister for Infrastructure, a question about PPPs. In recent weeks the minister has been undertaking a series of openings of police stations in his role as Minister for Police for the first PPP conducted by the government related to regional police stations and courthouses. A question was raised of the government in June 2003 by the Hon. Mr Gilfillan in relation to the costs to the government of this method of procurement versus other methods of procurement and accountability. On 15 September 2003 minister Holloway tabled an answer from the government which, in part, states:

> PPP contracts are subject to the government's contract disclosure policy, as detailed in Treasurer's Instruction 27. These contracts would also undoubtedly be scrutinised by the Auditor-General for conformity with the government's Partnership SA policy. This will provide sufficient information to parliament and the public as to whether the government has received value for money from a PPP arrangement, if such an arrangement is entered into, for the development of the regional police stations.

Plenary Justice has been the successful tendering party and, having looked in recent days on the government's SA Tenders and Contracts website, which is the website on which these contracts are meant to be publicly available, I see no reference there at all to the Plenary Justice contract. Treasurer's Instruction 27, which is the disclosure of government contracts and which applied last year when the contract was signed, without going through all the detail, makes it quite clear that significant contracts must be placed on the website within 60 days. There is a provision that, if a

chief executive decides not to disclose information, the reasons that the disclosure is not made must also be published on the government's SA Tenders and Contracts website. I am advised that the website not only does not have a copy of the contract (as suggested by the government in 2003 in its answer) but also makes no disclosure of reasons for its not being publicly available. My questions are to the Minister for Police, but there is also a role for the Minister for Infrastructure in this matter. My questions are:

1. Given the commitment by the government in parliament in September 2003 that these contracts would be subject to the government's contract disclosure policy (as detailed in Treasurer's Instruction 27), why has this contract not been publicly disclosed on the SA Tenders and Contracts website?

2. Does the minister or the Minister for Infrastructure concede that there has been a breach of Treasurer's Instruction 27?

3. Does the minister accept that, given the evidence from the Auditor-General that breaches of Treasurer's Instructions are unlawful and criminal sanctions can arise (which was the evidence of the Auditor-General), will the minister indicate which officers or ministers were responsible for the breach of Treasurer's Instruction 27?

4. Will the minister indicate what are the total costs to the taxpayers of South Australia for the financial year 2006-07 and each of the forward estimates years for the Plenary Justice contract, both for police and the Courts Administration Authority?

5. Will the Minister for Police—who is now the minister directly in charge of these police buildings—give an undertaking that he will provide to the parliament and to the opposition a copy of the Plenary Justice contracts so that judgments can be made about the value of the PPP contracts entered into?

The Hon. P. HOLLOWAY (Minister for Police): As the Leader of the Opposition has just suggested, I have been involved in the opening of two police stations (one at Gawler and one at Mount Barker) in recent days. These two police stations, which were completed on time and within budget, were part of the Plenary Justice consortium's PPP contract. Other stations and courthouses have been completed, or are close to being completed in the case of Port Lincoln, and there are other facilities at Port Pirie, Berri in the Riverland and Victor Harbor. This government, using the PPP system, has been able to provide these wonderful new facilities for our police in regional locations of the state.

The leader asked questions in relation to the contracts for these facilities. Those contracts were undertaken through the construction arm of government. I am not sure whether it is the responsibility of my colleague the Minister for Infrastructure or my colleague the Minister for Administrative Services, but I will see what information is available on that. In relation to the leader's second question, I would not be prepared to concede that the Treasurer's Instruction had not been complied with without at least investigating the situation. I will ensure that that is undertaken straightaway to see where or how that information is available, or what conditions apply to that information. However, that is the responsibility of my colleague, and I will ensure that those matters are addressed.

The Hon. R.I. Lucas: What about the payments?

The Hon. P. HOLLOWAY: I am sorry; the leader did ask a question about what are the total payments under it.

The Hon. R.I. Lucas: That's yours.

The Hon. P. HOLLOWAY: Well, the annual payments are under there, but the negotiations for that were obviously undertaken through the constructing authority. I will take that question on notice and provide the information.

The Hon. R.I. Lucas: That comes out of your budget.

The Hon. P. HOLLOWAY: As I have said, I will take that part of the question on notice and provide the information. Obviously, I do not have it with me at the moment.

The Hon. R.I. LUCAS: I have a supplementary question. Will the minister check with his officers, not with the constructing authority, in relation to the payments in 2006-07 and the forward estimates years, because the budget documents make it clear that his agency is making the payments on an annual basis to Plenary Justice and then collecting the information from the Courts Administration Authority?

The Hon. P. HOLLOWAY: Yes; I understand that. As I have said, I will take that part of the question on notice. I do not have those figures with me, but I will seek to get those for the leader.

WATERPROOFING ADELAIDE

The Hon. D.W. RIDGWAY: I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about the Waterproofing Adelaide strategy.

Leave granted.

The Hon. D.W. RIDGWAY: Last night I attended a meeting at Langhorne Creek conducted, I think, by the Department of Water, Land and Biodiversity Conservation. Of course, the Minister for the River Murray was there, some NRM board members and some 350 members of the community and irrigators. During that meeting the minister said at one stage that several initiatives from the Waterproofing Adelaide strategy were being fast-tracked and that budget allocations had been made for these strategies this year. In light of that, my questions are:

1. Which new initiatives within the Waterproofing Adelaide strategy will be fast-tracked this financial year?

2. What is the budget for these strategies?

3. What water savings are expected to be delivered from these initiatives?

The Hon. G.E. GAGO (Minister for Environment and Conservation): As we know, Waterproofing Adelaide: A Thirst for Change establishes strategies for the management, conservation and development of Adelaide's water resources to 2025, including from the Mount Lofty Ranges and the River Murray. This is a very important initiative, and it comprises a range of different initiatives. Waterproofing Adelaide contains 63 strategies under three themes: managing our existing water resources, responsible water use and additional water supplies and fostering innovation. The full implementation is estimated to save 37 gigalitres (or 1 000 million litres) per annum through conservation based initiatives, and 33 gigalitres per annum of stormwater and recycled effluent.

The Hon. D.W. Ridgway interjecting:

The Hon. G.E. GAGO: In relation to the details that the honourable member is asking for, I am happy to take those on notice and bring back a response.

PSYCHIATRISTS

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 the SASMOA dispute over the psychiatrists award.

Leave granted.

The Hon. J.M.A. LENSINK: Members of the South Australian Salaried Medical Officers Association (otherwise known as SASMOA) are suffering considerable distress at the rates of their pay. Indeed, the Royal Australian and New Zealand College of Psychiatrists and the Mental Health Coalition, in a press release of 21 September in response to the budget, identified that staff recruitment and retention is one of the key areas that need to be addressed. My questions to the minister are:

1. Can she advise the council as to whether a medical workforce reference group is actually looking at specialist recruitment and retention in this area?

2. Can she report any of those initiatives?

3. Does the minister consider that there are adequate salaried psychiatrists' positions in the public mental health system to manage demand?

4. What does the minister consider to be an acceptable ratio between psychiatrists and acute mental health beds?

The Hon. G.E. GAGO (Minister for Mental Health and Substance Abuse): I thank the honourable member for her important questions. Obviously, this matter is before the Industrial Commission and negotiations are currently in play so it would not be proper for me to comment on that, or say anything that might be prejudicial to the outcome of those proceedings. I would like to remind people that the Salaried Medical Officers Enterprise Agreement was approved in September 2005 and expires on 14 April 2008, and it provides for a range of salary increases for consultants of approximately 14 per cent over three years; additional professional development leave and reimbursement of expenses associated with leave, up to $4 000 per annum; and significant increases to on-call allowances based upon frequency. The new Visiting Medical Specialists Agreement was signed on 2 June 2006 and is operative until 2009. It provided for a 30 per cent increase in hourly rates and also a number of other provisions as well.

In relation to psychiatrists, their numbers have increased since 2000. Recent psychiatrist recruitment to the Central Northern Adelaide Health Service and Southern Adelaide Health Service has resulted in the employment of extra staff in 2005-06. In terms of consultant psychiatrists, the change from 2001-02 to 2004-05 is 68 to 70.7; psychiatric registrars, 99 to 103.1 (I am not too sure what 0.1 of a psychiatrist looks like); and other medical officers, 22 to 22.4.

To compare the other jurisdictions, it is necessary to compare doctor's numbers per head of population. That is a very important matter to consider. You cannot just look at isolated numbers; you must look at the overall picture. The latest available data from the National Health Report for 2002-03 indicated that in South Australia there are 12.2 medical officers in the specialist system per 100 000 population. This is the highest rate of any state. I would like to emphasise that: this rate is the highest of any state. Next comes Western Australia with 12 and Victoria with 10.5, and the national average is 9.7.

Information obtained from the College of Psychiatrists late last year was that there were 204 psychiatrists in total in South Australia. It was estimated that about 140 were in private practice which, again, is consistent with national figures. In 2005 there was a major issue of filling vacant positions; however, Health Services reports that it is now having more success recruiting psychiatrists, and it is also waiting for information about final numbers from the SA postgraduate training program. In terms of recruitment and the retention of mental health professionals, overall, as I said, you cannot look at these in isolation. There have obviously been many challenges, not just here in South Australia but also nationally. It is also consistent with some trends overseas.

I will go through some of the initiatives that we have undertaken, including recruiting from overseas with a specific focus on mental health through BMJ Careers Fair, Opportunities Australia Expo, the Working Down Under Expo, and liaison with UK recruitment agencies. Hudsons Global Resources Australia Proprietary Limited, an international recruitment firm, was engaged as a consultant to identify the location of possible nursing and other allied health professions to provide salary information on mental health professions in other markets, and to provide employment and market trends for mental health professionals in targeted locations. As for the final report—I was asked what the exact numbers are—I am expecting that from Hudsons fairly soon.

A project officer has also been appointed within the mental health unit to bring together strategies to deal with mental health workforce issues with a focus on strategies for recruitment and retention to meet the needs associated with current and future mental health workforce needs. Obviously, further retention strategies are being developed to complement those recruitment strategies. An initial focus for this position has been on the progress of recruitment against the $10 million initiatives. In terms of the other outstanding questions that the honourable member asked, I am happy to take those on notice and bring back a response.

The Hon. J.M.A. LENSINK: I have a supplementary question. Can the minister advise the number of vacancies for psychiatrists in the public health system? From the list that she read out to us, what benefits were directed towards those employed under the staff specialist award?

The Hon. G.E. GAGO: I am happy to take the question on notice and bring back a response.

DRUG DRIVING

The Hon. B.V. FINNIGAN: Can the Minister for Road Safety please advise the results so far of the state's drug driving legislation, which came into effect on 1 July this year?

The Hon. CARMEL ZOLLO (Minister for Road Safety): I thank the honourable member for his very important question. Today I am pleased to advise that SAPOL has provided an update on this very important road safety initiative, which was introduced by the Rann government on 1 July. This government is committed to achieving the 2010 target of a 40 per cent reduction in the number of fatalities, and a similar reduction in the number of casualties. Over the past two years, Mr President, you would be aware that the state government introduced several road safety reforms, including full-time mobile random breath testing, demerit points for using a hand-held mobile phone whilst driving, immediate loss of licence for high-level drink driving and speeding, and the new graduated licensing scheme for novice drivers.

The random drug testing trial is a vital part of our strategy, and I am pleased that SAPOL is reporting that, to date, the trial is running very successfully. As of midnight 12 November 2006, 3 424 drivers have been tested, 63 drivers have been confirmed positive by forensic analysis and 21 tests are still awaiting forensic analysis. Of those positive results, 34 were positive to methamphetamine only, 13 were positive to THC only, two were positive to MDMA and 14 were positive to a combination of drugs. The drug testing unit has also detected 46 positive alcohol breath tests. No drivers have tested positive for both alcohol and drugs.

The detection rate for positive drug tests is currently 1.8 per cent, which is well in line with the results from Victoria's 12-month trial. At the end of the 12-month trial in June 2007, as I have put on record before in this chamber, a review will be undertaken and a report will be prepared for parliament on the outcome of the trial. South Australia is only the third Australian state to introduce random roadside drug testing for drivers after Victoria and Tasmania. South Australian legislation is being considered in New South Wales, Queensland and Western Australia. The government will continue to monitor the results from drug testing of drivers across Australia. I am advised that the two cases of MDMA were regarded as being rare and that the tests were undertaken in areas that were specifically targeted—for example, near venues where they were likely to be used.

The Hon. T.J. STEPHENS: I have a supplementary question. Minister, you spoke about the Victorian experience and you said that our rate was in line. What are their rates of apprehension?

The Hon. CARMEL ZOLLO: As I said, I do not have that specific figure in front of me, but it is in line with that.

The Hon. R.I. LUCAS (Leader of the Opposition): I have a supplementary question arising out of the answer. Is the minister now prepared to concede that she was wrong when she significantly downplayed the importance and need for testing for MDMA or pure ecstasy, as she called it, given that, in the first round of results, two out of the 64 persons tested were found with MDMA in their system?

The Hon. CARMEL ZOLLO: I think it is worthwhile placing on record, seeing that the honourable member may have memory problems—

An honourable member interjecting:

The Hon. CARMEL ZOLLO: First of all, I have to say to the honourable member that, unlike him, I do not see road safety as a point scoring exercise. I see road safety as a portfolio where we should all work cooperatively to save lives and avoid serious injury. In this parliament last year, legislation was passed to enable this drug trial. In parliament this year—and all honourable members were aware of it—model legislation was also passed, and we all knew that needed to be passed. The parliament passed legislation which provided for two drugs. The consideration was that that should go ahead. I took advice from the police, which was based on good scientific evidence, as to which drugs should be trialled and expiated.

Members interjecting:

The PRESIDENT: Order!

The Hon. CARMEL ZOLLO: I took advice, as I said I would, as to the capability—

Members interjecting:

The PRESIDENT: Order! The honourable minister is doing very well without the help of her back bench.

The Hon. CARMEL ZOLLO: Thank you, Mr President. I took advice, as I said I would, as to the capability of SA Police to include MDMA or pure ecstasy. I took that advice and, of course, we subsequently legislated for it.

URANIUM MINING

The Hon. M. PARNELL: I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development questions about the uranium industry framework.

Leave granted.

The Hon. M. PARNELL: The Uranium Industry Framework Steering Group was set up by the commonwealth in 2005 in order to develop a Christmas wish-list for the Australian uranium industry to encourage its expansion. One of the key recommendations in this uranium industry framework, which was released yesterday by commonwealth industry minister Ian McFarlane, was:

> The Australian government and state and territory governments (to) work cooperatively to ensure that, where possible, environmental and other regulatory arrangements across jurisdictions are harmonised.

The framework goes on to call for the following:

> . . . coherent and consistent policy framework reflecting the respective policy objectives, roles and responsibilities of the Australian government and state and territory governments in relation to the regulation of the uranium industry.

Since 1982 one particular uranium mine in South Australia, the Olympic Dam mine, has, through the Roxby Downs (Indenture Ratification) Act, been given extraordinary and unique exemption from basic South Australian laws that all other miners and developers need to follow. These include exemptions from the South Australian Freedom of Information Act, the Environment Protection Act and the Natural Resources Management Act. It is also worth noting that this Uranium Industry Framework Steering Group included a representative of BHP Billiton through Dr Roger Higgins, Vice-President and Chief Operating Officer of its Base Metals Australia division.

My question to the minister is: given that even representatives of BHP Billiton are now calling for the consistency and harmonisation of environmental and other regulatory arrangements, will the government now commit to the repeal of the Roxby Downs (Indenture Ratification) Act 1982 before any expansion of the Olympic Dam mine goes ahead in order to ensure the uniform and consistent regulatory environment called for by the industry?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): In relation to the uranium industry framework, the honourable member would know that South Australia did have a departmental representative on that particular committee—that is, Dr Paul Heithersay, who is the executive director of mines—and South Australia did cooperate with the commonwealth in doing that. If the honourable member is suggesting that there should not be harmonisation of environmental laws throughout this country, I would be very surprised; I would have thought they were a good idea. Whether it be in uranium or other areas of legislation, it makes sense, for a number of reasons, to harmonise those regulations across jurisdictions where possible. It provides certainty and it also provides a number of benefits for the community as well as for the individuals concerned. I assume the honourable member is not disputing the desirability of that framework.

In relation to Olympic Dam, the honourable member knows the history of that, as do all members in this place. The indenture was set up because of the size of the mine. The honourable member would also know that the government is currently considering a proposal by BHP Billiton to expand the Olympic Dam mine. If it is completed the Olympic Dam mine will become one of the largest in the world—not just a uranium mine but also a copper/gold/silver mine. With proposals of that scale it is inevitable that there would be a need to provide some indenture in relation to that.

I reject the premise, and the honourable member's suggestion, that somehow the Olympic Dam mine gets special, privileged treatment. There are only three or four operating uranium mines in this country and they are subject to a much heavier level of government regulation than applies to any other mining industry and most other operations. Certainly the legislation is different, because of the indenture, but in many ways it is subject to far more rigorous scrutiny than any other operation—and appropriately so, because of the nature of the material.

However, in South Australia all uranium mines have regular meetings with various consultation groups that involves the commonwealth government as well as state regulators right across the board. In relation to the regulation of Olympic Dam and other uranium mines in this state, SafeWork SA and the EPA, the Radiation Protection and Control Division, as well as the mines division of PIRSA, are involved in that as well as other commonwealth facilities.

There is a very rigorous regime of regulation of that mine, whether it be through the indenture or through other legislation. I do not accept the premise of the honourable member's question that there is some laxity in some way. I know certain groups have been trying to create that, but it is just not true to suggest that; it is very stringent regulation and it is much tighter than with other types of mines. For example, the Radiation Protection and Control Division of the EPA is regularly involved in all activities of the operation of Olympic Dam and other mines, and its approval is required in relation to the operations under that act.

In relation to the future, given the scale of the Olympic Dam expansion and issues such as water (which the honourable member has asked about), if one has to address those issues of the water supply at Olympic Dam, then it is inevitable that such big questions will involve close consideration by government and massive investment. Those sorts of arrangements are very often best carried out through an indenture process. As far as this government is concerned, the indenture covering the Olympic Dam mine will remain. Currently, the government is considering what changes, if any, are needed into the future, but it is too early to say what the scope of any indenture will be. However, that is something that the government will consider as the expansion of Olympic Dam is considered.

TRANSPORT, PUBLIC

The Hon. S.G. WADE: I seek leave to make a brief explanation before asking the Minister for Police, representing the Minister for Transport, a question about public transport.

Leave granted.

The Hon. S.G. WADE: The State Strategic Plan commits the government to doubling the use of public transport by 2018. Total boardings have increased by only 3 per cent per year, on average, in the four years since the government was elected, in spite of significant fuel increases over this period. At the current rate, the government will fall short of its target by more than 50 per cent. The obfuscation of the Minister for Transport in Estimates Committee A has raised concern that the extra 1 000 boardings per day anticipated from recent timetable changes are being inflated by counting connections in journeys that previously would have been direct journeys. My questions to the minister are:

1. Does the government remain committed to the State Strategic Plan target of doubling the use of public transport?

2. What proportion of the 1 000 additional boardings are initial boardings and what proportion are connections in journeys that previously would have been direct journeys?

3. Why are total boardings being used as an indicator in the budget when the State Strategic Plan specifically indicates that initial boardings are the measuring tool in the plan?

The Hon. P. HOLLOWAY (Minister for Police): I will refer that question to the Minister for Transport. However, I should say that, if ever there was a con job, perhaps we should reflect on who privatised the public transport system in this state and the reason why you need to use two different types of buses to travel from the east of town to the west, which makes it two journeys. So who was inflating the figures? When did that come about? That matter was raised in the past when the previous government created that situation through the privatisation of the public transport system in this state. In relation to the state transport targets, I will refer that question to the Minister for Transport and bring back a reply.

CONFUCIUS INSTITUTE

The Hon. R.P. WORTLEY: I seek leave to make a brief explanation before asking the Leader of the Government a question about the Confucius Institute.

Leave granted.

The Hon. R.P. WORTLEY: I understand that the Confucius Institute is a not-for-profit organisation that promotes Chinese language, education, culture and business. Among other locations around the world, successful Confucius Institutes operate from a campus of the University of Western Australia and the University of Melbourne. Will the minister provide details of an agreement to establish a Confucius Institute in Adelaide?

The Hon. P. HOLLOWAY (Minister for Police): I thank the honourable member for his question because it is important that members of the council should share in such an important outcome for this state. I am pleased to report that the University of Adelaide has struck an agreement with Shandon University. Shandong is our sister state and this year we celebrate the 20th anniversary of that sister state relationship. The agreement to establish a Confucius Institute on the Adelaide campus is one of the tangible benefits that has come from that relationship.

As suggested by the honourable member in his question, this will be Australia's third Confucius Institute. The signed agreement is an historic one; it will be an important tool in the efforts of South Australian industries and education institutions to build stronger links with China. Last week in Jinan the University of Adelaide's Pro Vice-Chancellor for International Studies, Professor John Taplin, as well as senior officials from Shandong University, signed a memorandum of understanding to establish the institute. The signing ceremony was one of the highlights of last week's visit to China by a South Australian trade and education delegation,

which I was pleased to lead. Whilst in Jinan, the capital of Shandong Province, the South Australian group also celebrated the 20th anniversary of the sister state relationship between South Australia and Shandong Province.

The Confucius Institute is a project of China's Office of Chinese Language Council International (commonly known as Hanban) which promotes Chinese language and culture through approximately 100 centres worldwide. Among other roles, Hanban assesses the eligibility of Confucius Institute applicants and partner institutions. It authorises the use of the title, emblem and logo of the Confucius Institute and plans Chinese language curricula.

The University of Adelaide approached the Chinese Embassy in Canberra earlier this year expressing interest in the establishment of a Confucius Institute on its campus. A formal submission to Hanban followed, with Shandong University nominated as Adelaide's partner institution. Both universities have a long established relationship dating back to the early days of that sister state relationship, and Hanban approved the application last month with last week's MOU signing ceremony the final act of this process.

The Confucius Institute is a great fit for the University of Adelaide and for South Australia. There is already a strong Chinese community presence within South Australia, which provides support for new migrants and companies seeking to do business and build trade links with China, and it also raises awareness of Chinese culture. Chinese has also become one of the major languages in South Australia's Language Other than English program in primary and secondary schools throughout the state. In the public education sector alone there are more than 50 schools across the state teaching Mandarin as part of the LOTE program. There will also be three Chinese schools operating at evenings and weekends in South Australia to teach Mandarin to more than 1 000 students.

Many of our private schools also offer Chinese language studies. I also understand that the University of Adelaide's Barr Smith Library holds around 4 500 Chinese language books and subscribes to around 500 Chinese language journals. It is a growing collection that supports the university's Centre for Asian Studies. The establishment of a Confucius Institute at the University of Adelaide will demonstrate South Australia's commitment to build stronger educational and cultural links with Shandong Province and greater China. It will give South Australia an opportunity to gain greater awareness of Chinese language and culture, which in turn will help increase interaction between our two regions.

Under the terms of the MOU, the Confucius Institute will include, but not be limited to, supporting the local teaching of Chinese language, training Chinese language teachers and providing resources for this purpose, administering tests of Chinese language proficiency and certifying Chinese language instruction, hosting academic and cultural activities on China for the South Australian community, providing advice and support regarding China to South Australian businesses, and actively participating in the network of Confucius Institutes at a national and international level.

As Professor Taplin said during his speech at the MOU signing in Japan last week, the economic significance of the establishment of the institute in South Australia cannot be overstated. The professor mentioned in his speech that Chinese scientists are attempting to publish more of their research in high impact English language journals and that the University of Adelaide is conducting workshops for the Chinese Academy of Sciences to assist them in doing this. He also mentioned that Chinese leaders are trying to gain a better understanding of our system of government and business with a group of Chinese mayors and deputy mayors currently in Adelaide studying these issues.

Anyone at the meeting hosted by the Lord Mayor would know that, as a result of the success of the meeting here, those mayors and deputy mayors agreed to come to Adelaide as part of that program for the next five years; and that will bring enormous benefits to this state through that connection. There is no doubt that the Confucius Institute will be a welcome addition to the University of Adelaide campus and a welcome addition to the educational and cultural life of Adelaide and South Australia. If the successful establishment of the Confucius Institute at the University of Melbourne and the University of Western Australia is any guide, we can look forward to a very positive venture here in South Australia.

ABORIGINAL LEGAL AID

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the Minister for Police, representing the Treasurer, a question about state government funding for Aboriginal Legal Aid.

Leave granted.

The Hon. A.L. EVANS: The Aboriginal Legal Rights Movement provides a number of services to indigenous communities in this state, including legal aid, and the low income support program and the Aboriginal visitors scheme. The ALRM is fully funded by the federal government for the provision of legal aid to Aboriginal clients. However, this funding has remained mostly static for the past 10 years, experiencing only a 2 per cent increase. This is because federal funding is regarded as supplementary to what the state government should be providing. In real terms the funding for Aboriginal legal aid has fallen over 30 per cent in that period, whereas funding for mainstream legal aid has received an increase of 116 per cent.

The state funds the mainstream service on an approximate 50:50 basis with the federal government. The state government has also exempted mainstream legal aid from court filing and transcript fees but does not apply the same concessions to ALRM. In addition, ALRM is charged the emergency services levy while the Legal Services Commission is not charged this levy. Prior to the release of the 2006-07 state budget, the state government confirmed through the Treasurer that it would consider the ALRM's budget submission. However, there has been no state funding allocated to ALRM. As a result of inadequate funding, ALRM has relocated its Ceduna solicitor to Port Augusta and is now considering not servicing some courts. My questions to the Treasurer are:

1. Given that the government provides funding for programs servicing the indigenous community in areas such as health and housing, is there a reason that it does not fund Aboriginal legal aid programs?

2. Will the state government provide funding for the Aboriginal Legal Rights Movement, considering that it primarily deals with state law matters?

3. Will the state government exempt court filing and transcript fees for clients of ALRM, given that the clients of mainstream legal aid receive this concession?

The Hon. P. HOLLOWAY (Minister for Police): I think this is a question for the Attorney-General and I will refer it to him for a response.

WATER SUPPLY

The Hon. CAROLINE SCHAEFER: My question is to the Minister for Environment and Conservation. What measures have been put in place to ensure that industry is compelled to do its share in respect of the conservation of water at a time when irrigators and home owners have had restrictions imposed on them?

The Hon. G.E. GAGO (Minister for Environment and Conservation): I will need to take that question on notice and bring back a response.

TRAVEL SMART PROGRAM

The Hon. J. GAZZOLA: I seek leave to make a brief explanation before asking the Minister for Road Safety a question about promoting efficient car use.

Leave granted.

The Hon. J. GAZZOLA: The minister often reminds me that reducing greenhouse gas emissions is vital to ensure that South Australia reaches the environmental, public transport and physical activity targets set out in the State Strategic Plan. Will the Minister for Road Safety advise how the state government is promoting efficient car use?

The Hon. CARMEL ZOLLO (Minister for Road Safety): I am pleased that honourable members are very much aware of this issue. For many of us, owning a car is second nature. It is convenient and practical. However, what many people do not realise is that South Australians produce nearly 30 million tonnes of greenhouse gases every year—and transport accounts for 19 per cent of these emissions. There are many options beside driving, and the state government, through the Travel Smart program, is encouraging South Australians to make smarter choices that reduce everyday reliance on cars.

Travel Smart maps, which detail the most environmentally friendly and cost-effective ways of travel around the city, are now available from council customer service centres, libraries and various offices of Service SA. The Travel Smart access guides are designed to reduce our reliance on cars by showing the best way to get around by foot, bicycle or public transport. They provide hints and tips for cyclists, walkers and public transport users and act as a practical guide to where public transport routes are located across metropolitan Adelaide. The compact guides, which cover the north and north-eastern suburbs, eastern and city and Hills corridor, and the southern and western suburbs, make it simple to identify how other forms of transport can be incorporated into the daily travel routine. We all know that walking and cycling are good for our health and are also good for our hip pocket, while using public transport saves money on petrol and parking.

The essence of Travel Smart is to encourage individuals, households and businesses to make small, sustainable changes in their travel behaviour. The maps are marked with 'Park and Ride' locations, public transport information, secure bicycle lockers, shared-use paths, bicycle lanes and walking trails, making it easy to plan a car-free journey. Travel Smart is a state government initiative and works closely with other government agencies, including the Australian Greenhouse Office, local government workplaces and community groups, to encourage travel behaviour change in the everyday lives of South Australians.

CORRECTIONAL SERVICES, HOME DETENTION

The Hon. A.M. BRESSINGTON: I seek leave to make a brief explanation before asking the Minister for Correctional Services questions about home detention.

Leave granted.

The Hon. A.M. BRESSINGTON: Last week, I met with family members of an individual who has a serious methamphetamine problem. This person is currently on remand and charged with robbery with violence. He has a long history of drug use and criminal behaviour. In June this year, he was released on home detention and fitted with a bracelet to monitor his movements. Part of the bail conditions was that he be tested for drug and alcohol use. While on home detention for a serious crime, he was able to move freely during the day, driving a courier van. While the home detention order remained in force, individuals from Correctional Services came and removed his bracelet, allegedly stating that he was not considered to be high risk and that they needed the bracelet for someone else.

The family also claim that, during this time, the person in question was not once tested for drug use, and they now know that he was using illicit drugs, mainly methamphetamine, on a daily basis while on home detention. He has also indicated that he was, in fact, dealing in drugs during this period of home detention. Once the bracelet was removed, this person committed another serious crime and, as a result, he is now on remand and has been advised that he is looking at an eight year sentence. My questions are:

1. When bail conditions are set by magistrates or judges, such as drug testing for offenders, how is compliance with those orders measured by Correctional Services?

2. Is it usual practice to remove a monitoring bracelet because there are not enough to go around?

3. Will the minister provide statistics on the number of home detainees who re-offend and who break bail conditions?

4. How many drug tests on home detainees have been carried out in the past 12 months?

5. How many of those tests proved positive and what action was taken?

The Hon. CARMEL ZOLLO (Minister for Correctional Services): I thank the honourable member for her question. She asked some questions which, clearly, I do not have statistics for and I will have to bring back some further advice for her. There are two aspects to home detention in South Australia. We have court-ordered home detention, which was introduced in May 1999 as part of the Criminal Law Sentencing Act, as an alternative to imprisonment for offenders who were suffering ill health, who were disabled or frail and for whom any imprisonment could be unduly harsh. We also have intensive bail supervision, with a home detention condition which is ordered by the courts, rather than placing an offender on remand.

For prisoners to be eligible for home detention administered by our department—which is another category—they must not be serving a sentence of a sexual nature or homicide; they must be in the last 12 months of their sentence; they must be classified as low security; and they must have completed at least half their designated non-parole period. The honourable member has clearly mentioned a specific case. She is also saying now he is on remand and before the courts. Obviously, I do not know of this particular case; it has not been brought to my attention. It would be improper for me to be placing any comments on record when I am not aware of this particular person. If the honourable member

would like me to follow this case through, I am happy to do that.

I can tell the honourable member that the number of prisoners who commenced home detention has reduced each year, from 265 in the year 2002-03, 254 in 2003-04, 207 in 2004-05 and 185 during 2005-06. Between 85 and 95 per cent of those who undertake the home detention program in South Australia are successful but, by comparison, the number of bailees ordered to undertake intensive bail supervision—that is, just to remind people, the one imposed by the courts—has increased significantly. It is used a lot by the courts, obviously. In 1998-99, 199 bailees were required to undertake intensive bail supervision, and that number increased to 652 in 2004-05; and 799 offenders were ordered to undertake intensive bail supervision during the 2005-06 financial year.

The department's statistics show that the breach rate for home detention bailees is at about 37 per cent, and this is in comparison to the 12 per cent breach rate for prisoners who have their home detention approved by the department. Clearly, you are looking at a different category of person and what they have to lose and often, I suppose, the mental state of these people as well. However, these statistics are based on the number of breaches that the department reports as well, not on the subsequent decision of the court, which must decide whether or not to breach the offender. Also, of course, many court decisions may not be known for months and may attract a financial penalty rather than a breach order.

The best estimate is that about 30 per cent of home detention bailees will have their orders breached by the court. As I have mentioned, there are several reasons for the difference in those breach rates. Home detention bail, as I said, is issued by the courts and the courts generally order a report before issuing home detention bail. The offender is often unknown to the person preparing the report, and the risk of an offender not successfully complying with their bail conditions is therefore increased.

The possibility of entering prison can make an offender unstable, as I have mentioned, and a greater risk of bail non-compliance. The level of supervision is often more stringent for home detention bailees. In this regard a high breach rate is also indicative of the high level of supervision provided by the department and can be interpreted as a positive indicator. Under this government, supervision of people on bail is significantly more intensive. Some specific questions were asked in relation to numbers, and I will undertake to bring back some further advice for the honourable member. Again, if she wishes to approach me with that particular case I will undertake to get some further information.

The Hon. J.M.A. LENSINK: Will the minister advise of the number of bracelets available to corrections in South Australia and whether there is a waiting list?

The Hon. CARMEL ZOLLO: I am not sure of the exact number that we have. There is no waiting list, as far as I am aware, because this issue was raised recently with the chief executive of corrections. I will undertake to bring back the exact number for the honourable member and, if we can find it before question time finishes, we will.

DIRECTOR OF PUBLIC PROSECUTIONS

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Leader of the Government, representing the Attorney-General, a question about the Office of the Director of Public Prosecutions.

Leave granted.

The Hon. R.D. LAWSON: The annual report of the Office of the DPP was tabled in this place today. In his report, the Director states:

> The Office's workload has continued to grow over the past 12 months and file loads remain at an unacceptably high level, at least double those carried by interstate DPP staff. The consequences of our high file loads over a sustained period are being reflected in those statistics measuring our performance. There are more matters going to trial; conviction rates are reducing and we finalised fewer matters than in other years. Given that there was an increase of 300 files handled by the Committal Unit this year, it is apparent that the situation will become worse unless urgent remedial action is taken. As I have said before and repeat here, this workload is unsustainable. If another 12 months goes by without a significant injection of funds, not only will my office be unable to discharge its responsibilities in a timely and efficient manner, but Courts and Corrections will also struggle with increased trial delays and high levels of prisoners on remand.

Elsewhere in the report there are many statements to similar effect. Indeed, in one of the reports, reference is made to the fact that matters are often being delayed by reason of the fact that there is no judge or courtroom available. My questions to the Attorney are:

1. How does this government reconcile its tough talk on law and order with its continuing refusal to properly fund the prosecution service in the state?

2. What action will the government take to address the concerns expressed by the DPP?

The Hon. P. HOLLOWAY (Minister for Police): I think that the honourable member should be well aware that there has been an increase in funds to the Office of the Director of Public Prosecutions both in the current budget and, I believe, in the previous budget. They are matters for the Attorney-General, and if he wishes to add further information to that I will refer the question to him. In relation to matters such as trial delays, the honourable member would also be aware that the Attorney-General has taken a number of initiatives in recent days. Of course, he would be well aware of the Rice report that dealt with some of those matters. I will refer the question to the Attorney for any further response or information he may wish to provide.

SECURITY INDUSTRY

The Hon. T.J. STEPHENS: I seek leave to make a brief explanation before asking the Minister for Police a question about the Rann government's proposal to use private security guards to help protect the state against terrorist attacks.

Leave granted.

The Hon. T.J. STEPHENS: As my colleague, the Hon. Rob Lucas, has already flagged, the Liberal Party supports any reasonable proposal that helps protect South Australians, and we cautiously support this particular proposal. Of serious concern to us and many interested observers throughout the community is that, in recent times, the private security sector has lost a great deal of trust in the eyes of the community following some of its organisations' infiltration by outlaw motorcycle gangs. A proposal that would see SAPOL sharing delicate information with an industry that still has some question marks over its integrity and how it is being run is of definite concern. My question is—

The PRESIDENT: Order! The honourable member will refrain from expressing opinion.

The Hon. T.J. STEPHENS: Can the minister assure the council and the people of South Australia that there are no

people with links to outlaw motorcycle gangs infiltrating the private security industry and that no sensitive information will be shared with the same?

The Hon. P. HOLLOWAY (Minister for Police): Perhaps the honourable member was not paying attention to questions previously asked in this council. I think his colleague the Hon. Mr Wade asked a question about the use of private security guards and, if he has not yet received a response, he should be getting one very soon.

The Hon. R.I. Lucas: In the next decade or something.

The Hon. P. HOLLOWAY: No, I have already signed it off. The fact is that, if we are to protect significant infrastructure within our state, inevitably the private industry will have to play a role. It is simply just beyond the resources of our police force to be able to provide that level of security to all installations. In fact, private security arrangements have been in place for many years. For example, I know that my grandfather, who was a former member of South Australia Police, after he had retired for some years acted as a security guard at what was then the weapons research organisation—now the defence science organisation at Salisbury—so, involvement of people within the private sector has occurred for many years. It needs to be put on the record that South Australia Police has recently engaged with local private security providers and it is developing strategies to work with the industry in the provision of enhancing security across government and privately owned infrastructure. Collaborating with private security officers would give the police greater intelligence gathering options.

This proposal is similar to Project Griffin which was developed by the City of London police to train security officers in various disciplines so that they would be better equipped to be of assistance to police in the event of a major incident. Project Griffin has three components, the first of which is a training day for security officers which includes input on the current terrorist threat and an overview of the different threats from other non-terrorist groups given by the City of London Police Special Branch and presentations from Metropolitan Police explosives officers.

The day's training also covers key areas such as emergency services command and control, conflict and resolution, hostile reconnaissance, terrorist planning, cordons and associated powers. The second component is a bridge call facility for security managers. This is a conference call with information from the City of London Police Force Intelligence Bureau, updating security officers on the current threat, recent and current crime trends, and forthcoming events. The third component, which is hoped will never be used, is the deployment of security officers to work alongside police officers on cordon control in the event of a major incident. Each trained security officer is provided with a high visibility fluorescent tabard, supplied and funded by the corporation of London, which is used when officers are deployed on Project Griffin duties. The tabards have space for the individual companies' logos.

This initiative in the United Kingdom has been perceived as a great success and it has generated interest outside London within the UK and also overseas, particularly in the US. The feedback from security officers who have attended Project Griffin training showed that they took a great deal from the training, feeling more valued and they felt part of the wider police community. It was suggested by the honourable member that one of the issues that has to be resolved is the much discussed issue of bikie penetration of the security industry and, of course, that has been covered before by answers to other questions in this place that have made it clear that that is one of the priorities of the police through their Operation Avatar and others, which is to weed out those people. This government has produced a number of initiatives to strengthen police powers in relation to that.

I answered a question a week or two ago when we talked in this place about the numbers of people who have had their security licence removed, and it was not just a small number through drug testing, but rather a number have been removed through police checks. Just the extra police activity has resulted in a number of people not renewing their licence in that area. So this is an area of ongoing activity for police. However, the police have assured me that, if we were to adopt a Project Griffin-type arrangement here, they would not be providing sensitive police information to the security industry.

It must also be stressed that not every security person or company is affiliated with bikies; there are many reputable security firms in existence and a number of companies also engage their own security officers and have their own measures in place—many of those, for example, are responsible for the protection of infrastructure. Does the honourable member really think that a company with infrastructure that may be worth, in some cases, billions of dollars would not take great care in selecting security agents? There are, of course, police checks and other means—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Indeed they do, and that is why South Australian police are extremely active and successful in that area; we read about them because the police in this state are very active and have the capacity to detect that through their operations. However, it is always a threat and that is exactly why the police are involved in the activities and operations that they are: to ensure that these people are weeded out. The industry, and the gangs that seek to penetrate it, is continually scrutinised.

I also announced on 21 July that the government would bolster protection of South Australia's critical infrastructure and high-risk assets with the establishment of protective security officers. These new protective security officers will provide effective and efficient security services and help build community confidence in the government's ability to protect critical state assets. Protective security officers will have a high level of training, skills and responsibilities and will be required to provide a first response to incidents. Consequently, they will be resourced with a range of tactical options which will, in some circumstances, include firearms, batons and offensive-type sprays.

This government has significantly increased police numbers in the state to the highest ever—we now have more than 4 000 sworn police officers and will increase that to 4 400 by the end of the term of this government. However, the reality is that even with those increased numbers it is still not possible to provide the level of security necessary at some of our key infrastructure locations and that is why (as in the past) it is inevitable that we will need to rely on the private security industry. We need to ensure, first, that we have adequate scrutiny of the people being engaged in the industry and, secondly, that other police operations ensure minimisation of any infiltration of those groups by undesirables.

I believe the government has this matter well in hand, and I also believe that the police are doing a very good job in ensuring our community is protected, using not only sworn police officers but also those people who work in the commercial sector.

RESIDENTIAL PARKS BILL

Adjourned debate on second reading.

(Continued from 1 November. Page 863.)

The Hon. M. PARNELL: I am pleased to support the second reading of this bill. The rights and responsibilities (because we always need to put the two together) of residential tenants have been a concern of mine for a number of years—in fact, in the mid 1980s in Victoria I established a tenancy advice service in the regional city of Warrnambool, and that service was designed to provide individual, tailored legal advice to tenants. When I came to South Australia some 16 or 17 years ago, I was surprised to find that there was no similar service operating in this state. I will come back to that later, but it is one thing that is lacking in terms of the services provided to tenants.

We debate housing in this place and in society a lot, and most of that debate tends to hinge around home ownership issues, in particular, interest rates and whether they are going up or down, the affordability of housing, the desirability or otherwise of first home owners grants and various other subsidies and rebates that are given to home owners for home improvements. However, as important as these things are, we often neglect the important role of rental housing as part of our housing stock, and we pay much less attention to the rights and the responsibilities of residential tenants. Part of the reason for that is probably that residential tenancies are regarded by many as an inferior form of tenure to home ownership. It is generally thought that, while some people might choose that form of housing, most people have it thrust on them as a consequence of poverty and that it is in fact a housing choice of last resort.

In the pecking order of housing tenure, towards the bottom of that list are usually those who rent in caravan parks. They are the people whose interests we have before us in this bill. The drafting of residential tenancies laws represents a fairly fine balance. We need to recognise the rights of the owners of property and we need to recognise their right to have their asset looked after. We should also have regard to their expectation—and I do not think it is a right: it is an expectation—of a return on their asset and we need to balance those rights and expectations against the rights of tenants to have a home. We often lose sight of that concept of home when we are talking about residential tenancies. It is a home for the people who have that form of tenure no less than one where you own the freehold title.

Shelter is one of the most fundamental of human rights, and I think that it is important for the law to deny that only on the most serious grounds. One of those grounds is dealt with in this bill. The bill refers to the behaviour of violent tenants of residential parks and how they might be dealt with. I have some amendments on file dealing with that issue, and I will speak to those shortly. The consumer protection measures that we have built into the Residential Tenancies Act do go some way towards achieving the balance to which I referred but, until this bill becomes law, those consumer protection measures have never applied to the residents of caravan parks. That is why it is a welcomed bill. It is a long overdue bill. In fact, when I was in Victoria 20 years ago, the debate that we are having now was had then. The Victorians were looking at this 20 years ago.

The Residential Parks Bill largely mirrors the current Residential Tenancies Act in terms of the rights and obligations that it creates and the mechanisms that it has in place for people to exercise those rights. It is important that we have a formalised mechanism because, at present, the people living in residential parks are very much at the whim of park owners. They are subject to fairly arbitrary rules and they can be subject to fairly arbitrary eviction as well, because they have not had the protection of law. I mentioned the lack of a tenancy advice service. When I sought some advice in relation to this bill, the first place I contacted was the Office of Consumer and Business Affairs. It does have an information service which it provides to both landlords and tenants, and no doubt when this new bill becomes law there will be an increased demand on that service. However, it is an inadequate service for a number of reasons. First, it is only an information service rather than a tailored legal advice service.

It is interesting to reflect where the money comes from for these sort of services. The answer is that it largely comes from tenants, and that is why I say that, if the tenants are paying for the service, there should be an advisory component to it. I will explore that in more detail. As members would know, when you enter into a residential tenancies agreement you usually pay a security bond. You will pay that to your landlord, who is then obliged to pay it to the Commissioner for Consumer Affairs. Whilst that may represent only a couple of hundred dollars per person, collectively it represents some $71 million held in the Residential Tenancies Fund. The interest on that money, which according to the Auditor-General was about $4.5 million last year, is used to provide the residential tenancies services under the auspices of the Office of Consumer and Business Affairs. The Residential Tenancies Tribunal is one of the main services provided. That tribunal will also have a role under this bill.

One of the things that will probably be reflected under this bill, as it is under the current act, is that it is a service used primarily by landlords. About 90 per cent of applications are from landlords, yet the service is paid for almost exclusively by tenants through the interest on their bond moneys. That is something we can look at another time, but it is a reform that is certainly long overdue.

Another place people can get information about their legal rights would be community legal centres, but most people who are unaware of this area probably would be cut off at the pass by going straight to the White Pages, where they would find an entry, 'Residential Tenancies Advice Service (Landlords and Tenants)', followed by a phone number. If you ring it, it will cost you $3.96 per minute. Given that we are talking about some of the most vulnerable and least well off people in the community, it is outrageous that the only publicly advertised avenue through the phone book for getting residential tenancies advice is a $3.96 per minute commercial service, which I know the Office of Consumer and Business Affairs does not recommend and does not advise that people ring. I have been told that some of the advice that has been given to those who have rung it has been incorrect. My call would be for some of the $4.5 million of tenants' money to be directed to an advisory service for the benefit of tenants.

In relation to residential parks in particular, many of us have been to caravan parks, and most of us are familiar with the usual mix of occupants. You usually have the vast majority of the park set aside for holiday makers, mainly over the warmer months, but up at the back of the park there are almost always a number of people usually referred to as permanents. They might be permanent in practice, but until

this bill becomes law they will have no permanence in their tenure. I previously alluded to one area of the bill that needs amendment (and I have on file nine amendments), relating to how we deal with problematic tenants, in particular, tenants who have caused serious violence. Before I explain briefly the reason for my amendments, I point out that, whilst the print media in particular love the stories of the tenant from hell, that creature does have equivalents in the landlord sector.

I mentioned the legal service I set up in Warrnambool. One of the first cases I was involved with was a phone call from some young students from the TAFE college there. They had been renting a house and the landlord had decided that she wanted to move back in and just turned up. The tenants quite rightly said, 'No; we have an agreement here. We should be allowed to stay.' They ended up escorting the landlord off the premises—an older lady, so they were fairly gentle—only to have her come back with a lump of wood, with which she smashed every window in the house.

I can still remember it even though it was 20 years ago. I was inside the house with the tenants and we put wardrobes and beds up against doors and windows, trying to stop the rampaging landlord from breaking into her house. It is a balancing act: the owners of premises have rights, but they also have obligations. In this case, the obligation to give notice to a tenant of the desire to take possession of the premises was not complied with.

The amendments I have on file relate to part 10 of the bill, which deals with serious acts of violence by residents. Part 10 of the bill enables a park owner to temporarily exclude violent residents. It also enables the park owner to suspend the operation of a residential park agreement and it triggers the possible termination of that agreement by the Residential Tenancies Tribunal. No doubt the public policy behind this is to protect the security of other residents—and I think that makes sense. One thing that is different in a residential park is that you do not have the same capacity to lock yourself away from anti-social or violent behaviour that is happening around you. Facilities such as toilets, showers and washing machines are shared facilities, and people need some protection from rampaging acts of violence that may be committed in a residential park.

I support the thrust of these amendments, but I think there is one problem, and I think it is to do with the drafting of the legislation rather than its intent. The problem is that, when the park owner triggers these mechanisms, the victims can also include the innocent children or partners of violent residents. This comes about because of the definition of the term 'resident' and the fact that the residential park agreement is suspended. Whilst it might be appropriate for a park owner to suspend a violent person, it would make no sense at all for the park owner also to be able to evict or suspend the spouse and children of that violent person. The situations we are contemplating here will often involve domestic violence. In those circumstances it would make no sense for both the perpetrator and the victim to be put out onto the street together, rather than to allow the victim to remain and ask the perpetrator to leave. My amendment seeks to clarify those types of situations by suspending the agreement only in relation to the actual violent perpetrator.

I think it is important for us to clarify where civil and criminal responsibilities begin and end. It is reasonable for a park owner to be able to take urgent action but, ultimately, we are talking about criminal behaviour and there needs to be a role for the police where criminal behaviour is involved. My amendments seek to formalise a role for the police. This also offers some protection for the park owner, so that the park owner is not seen as the person who has caused all these negative outcomes for the violent resident. The police can effectively take over and say, 'No, it is the police who are telling you to leave.'

When a park owner issues a temporary exclusion order, the onus is on the park owner to bring the matter before the Residential Tenancies Tribunal. The bill provides that the matter must be brought on within two business days, otherwise the exclusion period ends and the perpetrator is allowed to return to the park. The amendments I have on file propose that the matter must be heard within four days; in other words, still keeping the time lines tight but giving enough time and putting enough pressure on the Residential Tenancies Tribunal to resolve the matter. If it turns out that the complaint is well founded and if the Residential Tenancies Tribunal decides that the residential agreement must be brought to an end, I have a further amendment on file which provides that the family or the cohabitants of that person should be able to step into the shoes of the evicted tenant and take over the tenancy agreement.

Again, this is designed to deal with a domestic violence situation, where it may be that the male—it is usually the male—is violent and is asked to leave temporarily or may be compelled to leave permanently by order of the Residential Tenancies Tribunal. However, why should that perpetrator's spouse and children not be able to stay in their accommodation? This amendment should be supported by all members, because it places the responsibility on the perpetrator to answer for their actions and avoids the consequences flowing on to innocent parties.

The final thing I will say is that, like other members here, I have received a deal of correspondence from the residents of what we might call retirement parks. In particular, one at Victor Harbor has generated a fair bit of correspondence. I understand that there may well be some other amendments coming on file soon that deal with that, and I am keen to see those amendments. It would be a shame for people who, in good faith, have entered into long-term agreements in what are effectively retirement parks not to have some level of security. I look forward to seeing those amendments in committee. With those comments, I commend the second reading of the bill.

The ACTING PRESIDENT (Hon. B.V. Finnigan): The Hon. Mr Wortley.

The Hon. R.P. WORTLEY: Thank you, Mr Acting President. I must say you look very comfortable in that chair; it is almost as if it was made for you. I rise to support this bill, which is intended to protect the interests of people whose principal place of residence is a caravan park. The bill will not only protect park residents but create fairness, equality and balance between park owners and residents through acknowledging the rights and responsibilities of both park owners and park residents, which, to date, have been unclear.

As the Riverland covers a large percentage of my duty electorate, I was pleased to read in *The Murray Pioneer* of 5 September this year that the Loxton Riverfront Caravan Park proprietor agrees that these changes will benefit both parties involved in this legislation. He said:

> There's definitely a need for new regulations. Hopefully, the new regulations will make things clearer for both sides. It will make both the tenant and landlord clearer on their rights and obligations. It's been a long time coming. . .

This legislation is required to protect over 7 500 South Australians living in caravan parks and relocatable homes and to provide them with the same rights as others who live in housing tenancies.

People reside in residential parks for numerous reasons, including: lifestyle, affordability, seasonal work, and a sense of community. A large proportion of retirees live in residential parks because of the sense of security and the community lifestyle they offer. Retired residents often own their dwelling but rent a site, or rent both the caravan and the site. This was highlighted in the 2001 Census report, which showed that 54 per cent of people who live in a caravan park in Australia own their caravan outright but rent the caravan site.

It is concerning that these long-term retired residents, who are living on a pension wage and may have paid up to $100 000 to buy their transportable home, are denied the legal protection that someone who rents privately has in this state. This bill will play an important role in defining and protecting the rights and obligations of tenants and landlords in long-term residential situations by ensuring that agreements are in writing. The agreement will depend upon the circumstances and will be either a residential park site agreement or a residential park tenancy agreement.

Other key features of this bill include a limit on the amount of rent which can be paid in advance (two weeks) and a limit on bonds (four week's rent) which must be paid into the Residential Tenancies Fund. Owners must keep the park and rented dwellings in a satisfactory state. This includes a regular rubbish collection, maintaining the grounds and making reasonable repairs. Residents have a corresponding responsibility not to cause any damage to the park property and to report any defects when they notice them. These and other amendments to the bill will provide long-term residents with similar rights and responsibilities as other renters under the Residential Tenancies Act. This is a vital advancement in legislation for people living in caravan parks and it is also important to help clarify the role of park operators.

Caravan park residents face a number of challenges, ranging from unclean, unsanitary toilet blocks, lack of privacy due to vans and sites being very close together, inconsistency in the application of park rules or unreasonably harsh or restrictive park rules, and the threat of park closure. The proposed amendments to this bill will help curb such challenges and ensure that the management and maintenance of residential parks are upheld.

The Hon. J.S.L. DAWKINS secured the adjournment of the debate.

APPROPRIATION BILL

Adjourned debate on second reading.

(Continued from 2 November. Page 903.)

The Hon. J.S.L. DAWKINS: In supporting the passage of this bill I recognise its importance in providing finance for the various programs incorporated in the 2006-07 budget. It is my intention to focus on a couple of areas in relation to the budget which was presented back in September. However, I would like to briefly indicate a couple of general community comments about this budget. In particular, I am still unable to provide answers to many people who have asked me why this government needed to delay its budget until September, when it would normally have been brought down in May. As I said, I fail to be able to answer that question and I think the government cannot answer that question. It was in government for four years and it was managing its own finances; it came back from an election and could not prepare a budget at the normal time and had to wait until 21 September (I think it was) to bring down a budget.

The other thing that we hear a lot about in the community is the AAA rating. I note that the only way this state has achieved a AAA rating is because of the actions of the previous government and the actions of the commonwealth government, which have both been opposed at every post by the current government. I was also amused to hear someone at a forum in a country area recently describe AAA as 'all about Adelaide'. I think that is a very good description of this budget because of the widespread ignorance of the country areas of this state. There is certainly a need for infrastructure in the country areas of this state which has totally been lost in this budget.

The first area I want to address is in relation to the Metropolitan Fire Service and the money appropriated to that agency of the government. Members in this place would know that I have raised many issues in the past year regarding the Metropolitan Fire Service, both in question time and in the debate on the Appropriation Bill. Many of those questions and concerns have not been answered, and a large number of issues remain unaddressed by MFS management and the minister. I will take the opportunity in this Appropriation Bill debate to put a series of questions on the record. In accordance with recent practice in this council, I seek the minister's and the government's cooperation in providing responses to these questions, as has been the practice in recent times, as I mentioned. In that process, the minister can feel fairly well assured that I will not raise these questions in question time, but I will raise them now, and if she can provide me with a response I will appreciate that.

I initially want to raise some issues relating to the MFS training department. Since early 2005, the department has relied on the forced secondment of long-serving station officers as it does not get enough officers volunteering to join the training department. Many of these experienced officers know their vocation backwards, but they are not comfortable as teachers. Others do not have and are reluctant to learn the computer skills required in a training atmosphere. I understand that some station officers, who have been forced to volunteer for the training department, spend most of their time shifting desks and mending fences. This is because they do not have a lot of the skills needed to work in a teaching capacity.

Will the minister confirm that station officers, including those who are in the training department, currently earn between $66 334 and $73 033 per year, depending on their level? I would be grateful if she would also indicate whether senior firefighters have been invited to apply for positions within the training department, rather than just station officers. I am also keen to learn what measures if any MFS management has taken to ensure that the need to rely on forced secondment to the training department will be avoided in the future. Is it still the habit of MFS management to draw the numbers of station officers out of the barrel to determine who mans the training department?

Is standard administrative procedure (SAP) 6 being followed to ensure that a safe and effective procedure for appointments and secondments is carried out? Is it still the case that training officers identified for secondment under SAP 6 are classified as volunteering for the position, even if the officer indicates that they did not volunteer? Is the MFS

still offering a credit of 24 months service for 12 months work to attract officers to the training department? I have a further query regarding the MFS training department. Given the long dispute between MFS management and the United Firefighters Union in relation to station officer secondments to Angle Park Training Centre and delays in the payment of travel allowance, what measures have been taken to avoid a similar situation in the future?

I would also be grateful if the minister can indicate the purpose of the MFS UFU strategic forum. In addition, who chairs this forum and who are the other members? I would also be keen to learn how this forum links into the SAFECOM targets relating to strategic areas, as listed on page 4.145 of Budget Paper 4, volume 1. I also seek information in relation to MFS executive funded positions. I would be grateful if the minister would provide the staffing levels of the MFS executive; that is, assistant chief officer, deputy chief officer and their assistants and commanders, and provide a comparison with the level of staffing in 2005-06.

Will the minister also provide the number of personnel employed as district officers, station officers, senior firefighters, firefighters and communications personnel both in the current year and for 2005-06? I would also be grateful if she would clarify the positions of regional managers—whether they are currently filled by station officers—and what the actual role of a regional manager is. I understand that all future vacancies for regional managers will be called from district officers and seeks their confirmation of that. Will the minister also give an assurance that all regional managers ranked as district officers have successfully completed the examinations that have always been a prerequisite for holding such a position? Will she also indicate where regional officers are currently situated and how that relates to the previous financial year?

I would also be grateful for some information in relation to another matter. I understand that the United Firefighters Union has received numerous queries and complaints regarding delays in the payment of travel allowances and back pay to MFS personnel. I have three questions in relation to that. Will the minister confirm that, following representations to MFS management and SAFECOM, the union was advised that all back pay relating to the pay rise granted from 1 July 2005 would be paid by 20 September this year—another delay in payment of almost 15 months? Has this matter been concluded? Will the minister also confirm that two new staff members were employed by MFS management to deal with the backlog of travel claims, also 15 months late, despite the large number of personnel already available in head office? The minister may not want to respond to this, but I will ask anyway: when will she indicate to MFS management that the series of examples of mismanagement of the administration of the fire service that I have raised in this council must cease?

I turn now to another area of the state budget which relates to training. In particular, I refer to the removal of South Australian Certificate II User Choice funding, which was affected in the 2006 budget. A budget media release issued on 21 September stated:

> Entry level training in the retail industry, particularly the fast food sector, is low skilled, does not rank highly on the state skill priorities and will not be supported by the government.

I understand that this decision has also impacted on the Certificate II in Hospitality which creates a combined impact across retail, hospitality and tourism. Service Skills SA, which is the training and work force development peak body for the retail industry, was not consulted by the government on this issue nor were the industry or any key industry associations. To date, the government has not provided any clear and definitive evidence that demonstrates the analysis and validity of the decision and its implications. This decision is very serious for the retail industry, which is collectively now South Australia's biggest industry sector, as it limits the opportunities to train the enormous flow of entry-level employees that are required to sustain the industry and its predicted growth.

To highlight the situation that has resulted from that budget decision—a budget decision which, I understand, was done without consultation with any of the relevant advisory boards—I would like to quote a news release put out by Service Skills SA on 1 November this year. Headed 'Government Restricting Youth Employment', it states:

> A powerful consortium of retailers today condemned the slashing of $6 million from the (Certificate II) training funding for the retail and hospitality industries in South Australia by the government and called for an immediate overturning of the decision. Major retailers including Subway, Haighs Chocolates, Harris Scarfes, Drakes Foodmarkets, Woolworth's, and some training organisations have expressed their concerns to Service Skills SA about the loss of funding. They believe this will reduce employment opportunities and career pathways for thousands of South Australia's youth and unemployed. It will not help resolve current youth unemployment in South Australia, which stands at around 20 per cent.

I understand that the figures released last week indicate that youth unemployment figures have ballooned to much greater than that 20 per cent. The news release continues:

> The retailers have lost patience waiting for an adequate explanation of the budget decision from minister Caica who made the decision without consultation or collaboration with industry or its representatives. The minister has indicated the government's priority will be high-level skills for areas such as mining and defence. This does not make sense when retail growth in the next 10 years is likely to create more direct employment than mining and defence combined. The retail sector, which is the state's biggest employer and a major contributor to the economy, has now been abandoned by the only state government that has removed this funding. The decision would dramatically reduce the opportunity for school-based apprenticeships, which is part of nationally agreed education agenda from the Council of Australian Governments (COAG).
>
> Retailers will be forced to review their training plans, which would have included entry-level training for thousands of young South Australians. The training funding gave an incentive to provide formal and recognised training that was ensuring key transferable work skills for many starting out in their careers. The Industry Skills Board representing retail (Service Skills SA) has been confidentially advised that at least 20 jobs are likely to be lost in training companies who provide retail and hospitality training. The impact will be most significant in regional areas (already impacted by drought) and in small businesses where retail and hospitality are major entry points into employment and many of the businesses and individuals will find it impossible to self-fund the training.
>
> John Brownsea from the State Retailers Association questioned how the government could make such a decision when it had not resolved long-running concerns around the 'disappearance' of the government-funded $2.9 million State Retail Skills Centre, which is very important to the retail industry.

I have had some consultation recently with representatives of Service Skills SA, and they are very genuine in their concern about this policy decision; it rejects the whole worth of employment in the retail sector. I think many of us in this chamber would either have children or know of young people—or have their own memories—who have undertaken some work experience—indeed, life experience—in the retail sector. Unfortunately, this has been ignored by the decision of this government to slash this $6 million.

I understand that there has been some criticism from the government that many retail traineeships are not completed.

I think the reality of that is that many people who work in the retail industry are then inspired to choose another career, and therefore they do not complete the traineeship in that area. Having said that, I think most members would know how much we rely on the retail sector. There are some wonderful people in all sections of our community who have made a lifelong career in the retail sector and, quite frankly, the community would be lost without them. It was interesting to learn that the advice given to Service Skills SA was that the regional areas had been left out of this cut in funding and that they had been protected.

In reality, we find that the only regional areas of the state which have been spared the impact of this funding cut are the far west of the state and Kangaroo Island. Many other regional areas of this state are in great trouble at the moment and this funding cut to retail training will only exacerbate that. I return to the reference in the media release from Service Skills SA in relation to the 'disappearance' (as it is described) of the government funded $2.9 million state retail skills centre. The industry does not know where that centre is, if it exists. It has been given funding of $2.9 million. However, the industry has asked the opposition where the retail skills centre is located because it cannot get an answer from the government.

In conclusion, I am grateful that this debate has given me the opportunity to raise these issues. Obviously the debate on the Appropriation Bill gives us the opportunity to note the funds appropriated in the budget to various agencies. In particular, I have referred to the Metropolitan Fire Service and the training portfolio. I am concerned about the fact that, as I said earlier, this budget is late. There was an unjustifiable delay that no-one has been able to explain to the people of South Australia. As I said earlier, it is a AAA budget all about Adelaide.

The Hon. R.P. WORTLEY: First, I take the opportunity to congratulate the Treasurer Kevin Foley from another place for delivering his fifth consecutive successful budget. His budget is in surplus. It is a budget that will deliver every single Labor commitment made in the 2006 election.

The Hon. D.W. Ridgway: What about the 50 promises you broke after the last election?

The Hon. R.P. WORTLEY: We will get to all that during the debate; we have plenty of time. This budget will benefit all South Australians not only today but also tomorrow. There is only one loser in this budget. As stated in *The Advertiser* of 22 September 2006, the one big loser was the opposition. The article says that it will find it tough to score any points. That just reinforces the fact that it is not a good time to be in opposition. How right they are: it definitely is not a good time to be in opposition. Treasurer Foley's fifth budget has set a new benchmark with record health and education funding, and we are continuing our strong commitment to being tough on law and order. The Treasurer has delivered a responsible budget that focuses on health, education and community safety.

Unlike the previous Liberal government, we are spending within the state's means and are delivering on our promises. Labor, in partnership with private industry, will deliver six new schools in metropolitan Adelaide as part of a bold $216 million Education Works plan to reshape the face of South Australia's ageing public schools. Today's students are our future leaders, and that is why this budget will provide students with improved education opportunities to enable them to achieve their best and move public education into the 21st century. We are forward thinkers, not like members of the opposition who live in the past. This budget will ensure that all public school students have access to a wide range of academic and vocational subjects, as well as delivering high quality buildings and equipment for the students of today and tomorrow. The 2006-07 budget brings our total investment in capital works since 2002-03 to $550 million—

The Hon. J.S.L. Dawkins interjecting:

The Hon. R.P. WORTLEY: It is good to see that you are awake. Your speech almost sent me to sleep, so I am glad to see that the Hon. Mr Dawkins has a bit of fire in him. It includes $45.5 million for new major capital works for schools in 2006-07. It invests $216 million in Education Works, which includes $134 million for six new schools, in partnership with private enterprise, and invests $82 million—

Members interjecting:

The PRESIDENT: Order! The Hons Mr Ridgway and Mrs Schaefer will have their opportunity later.

The Hon. R.P. WORTLEY: —in approved schools which find creative and more effective ways to offer education. Investing in our children's education is absolutely critical for the future development of this state, and I congratulate the education minister from another place for creating the most significant reform agenda for our schools' infrastructure in more than 30 years. Education is not just for the rich but is for all South Australians. This budget will reshape public schools and make them the schools of choice for parents in future. Also, $23.3 million will go towards the establishment of 10 new children's centres to add to the existing 10; $79.3 million over four years has been invested in a new South Australian certificate of education; and $24.8 million will be spent on 10 new trade schools for the future.

Students will receive the basic right of high quality education and training that will meet the challenges of future social and economic change. Labor's investment in education will drive and position our schools at the forefront of the nation's education systems. Australia's ageing population is one of the major transformations being experienced across Australia, and predictions suggest that by 2051 South Australians aged 65 years and over will make up around one third of the state's population.

The Hon. D.W. Ridgway interjecting:

The Hon. R.P. WORTLEY: I point out to members opposite that there is a difference between education and the aged. I know that they do not understand that. There is a difference between training our youth and supporting our aged people for the future. Already South Australia has one of the highest proportions of people aged over 65 years, leaving little wonder why this budget will inject an extra $640 million into the state's health system to help ease the growing pressures of an ageing population.

The Hon. D.W. Ridgway: When you were educated didn't they tell you how to put a speech together?

The Hon. R.P. WORTLEY: I can understand the attitude of members opposite when you look at their record, which I will go through later. They should be holding their heads in shame and not putting up this facade and knocking my speech. They should hang their heads in shame.

The Hon. D.W. Ridgway interjecting:

The Hon. R.P. WORTLEY: I will get to your atrocious record when your government wasted almost a decade, almost a generation, of this state's economic development. I will talk about selling off the state later on in my speech. You can have all the time in the world—sit there and be

patient, comrade. This budget delivers on our health election commitments, including 16 000 elective surgery procedures over four years, a $52 million package to build three GP Plus health care centres across Adelaide, 50 nurses to go into GP clinics to provide support and $88 million over the next four years towards a $145 million redevelopment of the Flinders Medical Centre. It is all good news, comrade. I actually get goose bumps reading this speech because it is all good news—it is great.

It is evident through the record health funding in this budget that the health of the community is paramount to Labor. We will deliver major improvements to the state's prison system, with a new $411 million correctional services precinct to be built near Murray Bridge in partnership with the private sector. The establishment of the correctional services precinct continues to enforce our commitment of getting tougher on law and order. Community safety will be strengthened with our strong commitment towards law and order. Labor will increase police numbers, upgrade the Fort Largs Police Academy, inject $5.8 million over four years for operational support for the courts' system, $4.6 million over four years for enhanced DNA testing services and $2.3 million over four years in additional support for the paedophile task force.

These commitments will reduce crime rates and the effects of crime in our community. I am proud to be a member of a government that has delivered on its election promises, unlike the previous Liberal government. I find it very hypocritical for today's opposition to accuse us of breaking our election promises given that it was a government of shameless broken promises. It left a trail of broken promises on jobs, education, health and the police.

Members interjecting:

The Hon. R.P. WORTLEY: And you are proud of it. That is all you can be when you—

The Hon. Caroline Schaefer: Give us an example.

The Hon. R.P. WORTLEY: Be patient. Good things are worth waiting for. I refer to state debt and the sale of ETSA—the mother of all broken promises. Let us talk about broken promises. I will start with the education system. Labor promised a higher public education system standard. We will deliver the most significant reform and investment in school infrastructure in South Australia in more than 30 years and we will reshape and reinvigorate public education with six new schools to be built in metropolitan Adelaide. We have delivered smaller reception and years 1 and 2 state school class sizes. The average class size is now 20 students per class in these grades.

I would leave too and hang my head in shame as I walk out the door, Mr Dawkins, if I were you. More than 2 000 teachers and school staff, many of whom were employed on contracts, have gained a permanent job. We have employed student mentors to work with 15-year olds at risk of dropping out, and we have employed more counsellors for private schools. An extra 120 000 books were purchased for our state school libraries to support the Premier's successful reading challenge. The $35 million eight-point early years literacy program has delivered the equivalent of 125 extra teachers to improve students' literacy from preschool to year 3.

Let us look at what the Liberals promised when they were in power and what they actually delivered. In a policy speech on 28 November 1993, former Liberal premier Brown said:

> Our initiatives will see education standards lift through improved school maintenance and recourses.

What did they deliver? Over four years the Liberal government cut education spending by a cumulative $130 million. In 1994-95 the Liberal government cut 522 teachers—and I see the Hon. Mr Lawson, who was one of the leadership team then, with his mouth open as wide as a groper. He is stunned when it is brought back to his attention what he actually did. In 1994-95 the Liberal government cut 522 teachers and 287 school services officers. Between 1994 and 1997, the Liberals closed over 40 schools.

The Hon. J. Gazzola: How many?

The Hon. R.P. WORTLEY: They closed over 40 schools—many against expert advice and the wishes of the community.

The Hon. D.W. Ridgway interjecting:

The Hon. R.P. WORTLEY: No; listen to this. It is so funny to watch members opposite complaining about our budgets. Premier Brown promised small classes. In a policy speech of 28 November 1993, premier Brown said they would ensure that 'current class sizes are maintained'. What did he deliver? On 25 August 1994 education minister Lucas announced that all primary and junior primary classes would be increased. What a disgrace! That is what members opposite had to offer our children for the future. That was in a Lucas media release on 25 August 1994—and members opposite have the audacity to criticise a budget which is delivering nothing but good educational advances for our children in the future.

Let us look at law and order. It is like reading a comic when reading the achievements of the Liberals. Labor promised to be tough on law and order. What will we deliver? Labor is embarking on a major reform of the state's prison system with a new $411 million correctional services precinct to be built near Murray Bridge. It is a major investment in public safety and infrastructure, which is critical to reducing crime and the effects of crime. We have delivered the biggest police force in South Australia's history. We will continue to increase the police presence in our safer community by recruiting 400 extra police officers over the next four years.

Let us look at what the Liberals promised during their time in office. The Liberals promised to boost police officer numbers. Police recruiting reached dangerous lows in South Australia under the Liberal government, with only 28 Fort Largs Police Academy graduates in 1998. We lost almost as many as started training. According to figures published in the *Sunday Mail* of 17 January 1999, there was a total of 3 630 police officers in South Australia compared with 3 608 police officers when the Liberals took office. In six years they created 22 extra police officers. It is no wonder that poor old pensioners were being bashed in their houses and were too frightened to walk on the streets. Liberals failed to look after our children and almost every section of our society in regards to health and safety. If these figures are correct, the Liberals had 22 new police officers from when they took over.

The Hon. D.W. Ridgway: If they are correct!

The Hon. R.P. WORTLEY: We now go onto health. Labor has introduced the single largest health budget on record, which will include an extra $640 million. That is a staggering amount of money, and it is all within our means. We are putting in $640 million to fix a lot of the problems members opposite caused in their decade of mismanagement and neglect of this state.

The Hon. R.D. Lawson interjecting:

The Hon. R.P. WORTLEY: I might get the Hon. Mr Dawkins. He almost sent me to sleep; I am glad it was

only a 10 minute speech. We are going to spend on the annual state budget a record $3 billion. These figures are astounding, and they are all about improving the health of our community. We have delivered 1 836 extra nurses and 466 extra doctors into the public health system since 2002—$1 billion more for health compared with when the Liberal government was in office.

We have cut waiting times for public dental services by two years. We have 118 more ambulance paramedics since 2001-02 and major refurbishments to the Queen Elizabeth Hospital, Royal Adelaide Hospital and Lyell McEwin Hospital. We are taking back Modbury Hospital and putting it back into the hands of the public—exactly where it belongs! Let us look at what the Liberals promised during their term of office. Premier Brown promised that public hospitals would receive an extra $6 million a year to begin the task of halving waiting lists in their first term. He said:

> By the end of our first term, $40 million will be redirected to help cut hospital waiting lists.

What did they deliver? From 1994-95 to 1997-98 the health budgets were cut in real terms by over $234 million. How can members opposite look me in the eye and have any criticism on a great budget being handed down by this current government? Health minister Michael Armitage told estimates on 29 June 1995 that the health budget was to be cut by $70 million in 1995-96. That was a cut of $70 million—and you have the audacity to accuse us of broken promises.

Let us look at employment. Labor has promised better employment opportunities. What have we delivered? Labor has delivered a record number of apprentices and trainees. The Australian Bureau of Statistics labour force figures released on 9 March this year indicated that 745 600 South Australians are in jobs. This is a historic high for the state. Labor has promised and delivered the state's lowest youth unemployment rate since 1991, and we are continuing to reach employment rates above the national average. We have billions of dollars worth of projects in the pipeline, ranging from the $6 billion air warfare destroyer project to working with BHP Billiton in a $5 billion expansion of the Olympic Dam operation. This in itself will create around 23 000 jobs.

Let us see what the Liberals promised during their term. On 11 December 2000, in a press report, former premier Olsen pledged there would be a job for anyone who wanted one. What did they deliver? In November 2000, South Australia lost more than 5 000 jobs and had over 6 000 fewer jobs than at the end of 1999. In 1993, the Liberals promised to create 20 000 jobs a year. They failed. Between 1993 and 2000, the Liberals created only 35 000 jobs in seven years. The Liberals were creating jobs at one-third the national rate. These promises were a cruel joke played on South Australian job seekers—promising jobs for people who needed an income to pay their rent and for their food—and you sat there and promised and promised and delivered very little. I would be ashamed of myself.

Let us look at the environment. I know it is a bit hard to bear. I would be sad listening to such dismal failures over a decade of waste and inept government by the Liberals. Labor promised a greener South Australia. What has it delivered? It has delivered over 50 per cent of the nation's wind power capacity and more than 45 per cent of Australia's grid connected solar power, and we have delivered new laws to reduce greenhouse gases. Labor is setting the standard across the nation in environmental issues. Even the former US vice president, Al Gore, agrees—and this is a man who has an international reputation in the environmental sphere. He said, 'In South Australia you have probably one of the best examples of any state in the entire world'—not in Australia but the entire world—

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

The Hon. R.P. WORTLEY: Of course. Your counterparts in America had to cheat in Florida to put Bush in power. Look at what America is suffering now after almost six years of your Republican colleagues over there. Al Gore, a highly respected environmentalist, recognised throughout the world, along with Mikhail Gorbachev said, 'In South Australia you have probably one—'

The Hon. J. Gazzola: Suzuki.

The Hon. R.P. WORTLEY: Yes; Suzuki is another one. Al Gore said, 'In South Australia you are probably one of the best examples of any state in the entire world.' That is a staggering statement. You see how leadership can make a tremendous difference in implementing renewable sources of energy. It is something to be proud of, and I sit here feeling proud.

Labor continues to lead the way in supporting the restoration of the Murray River, with $241 million already allocated over the next four years to improve the health of the mighty Murray River. What did the Liberals promise during their reign? In 1995, the Liberal premier and environment minister promised that the Torrens would be clean enough to swim in by 2000. Well, I never saw them put on the old togs in 2000 and go for that swim! After all the Liberals' promises and even claiming they looked forward to swimming in the Torrens—they actually made that claim—by 2000, we did not see the premier put on his togs and take a dip in the Torrens.

There is no comparison with the mother of all broken promises, the sale of ETSA, which was the most blatant and deliberate broken promise in South Australia's political history. The Liberal pre-election promise was: 'There is no plan for the sale of ETSA—full stop.' 'Full stop, full stop!' I think they said. That statement was made by the deputy premier, Graham Ingerson, on 3 September 1997. And what happened on 17 February 1998? John Olsen announced to parliament that he had changed his mind and that he would sell ETSA, and it cost $100 million alone in consultancy fees to sell ETSA. That is absolutely disgraceful.

The Olsen government said the sale of ETSA would cut state debt; we were promised that all the sale proceeds would be used on debt reduction. When that did not happen, we were told that the money from the sale would give us an extra $2 million a day for hospitals, schools and the environment. The story kept changing, while the state debt remained. Apart from ETSA—

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

The Hon. R.P. WORTLEY: No. I just happen to have with me a few examples of the crown jewels—the state's assets—that delivered so much to this state and how you sold them off. There were over 30 South Australian assets. Of course, ETSA was the mother, but there was the TAB, and you basically gave it away. Here was an organisation that could only make money, but you sold it; you gave it away. There was the Ports Corporation and SGIC. I mean, if you can not make money out of an insurance company—you gave it away. There was the *Island Seaway*, Fleet SA and State Print. You outsourced the buses, our water, and Modbury Hospital. Mr President, you can understand now why, over the past few weeks, *The Advertiser* has been so brutally critical of the ineptness of the opposition. I have never seen

such a brutal analysis and criticism of a party and its leadership as I have seen in *The Advertiser* in the past few weeks. Who should take the responsibility?

Members interjecting:

The PRESIDENT: Order! Honourable members on my left will suffer in silence.

The Hon. R.P. WORTLEY: When you look at the last four budgets of the Liberal government handed down by the former treasurer, Mr Lucas, there were four deficits adding up to around a billion dollars. Much of the blame for the ineptness of the opposition should be taken by the Leader of the Opposition in this council, the Hon. Mr Lucas. Mr Lucas is basically a dead man walking. His own party does not want him. His colleagues have made it quite clear they do not want him to go to executive meetings. If you go down to the bar all you can hear is gossip about when he is going to go.

The Hon. Mr Lawson—unlike the Hon. Mr Lucas—has identified the fact that he is past his use-by date. He has moved himself onto the back bench. He has done the honourable thing and allowed some new talent to come onto the front bench, but what Mr Lucas is doing is creating a bottleneck. He refuses to acknowledge the fact that he is no longer wanted and that he no longer has the fire in his belly and he refuses to go to the back bench and allow some of—

Members interjecting:

The Hon. R.P. WORTLEY: I am going to say something nice about your side now. You actually do have some good talent. You have the Hon. Mr Stephens languishing on the back bench. The Hon. Mr Wade is oozing talent—

An honourable member: He's a rising star.

The Hon. R.P. WORTLEY: He's a rising star. You have Mr Ridgway, whose tempo has increased because he can smell a change in the wind. This morning he surprised all of us with the ferocity with which he attacked a few of the ministers on this side.

If the Hon. Mr Lucas and the Hon. Mr Lawson really felt for their party, they would both resign from parliament today and allow new blood to come into the chamber. The Hon. Mr Dawkins and the Hon. Ms Schaefer are waiting to retire. I find it appalling that they are prepared to be paid for four years and just wait until they retire.

An honourable member interjecting:

The Hon. R.P. WORTLEY: You don't need to, mate. You can speak from the heart. If you did the right thing, four of you would retire tomorrow and let new blood onto the back bench; it would revitalise things a little bit and put a bit of oomph into the opposition and allow the talent on the back bench to move onto the front bench. The really sad thing about all of this is that a true, strong democracy not only depends on a strong efficient and good government but also relies on a strong and decent sort of opposition. In that regard, you have absolutely let us down dismally. *The Advertiser* has hit it right on the nose in pointing out how incompetent and inept the opposition is in this state. I think members opposite should be ashamed. They have let this state down with their weak, inefficient and inept opposition.

Members interjecting:

The Hon. R.P. WORTLEY: I am getting tired of the abuse that I am getting from the other side, so I will end my contribution now. However, I would like to say this: I look forward, as a member of this government, to many more good budgets ahead. I look forward to building on the foundation that this government has put in place with the past five budgets. We have laid a very good foundation, and I look forward to seeing many more good budgets ahead and building on that foundation to give all Australians a share in the wealth created by this state.

The Hon. R.D. LAWSON secured the adjournment of the debate.

EVIDENCE (SUPPRESSION ORDERS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 1 November. Page 874.)

The Hon. NICK XENOPHON: I indicate my support for the second reading of this bill. I will keep my remarks brief. I just want to get to the heart of my particular concerns in relation to this bill. The government says that this is a fairly significant change to the way suppression orders are dealt with in this state. I moved a motion several years ago for the Legislative Review Committee to look at the whole issue of suppression orders, following very strong representations from a constituent who was concerned that suppression orders were not, in fact, extensive enough.

I believe that the Legislative Review Committee of the previous parliament did some very good work in relation to that and that this has been a catalyst for this particular bill. It is my view that if suppression orders are too broad that would not be in the interests of the administration of justice in this state. This bill at least makes some attempt to deal with some of the concerns with respect to the ways in which suppression orders have been dealt with and granted in South Australia.

I refer to a letter from the Australian Broadcasting Corporation's Legal Services to the member for Heysen, Isabel Redmond, dated 31 October 2006, which I think is quite telling. I note that my colleague, the Hon. Mr Lawson, also referred to this letter. In this letter, in relation to the reform package announced by the Attorney-General, ABC Legal Services makes the following point:

> The reform package announced by the Attorney-General appears to recognise this problem and the detrimental impact upon media reporting and public awareness and understanding of court proceedings. However, the amendments to section 69A(2) would appear to simply restate the principles contained within the existing provisions in different words rather than introducing any significant change. It is to be hoped that the combination of the words 'primary objective', 'may only make' and 'special circumstances' when taken with the statements made by the Attorney-General in introducing the Amendment Bill will be understood by the courts to evince a clear intention by parliament that suppression orders should become the exception rather than the norm.

Reference is also made by ABC Legal Services to the increase in penalties. It states:

> The increase in penalties cannot be justified on any legal or jurisprudential basis.

In relation to the increase in penalties, the fact is that there are other mechanisms for enforcement, such as contempt of court. There are also very significant penalties for media organisations. A proprietor can be subject to contempt of court proceedings and, ultimately, gaol if they are in breach of orders. So, there are, I believe, sufficient safeguards in that respect. I think it will be interesting to see how this particular bill works and whether it will lead to greater transparency and simplicity with respect to the administration of suppression orders in this state.

However, I will flag this issue. I am not sure whether the government intends to deal with this bill in committee today. If it does, I will not have an opportunity to put forward a proposed amendment, but at least I can put this on notice to

the government. It relates to the proposed amendment to section 69A subsections (10), (11) and (12). In the bill, reference is made to a register. It provides that, when an order is entered on the register, the registrar will immediately transmit the order by fax, email, or other electronic means to authorised persons in media organisations. I think that is a good thing.

Reference is also made to a register being made available for inspection by members of the public free of charge during ordinary office hours. Subsection (12) provides:

> Without limiting the ways in which notice of a suppression order, or an order varying or revoking a suppression order, may be given, the entry of such an order in the register is notice to the news media and the public generally. . . of the making and terms of the order.

As I understand it, subsection (12) is there to make it clear that a media organisation cannot just say, 'Well, look, I didn't get this particular order' or 'It wasn't faxed through' or whatever reason, and that it cannot be used as a defence in relation to that. I understand that, but I wonder why the government would not consider going one small step further. I believe it would be very practical and would make good use of the internet as a means of making the legislation more effective in terms of its administration to have an electronic online register available to media outlets by way of a password or another security device. That would make a lot of sense. There would be no question mark. It would provide an extra safeguard and allow media organisations to double-check that an order has been made in a particular case, and it would provide some comfort by ensuring that no breach of a suppression order would take place.

That is what I propose. At the very least, I seek an undertaking from the government that this is the path it will go down, that it will use the internet in this way to ensure that media outlets can expeditiously access this register online. Given that the register will be available for inspection in any event, it would make sense for it to be available online. In this way, I believe the legislation in terms of its administration would work more efficiently.

Time will tell how this amending legislation will work; whether it will mean fewer or more suppression orders, whether it will mean a quicker resolution of suppression orders, and whether the concerns of ABC Legal Services are founded. I support this bill, and I look forward to an indication from the government as to whether it supports the concept of an online register for media outlets to access in addition to the anticipated faxing or emailing of orders, so that there is a means for media outlets to double-check whether a suppression order has been made.

The Hon. SANDRA KANCK: I believe that suppression orders play an important role in protecting the innocent and ensuring fair trials in this state. I would actually go further than the current system and institute a blanket ban on the reporting of the names of individuals involved in criminal cases until after a verdict has been brought down. I would do so because I believe that the principle of being considered innocent until proven guilty is a cornerstone of a fair criminal justice system. I note an amendment seeking that outcome was introduced in the other place by the member for Mitchell and, unfortunately, it failed. I think we need to consider the plight of an innocent individual who has been brought erroneously before a court. Unless they are eligible for legal aid, they are left with the financial cost of funding their defence. Further, if there has been media reporting of the case, they are left with the public damage to their reputation.

Many people believe that there is no smoke without fire so, even if they are found not guilty, some people in the public are inclined to disbelieve that outcome. Lives can be ruined in this process, and that is simply not just. The damage to innocent reputations would be largely avoided if the conviction was required before the identity of the accused and their victims could be published. Of course, putting a name and a face to the accused suits the media, but we should not confuse the commercial interests of the media with the interests of justice in our community.

I think it is not surprising that we see legislation such as this, which wants the courts or the judges to be more open as far as suppression orders are concerned, given that we have a Premier and an Attorney-General who are former journalists. This is very much a government of spin and it depends on the media to get its message out and, obviously, it wants to suck up to them. I do not think we should forget that this is the same government that moved to censor my speech on voluntary euthanasia and, now, it wants to be seen to be championing free speech by having practically everybody's name who is charged of anything to be made available to the media for advice to the public. I think such inconsistency is quite dizzying. Apart from that hypocrisy, a bill that has the potential to move us away from the principle of innocent until proven guilty is a backward step. I indicate that I will support the second reading but I will not support the clause about tightening up suppression laws.

The Hon. D.G.E. HOOD: Oscar Wilde is attributed with the saying that the pure and simple truth is rarely ever pure and simple. I am finding this to be so in this place and, at times, we must act on the best information we have before us and decide what is most true for ourselves. Suppression orders have the capacity to hide the truth. A saying that is either a Latin maxim, a proverb or the wisdom of an early church father translates as follows: truth fears nothing but concealment. If the press does not have the capacity to inform the populace about crime, justice and occurrences in our courts, the public—the people who vote for us—have a diminished capacity to know the truth for themselves.

I find it interesting in my research for this bill that in the past 20 years we have effectively seen four revisions of the law in respect of suppression orders. The original section 69A was inserted in the Evidence Act in 1984 by a Labor government under the oversight of the then attorney-general, the Hon. Chris Sumner. That section was substituted in 1989, again by a Labor government and the Hon. Chris Sumner, for reasons I will refer to in a moment. In 2001, the Hon. Nick Xenophon initiated what became a Legislative Review Committee report on section 69A of the Evidence Act. For the record, I note that the committee comprised the Hons John Gazzola (presiding officer) and Ian Gilfillan from this place and, from the other place, the Hon. Dorothy Kotz, Robyn Geraghty and Kris Hanna. The Hon. Angus Redford, from this place, tabled a minority report.

I count the committee's report as the third review of suppression law, although it seems to me that the findings of the committee were not all carried into effect. In fact, I note that its primary finding seems to sail in the opposite direction to which the government is now heading. I understand that Mr Kris Hanna, in the other place, sought to implement that approach by amending this bill, but he failed. Of course, the fourth review is being conducted at the moment. I am on the public record as having called for this review of South Australia's status as what commentators have called 'the

suppression state'. I assume that before 1984 the question of the suppression of proceedings fell to the general discretion of the courts. If I am right in that assumption, it interests me that we have seen four revisions of the suppression issue in 22 years. I suspect that this is due to what is described as the mass media.

I believe that since courts began the public has always been interested in high-profile court cases. Through increased newspaper circulation, opinion polls and the advent of talkback radio and so-called shock jocks, I suppose the mass media has enabled a greater number of the general public to be aware of court proceedings and that it has fed the public's interest in voicing their opinions about the justice system. In future, no doubt, the tension will increase between the media and the government of the day about the issue of suppression. I predict that we will be back here before my time is through to review this legislation again. This is not casting a negative aspersion on any party in this debate. I make that prediction to recognise that this is a developing area of law and some media lawyers must be out there rubbing their hands with glee.

I look at the likely growing number of terrorism cases and I foresee that suppression and the public interest is not a simple debate. The pure and simple truth is indeed rarely pure and never simple. Suppression and national security will be an interesting contest in the times that lie ahead. An article penned by barrister Greg Barns in *The Australian* of 8 September 2006 makes interesting reading. He suggests that courts and lawyers ought to change their approach and embrace the media by explaining the legal process. This would be a radical shift from tradition in Australia, but I think his argument has some merit.

I return to my earlier point about the second review of the law on suppression orders in 1989, as I think the comments of the then attorney-general are insightful. The first version of section 69A did not require the court to give reasons when it made suppression orders, and it made no specific reference to the right of the news media to be considered when suppression orders were made. Those issues were dealt with in the second review. In that review, the Hon. Chris Sumner reported to this council his disappointment at the unacceptable level of secrecy adopted by the courts after four years' operation of the original section. Secrecy arose through the generality of suppression orders and also through the court suppression of even the reasons for making the suppression order.

Seventeen years have now passed and we again have the government dissatisfied with the court's implementation of the suppression regime. As I will discuss shortly, my review of the Attorney-General's reports pursuant to the Evidence Act indicates that the government is, perhaps, entitled to be dissatisfied. When I look at the wording of section 69A as it currently stands, on the face of it I see no reason to change the section, which describes the need to balance competing interests when making suppression orders. However, if the courts are interpreting the law in such a way that dissatisfies the executive, the executive is quite entitled to seek the legislature's sanction on a re-wording of the law so as to convey the parliament's clear intention. For that reason, Family First supports the proposed changes to the law.

I will now review recent reports tabled by the Attorney-General pursuant to section 71 of the Evidence Act—that is, reports as to the operation of suppression orders. These reports divulge some interesting information and are also quite brief. When you look past the 'boilerplate' (if you like) text that comprises the first A4 page of the report, there are really only two paragraphs noting the annexures and then the report ends. The annexures are purely statistical and, frankly, the headings 'Interim-No' and 'Interim-Yes' are not helpful. The Attorney-General's office tells us that Interim-No means that it was a final order and Interim-Yes is an order that was made on an interim basis only.

To summarise, that means there were 819 final orders and 173 interim orders. I have surveyed only the past five reporting years, inclusive of the report tabled by the Attorney-General on Tuesday 26 September 2006, and perhaps this practice of brief reports has been the case for 22 years, spanning Labor and Liberal attorneys-general. I think the reporting needs to be better, and I suspect that more comprehensive reporting was anticipated when the section was introduced. I also suspect that the reporting requirement was introduced to enable the legislature to be informed as to the operation of the act and, presumably, to disclose issues that should be addressed. The reports we have are, effectively, pure and brief statistics. I seek leave to have the tables inserted into *Hansard* without my reading them.

Leave granted.

Table 1: Aggregate Suppression Orders by Tribunal

Court/Tribunal	2001-02	2003-03	2003-04	2004-05	2005-06	Total
Supreme Court	72	88	52	44	63	319
District Court	59	73	67	59	59	317
Magistrates Court	37	46	82	67	76	308
Environment, Resources and Development Court	1	0	0	0	0	1
Youth Court	1	0	1	0	3	5
Coroner's Court	8	0	1	6	5	20
Medical Board of SA	3	5	1	2	5	16
Dental Board of SA	0	0	2	0	0	2
Dental Practitioners Professional Conduct Tribunal	0	0	0	2	0	2
Total	181*	212	204	182	211	990

*We are told that in 2000-01 the total was 328.

Table 2: Reasons for granting Suppression Orders

	2001-02		2002-03		2003-04		2004-05		2005-06		Totals	
	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes
AJ	95	16	125	22	106	24	92	19	88	25	506	106
UNH W	19	2	14	0	9	4	20	4	24	5	86	15
ID A/V/W	14	3	12	2	14	6	11	4	13	4	64	19
PBL A/V/W	18	6	19	3	22	9	17	6	28	9	104	33
PUB INT	3	0	4	0	1	0	1	0	1	0	10	0
REVOC	5	0	13	0	9	0	8	0	14	0	49	0
Totals	154	27	187	27	161	43	149	33	168	43	819	173
												992

Legend:
AJ To prevent prejudice to the proper administration of justice
UNH W For the protection of or to prevent undue hardship to witnesses
ID A/V/W To prevent the identification of the accused, victims or witnesses
PBL A/V/W To prevent publication of details concerning the accused, victims or witnesses
PUB INT Made in the public interest
REVOC Revocation of suppression order

The Hon. D.G.E. HOOD: Table 1 of the report indicates that there were 181, 212, 204 and 182 orders per annum—an average of more than one every two days. One observation I want to make concerning the statistics is that the so-called Snowtown 'Bodies in the Barrel' case does not appear to have made a significant dent on the statistics. I got the impression, listening to some debate, that the Snowtown case was partly to blame for increased suppression but that is not so, according to the Attorney-General's reports. The level of suppression is relatively steady and, I note, unacceptable to the government—and, indeed, to Family First.

Despite the brevity of the past five reports (I do not know whether or not this habit runs back 22 years), I have a further concern—and that is the descriptions of the categories of reasons for suppression. These appear in the legend to Table 2 and are the same for the past five reporting years. I will go through them one by one and compare them with the law. The first category, 'administration of justice', is a valid reason as it matches the first category in section 69A of the Evidence Act. The second category reads 'for the protection of or to prevent undue hardship to witnesses'. In the act, the ground of undue hardship actually comprises three subcategories: undue hardship to an alleged victim of crime; witnesses (actual or potential); and a child. In the Attorney-General's reports pursuant to this act, only undue hardship to witnesses is reported; no figures are reported concerning suppression to protect an alleged victim or a child. Were no orders made to protect victims or children?

The third category is to 'prevent the identification of the accused, victims or witnesses'. What is the legal basis for this category? The act prescribes only two categories. Were 83 suppression orders over the past five years granted for a reason not covered by the act? The reporting needs to be tidied up. Likewise the fourth category: 'to prevent publication of details concerning the accused, victims or witnesses'. To this I say two things. First, the touchstone must be undue hardship, not prevention of publication. Were these 137 orders validly granted? The second thing I want to say is the precise point that the Hon. Robert Lawson raised when last in opposition a long time ago: why is identification or publication about the accused part of these categories? The Evidence Act gives no protection to the accused, except to protect victims, witnesses or children from their identification and thereby undue hardship if the accused is identified. Again, I do not believe this reporting measures up to the act.

The fifth category is worse. Our courts and tribunal's granted 10 orders over the past five years due to 'public interest'. The Evidence Act provides no basis whatsoever for making such an order, and the reports are too brief to tell us why this is so. Are the courts falling back upon a general discretion to suppress and, therefore, going beyond the wording of section 69A? If so, it is valid to ask whether that is appropriate. If it is not, perhaps we should be amending this bill so as to make it clear to the courts that suppression is entirely governed by the Evidence Act and no residual power to suppress resides in the courts. This is not a rhetorical question, and I request the Leader of the Government to come back to this place with a response, if possible.

Family First applauds the government for dealing with the unacceptable level of suppression orders granted in this state. This action is what we have been calling for, and it will provide the public with greater confidence in an open and accessible justice system. Before I close I would like to address the issue of an amendment proposed by the opposition to lower the penalties prescribed in this bill. Family First takes the view that they are maximum penalties. The courts have historically found a way to impose penalties lower than the maximum penalty. However, I am grateful to the Hon. Mr Lawson for bringing consultation with media outlets to our attention, as we can miss out on copies of that communication—and we will listen carefully to debate in the committee stage.

I will conclude with an important message. I do hope and ask that the media show proper restraint in the greater status they receive under this reform, ensuring fair and accurate reporting of court proceedings—which, by and large, currently appears to be the case. This is a unique opportunity for the media to show that they can work with the courts to better explain the process of justice to the general public, as Mr Barns advocated in the article I mentioned earlier.

At this very moment, with this bill, the South Australian legislature has the opportunity to advise the media, the courts and the public alike of its intention and desire as the elected representatives of the people of this state. I hope this chamber agrees with this statement of intent, and that we can move towards a more open, transparent and just society. Family First will support this bill and will consider the opposition's amendments in due course.

The Hon. P. HOLLOWAY (Minister for Police): I thank members for their contributions to this debate. The Hon. Robert Lawson criticised the approach of the bill in that it proposes that the registrar will notify the news media of suppression orders by email or fax messages. He said that this was an antediluvian and regressive approach. He said:

> The government ought to be prepared to put a website up with the suppression orders available to anybody from the public at any particular time.

I remind members that a suppression order may well contain, or at least give a distinct clue about the information that is to be suppressed. Publication on the internet could well defeat the intention of the order. It is one of the very forms of publication that are forbidden when a section 69A order is made.

I remind members that this very suggestion was canvassed by the Legislative Review Committee in its report on suppression orders of 6 April 2005. That report mentions that this question was raised by the committee with the Chief Justice. Not surprisingly, in paragraph 2.29 of the report, the Chief Justice said:

> . . . if we gave on-line access to the world at large, we would be starting to erode the suppression orders. . . I think widespread availability of the text of the orders would be problematic. . . I think that we would find that we were starting to erode the very protection of material.

That explains why this bill does not embody the approach preferred by the Hon. Mr Lawson. The Hon. Mr Lawson also said that he proposes to move amendments to the penalties in the bill on the basis that a maximum penalty of $120 000 for a body corporate is too high, whereas $80 000 would be acceptable.

He quoted a letter from the ABC in which it was claimed that the government's proposed penalty would put the breach of the suppression order 'in the same category as the most serious criminal conduct imaginable'. That is nonsense. A breach remains a summary offence. Serious illegal conduct by a corporation such as a breach of the Trade Practices Act can attract penalties of up to $10 million. Even if one is only comparing this penalty with penalties under South Australian law, there are penalties of up to $200 000 in the Occupational Health, Safety and Welfare Act. In the Food Act, for bodies corporate, one finds penalties of up to $500 000. Members should keep in mind, too, that this offence is a breach of an express order of a court of law. We gaol people for such breaches, for example, in the case of driving while disqualified.

A corporation such as a publisher or broadcaster cannot be gaoled, so it is appropriate that the financial penalty should be one that will really punish the corporate offender. A deliberate breach of a suppression order by a powerful media organisation could make it a lot of money at the same time as causing havoc in the affected court case—perhaps a mistrial leading to the wastage of substantial public funds; perhaps a disclosure which permanently harms the welfare of a victim of crime or which leads to violent reprisals against a witness. We do not want media organisations to be tempted to break the law and cause this kind of harm for the sake of making a dollar. For a wealthy corporation, a punishing fine is the best and perhaps the only deterrent. For these reasons, the government maintains that the penalties in this bill are appropriate.

The Hon. Dennis Hood raised some issues. I will briefly respond, and perhaps if he has more issues, we can pursue those in committee. I point out that this bill does not alter the section 69A(1) bases for a suppression order. As the Hon. Mr Hood has outlined, the court must be satisfied that an order should be made on various grounds. The government is not in a position to comment on whether any of the orders that have been made in the past were or were not validly made, but it proposes no changes to this aspect of the act. As I said, we can discuss this further, if necessary, during the committee stage. I again thank members for their contributions.

Bill read a second time.

In committee.

Clause 1 passed.

Clause 2.

The Hon. R.D. LAWSON: Has the government decided when this legislation (if passed) will be proclaimed to come into operation and, in particular, is there any need for regulations or other administrative arrangements to be made before it can come into operation?

The Hon. P. HOLLOWAY: The government has no need either to speed up or delay this particular piece of legislation. My advice is that there is not seen to be any need for regulations. However, I am advised that it will be necessary to talk to the courts in relation to any difficulties they may have in relation to the implementation of the act.

Clause passed.

Clause 3 passed.

Clause 4.

The Hon. R.D. LAWSON: In the leader's second reading speech he expressed opposition to the proposal that details of suppression orders be made available on-line, because he said that that would undermine the very purpose of suppression orders. The bill, however, provides in subsection 11 of proposed section 69A that the register of suppression orders be made available for inspection by members of the public free of charge during ordinary office hours. How does that proposition lie with the minister's suggestion that the register contains confidential information that cannot be put out on the web site?

The Hon. P. HOLLOWAY: I am advised that in proposed section 69A, section 12 of the current law is carried over in this legislation unchanged. I understand that when he appeared before the Legislative Review Committee the Chief Justice made a number of comments, reported at clause 229 of the report. It is my understanding that the Chief Justice came to the conclusion that it would be better to have the register available, where he stated, at page 29 of the report, clause 230:

> We have lived with the risk, I suppose, that a member of the public might go down there, read it and then publicise it. It is just that once you make that available online, I think that you have then in effect published the very thing you were trying to suppress.

The Hon. R.D. LAWSON: I remind the minister, first, that this information is currently available on the public register and it is proposed to continue to have it on a public register. I know it is true that certain suppression orders contain the very material that is suppressed, while others do not. An order that says that 'I suppress the name of John Smith' is of the first category and the second category is one stating 'I suppress the name of the accused or witness and the evidence given today', without identifying precisely what is the name or evidence. My comment about the web site was really driven by the fact that the Australian Press Council, in its newsletter of February 2006, also mentioned that there is a web site in Victoria, admittedly a secure web site, where the

media can have access 24 hours a day. The Press Council says:

> The council notes that some good systems exist, particularly in Victoria, where advice on extant suppression orders are sent regularly to subscribing media. In the interests of reducing the risk of interference of the administration of justice, it is proposed a model based in part on the Victorian system but with greater use of secure sections of the court's web sites. This has merit, particularly if it offers out of hours access for any media person wanting to check a database of orders. In response to the council's proposal, the Chief Justice of the High Court of Australia, Murray Gleeson, has indicated that the council's proposals on a uniform reporting system will be discussed at the next meeting of federal, state and territory chief justices.

It ought be on the record that there is an inconsistency between the proposition on the one hand that there be a register open to the members of the public free of charge during ordinary office hours and, on the other hand, a position that that material, which is open to the public free of charge during ordinary office hours, should not be made available at other times by the most commonly used method of disseminating information today. Surely it would be possible for the courts and those administering this system to fashion descriptions in such a way that they can be placed on the internet without divulging the very information that it is sought to suppress.

The Hon. P. HOLLOWAY: I move:

Page 3, line 9—Delete 'immediately' and substitute 'as soon as reasonably practicable'.

This amendment amends new section 69A, subsection (8)(a) to clarify when a court must forward a copy of a suppression order to the registrar. Under the provision as drafted, a court must forward a copy of a suppression order to the registrar immediately. It was recognised in another place that, particularly in the case of an interim suppression order, this could be problematic. The Chief Judge has advised that some interim suppressions might be revoked on the same day. The Chief Justice suggested that the requirement to advise the registrar immediately could result in an associate having to leave the court and register the interim suppression when the need for the interim suppression may no longer exist at the close of business.

It was suggested that this would be a manifestly disproportionate response by the parliament. By way of an amendment moved in the other place new subsection (9) now provides that a variation or revocation needs to be forwarded as soon as reasonably practicable to the registrar. The same requirement should exist in relation to the making of suppression orders. This amendment amends new subsection (8) to replace the word 'immediately' and provide that the court must forward a copy of a suppression order to the registrar as soon as reasonably practicable.

The Hon. R.D. LAWSON: I indicate support for this amendment.

Amendment carried.

The Hon. P. HOLLOWAY: I move:

Page 3, lines 32 and 33—
Delete 'the nominated representative of each authorised member of the news media' and substitute:
each authorised news media representative

Page 4—
Lines 2 to 5 (inclusive)—
Delete the definition of authorised member of the news media and substitute:
authorised news media representative means a person—
(a) who is nominated by a member of the news media to be the member's authorised representative for the purpose of receiving notices under subsection (10)(c); and
(b) who has given the registrar a notice specifying the representative's nominated address for the receipt of notices under subsection (10)(c); and
(c) who has paid the relevant fee or fees (which may consist of, or include, periodic fees) fixed by the regulations;
Lines 11 to 19 (inclusive)—
Delete the definition of nominated representative

The question of the process for authorisation of the news media for the purposes of notification under new subsection (10) was considered in the other place. The Attorney-General promised to reconsider the provisions. As a result I propose a set of amendments that would change the definition of and procedure relating to 'authorised news media representatives'. The initial suggestion to alert the media about suppression orders came from the Legislative Review Committee's report where the media argued that their deadlines made it difficult to be sure that they were not about to breach a suppression order. The bill as originally introduced provided for the Chief Justice to authorise news media to receive notices by fax, email or other electronic means about suppression orders. The bill was amended in the other place to provide that the registrar or his nominee would be responsible for authorising members of the news media.

Following debate in the other place and ongoing discussion with the judiciary, it has been decided that it is inappropriate for judicial or administrative staff of the courts to be placed in the position of authorising or declining to authorise media representatives. An authorised news media representative will now be defined to mean a person who is nominated by a member of the news media to be the member's authorised representative and who gives the registrar a notice specifying the representative's nominated address for the receipt of notices under new subsection (10)(c) and who has paid the relevant fees fixed by the regulations.

The term 'news media' is defined earlier in the division as 'those who carry on the business of publishing'. This will have some limiting effect on those who can be put on the list to receive notification of suppression orders. Groups that produce newsletters or information sheets infrequently are likely to be in the business of publishing, so they would not be eligible for notification. As a result of the amendment there will be no separate authorisation by the court. The news media will nominate a representative as the appropriate person to whom notifications of suppression orders are to be sent. The registrar will still be responsible for administering the list and transmitting the orders to the authorised media representatives.

The Hon. R.D. LAWSON: I have a query about this proposal. The registrar is defined in this amendment as 'a person to whom the functions of the registrar under this section are assigned by the Attorney-General'. I take it that this is not the registrar of the particular court in which the proceedings are being conducted but, rather, a registrar for a different purpose. Will the minister indicate whether that is the case?

The Hon. P. HOLLOWAY: I am advised that that is a correct interpretation of the act. Nothing in here prevents the Attorney-General from authorising a particular person to be the registrar for this purpose.

The Hon. R.D. LAWSON: Will the minister indicate who it is envisaged will be appointed by the Attorney-General as the officer to have the title 'registrar' in relation to these suppression orders? Is it someone from the Attorney-

General's office, someone from the Courts Administration Authority or someone from Trades Hall?

The Hon. P. HOLLOWAY: I am afraid I do not have any information in relation to that. We will have to speak to the Attorney-General in relation to that matter, but I would think it would be a court official. Logically, it is a court official, but we do not have any information we can provide to the honourable member.

The Hon. R.D. LAWSON: I should have said by way of preface that we do welcome this amendment and welcome the improvement that has been effected to this bill since it was first introduced. I might remind the committee that when the bill was introduced the Attorney-General justified the provision of having a registration requirement for the media. At page 786 of *Hansard*, he said:

> The bill allows the Chief Justice a discretion to authorise a member of the news media. In this way minor publications of doubtful integrity will not get the benefit of being supplied by the court with a suppression order. In those circumstances, an irresponsible executive producer of a current affairs program [guess which?] might be encouraged to breach the suppression order by being given notice that it exists.

The Attorney-General brought to this parliament a bill that had a mechanism designed to keep out what he termed, rather offensively, 'minor publications of doubtful integrity'. I am sure the Hon. Mr Parnell would not regard *The Green Times* as falling within that description, and I certainly would not call that a minor publication of doubtful integrity. I am glad the whole system has been jettisoned, but it has demonstrated for all to see the approach the Attorney-General has taken to this issue.

Amendments carried; clause as amended passed.

Clause 5 passed.

Clause 6.

The Hon. R.D. LAWSON: I move:

> Page 6, lines 18 to 20 (inclusive)—Delete paragraphs (a) and (b) and substitute:
>
> (a) in the case of a natural person—$5 000 or imprisonment for one year;
>
> (b) in the case of a body corporate—$80 000.

In moving this amendment, I accept, first, that it is appropriate that the penalties for wilful breach of a suppression order be increased, but I do that against the background that, where there is a contumelious breach of a suppression order, the offender can be prosecuted for contempt of court. So, the most serious breaches of this matter will be treated as contempt of court, as they are presently, and the offenders will be brought before the court and punished appropriately and severely. But there is also a back-up offence, which is the summary offence.

I read on to the record the view the Australian Broadcasting Commission put, and I think it is reasonable that I also put on to the record, for the benefit of the committee, the views of another news media group, Channel 7. In relation to the penalties, Channel 7 stated:

- an increase from $2 000 to $120 000 is so substantial as to counter any suggestion it is simply an updating of the amount—it suggests that the offence has been identified as an offence requiring special attention—there is no basis for such a characterization;
- there is no (and can be no) suggestion that there has been a rash of breaches of suppression orders or that there have been recent events requiring such drastic action as to increase penalties by 6 000%;
- the cases where a breach has occurred (and there have been very few in relative terms) show that there is no practice of deliberate or reckless contravention but rather inadvertent mistakes, usually as a result of not being aware of the existence of an order or of the precise terms of the order. Hopefully, the new mechanism for alerting the media as to the existence of the orders will reduce the risk of those mistakes happening. In any event, there is no history of offensive behaviour by the media which requires increases in penalties. Given the nature of the offence and the circumstances surrounding breaches in the past, no useful deterrent purpose is achieved by increasing penalties in the manner proposed;
- the comment by the Attorney-General that breaches of suppression 'are invariably prosecuted as a contempt' would not seem to be borne out by the cases and would not, in any event, justify an increase in penalties of the magnitude proposed;
- a breach of the suppression provisions is a summary offence. The new fines proposed are completely out of step with anything in the Summary Offences Act;
- the penalties would also be completely out of step with the Schedule of Divisional Penalties and Expiation Fees. There is no basis for treating this offence in this way;
- the penalties would also be out of step with practices in other jurisdictions;
- penalties in other South Australian Acts for breach of suppression-like restrictions on publication are generally in the range up to $10 000. The proposed penalties in the Amendment Bill would create unwarranted inconsistencies between the different statutory regimes—

for example, under the Mental Health Act and I think the Young Offenders Act—

- if there is to be a distinction drawn between penalties for individuals and corporations (and we are unaware of any basis for such a distinction in this instance), there is no basis for such a significant gap. We note that other comparable offences do not have any gap or have a relatively small difference.

Channel 7 goes on to state:

- the amendments in this regard appear to be seeking to portray the media as irresponsible organisations who will seek to deliberately breach statutory restrictions and who must be kept in check by the prospect of significant penalties. There is simply no basis for such a view to be taken. We would hope that the formulation of penalties would be based on proper jurisprudential and penological grounds and not be influenced by political or other irrelevant considerations;

Finally, in its letter by Tony Davis, the General Manager, Channel 7 goes on to state:

> We believe an increase to $10 000 would be more consistent with other penalties. If a more significant penalty is to be imposed on corporations, we believe that penalty should be no more than $25 000.

In my amendment, we have gone a little further than the media. I would have expected them to bid for an amount a little lower than is appropriate. What my amendment seeks is a penalty of $5 000 or imprisonment for one year in the case of a natural person, in lieu of the current penalty; and for a body corporate $80 000 in each case, rather than the overly draconian $120 000 fine. I believe the responses given by the media are entirely reasonable and responsible on their part. I do not favour the Rann method of rattling the sabre and saying, 'We've done something by including penalties that are out of all order with the likely offences,' especially given the fact that there is—certainly in the case of the supreme and district courts—a power to commit for contempt.

The Hon. P. HOLLOWAY: There is a series of amendments to be moved by the Hon. Robert Lawson, so I guess we can use the first one as a test. The amendments propose to reduce the penalty in the bill for bodies corporate from $120 000 to $80 000 and for individuals from $10 000 to $5 000. The government opposes these amendments. The penalties fixed in the bill are intended to send an unmistakable message about the seriousness of this conduct. The

breach of a court order is a most serious matter, because it signals disregard for our system of justice. Publishers and broadcasters wield great influence and can do great damage. It is vital that they take their legal responsibilities seriously. It is, therefore, important that the law encourages this by setting maximum penalties that are large enough to deter them from illegal conduct.

The Hon. Robert Lawson said that he discovers that the media's view is that the penalties were too large. If they think they are too large they might therefore be very careful about not breaching them. It also needs to be pointed out that the penalties posed by the government are, of course, maxima; they are for the most serious possible case. In practice the maximum penalty will rarely, if ever, be imposed, but it needs to be set at a level where it will send a clear message and act as a real deterrent. I remind members that the breach of a suppression order can have most serious consequences. It can put a witness, a child, or a victim of crime at risk of harm, whether psychological harm or actual physical danger. To put such a person at risk merely to sell newspapers or to attract viewers is serious wrongdoing. The present penalty is a $2 000 fine, and I think all members would agree that this is inadequate. The government's proposed maximum penalty of $120 000 for corporations or $10 000 for an individual is entirely fair and reasonable, and these amendments are opposed.

The committee divided on the amendment:

AYES (8)

Bressington, A.	Dawkins, J. S. L.
Lawson, R. D. (teller)	Lensink, J. M. A.
Lucas, R. I.	Stephens, T. J.
Wade, S. G.	Xenophon, N.

NOES (9)

Finnigan, B. V.	Gago, G. E.
Gazzola, J. M.	Holloway, P. (teller)
Hood, D.	Kanck, S. M.
Parnell, M.	Wortley, R.
Zollo, C.	

PAIR(S)

Ridgway, D. W.	Evans, A. L.
Schaefer, C. V.	Hunter, I.

Majority of 1 for the noes.

Amendment thus negatived; clause passed.

Remaining clauses (7 to 9) and title passed.

Bill reported with amendments; committee's report adopted.

Bill read a third time and passed.

FOREST PROPERTY (CARBON RIGHTS) AMENDMENT BILL

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

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): I move:

That this bill be now read a second time.

I seek leave to have the second reading report and the explanation of clauses inserted in *Hansard* without my reading them.

Leave granted.

I am pleased to bring before the House a Bill to amend the *Forest Property Act 2000* that will enable land owners and forest owners to commercially exploit the carbon absorption capacity of forest vegetation.

The *Forest Property Act 2000* for the first time identified the right to the commercial exploitation of the carbon absorption capacity of the relevant forest vegetation, and assigned that right to the forest vegetation owner.

At the time that the *Forest Property Act* was introduced, consideration was being given to Australia ratifying the Kyoto Protocol, and the provision identifying the right to commercial exploitation of the carbon absorption capacity of forest vegetation was included in the Act to help provide greater legal recognition of such rights in advance of a possible future emissions trading system.

Although the Commonwealth has decided not to ratify the Kyoto Protocol, and Australian emitters and forest growers are unable to participate in international Kyoto-based trading mechanisms, there is steadily building interest in carbon trading and offsets within industries and firms keen to reduce and offset their greenhouse gas emissions, and a consequent increasing interest and activity in bilateral trading of carbon rights.

These amendments to the *Forest Property Act 2000* are being introduced to facilitate and encourage this growing interest in bilateral trading in carbon rights in South Australia, in advance of any emissions trading scheme that may be developed. The Bill builds on the foundations laid by the *Forest Property Act 2000* by providing a robust framework for separate ownership of land, forests and carbon rights, and the protection of the rights and interests of all three parties.

The framework of separate ownership provided by the amendments for dealing in carbon rights provides an added degree of flexibility, in that it will enable landowners to sell their carbon rights while retaining ownership of the forest vegetation on their land. This will be of particular benefit to farm foresters who will be able to realise an annual income flow from their woodlot, while retaining the benefit of their longer term investment in forestry for wood production, and will encourage landholders who have previously been deterred by the long term nature of investment in farm forestry. It will also enable landholders who establish biodiversity plantings to potentially benefit from an annual income flow from the sale of carbon rights.

The Government is committed in the South Australia Strategic Plan to meet the Australian Kyoto target of 108% of 1990 emissions in the first Kyoto commitment period, 2008-2012. The Government has extended this commitment to reduce emissions by 60 per cent of 1990 levels by 2050.

The *Climate Change and Greenhouse Emissions Reduction Bill 2006*, released for public consultation in late June, foreshadows the establishment of voluntary greenhouse emissions offset programs. Emissions offset programs allow an individual or organisation to compensate for their greenhouse emissions, specifically carbon dioxide, through sequestration, or storage. Biosequestration, the absorption of carbon dioxide by vegetation, is a common method of sequestration.

The amendments to the *Forest Property Act 2000* complement the *Climate Change and Greenhouse Emissions Reduction Bill 2006* by providing a legal framework for the transfer of carbon rights from the forest owner to third party, thereby encouraging biosequestration activities that may be relevant to any future voluntary carbon offset programs established under the climate change legislation.

The identification of carbon rights in the *Forest Property Act 2000* was a first step along the path of providing the legal framework to encourage biosequestration; these amendments represent the second step, by providing a robust legal framework for bilateral trading in carbon rights.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Forest Property Act 2000*

4—Amendment of section 3—Interpretation

This clause inserts a definition of ***carbon right*** by reference to the meaning given to that term in new section 3A. It also deletes the phrase "but does not include edible fruit" in the definition of ***forest vegetation*** and deletes the definition of ***forest property owner*** from section 3 of the principal Act.

5—Insertion of section 3A

This clause inserts new section 3A

3A—Carbon absorption capacity of the forest vegetation to be a form of property

Proposed section 3A establishes that the capacity of the forest vegetation to absorb carbon is a form of property, that is a ***carbon right***, in the nature of a chose in action.

A ***carbon right*** attaches to the forest vegetation and passes with ownership of the forest vegetation unless that ownership is separated from ownership of the forest vegetation under a forest property agreement.

A forest property agreement may also relate to carbon rights in respect of the past absorption of carbon from the atmosphere as well as the absorption of carbon during the currency of the agreement.

6—Substitution of Part 2

This clause deletes existing Part 2 and substitutes a new part.

Part 2—Forest property agreements

5—Types of forest property agreements

New section 5 establishes that a forest property agreement may take the form of a forest property (vegetation) agreement or a forest property (carbon rights) agreement. The former agreement separates ownership of the forest vegetation from that of the land by transferring ownership of the forest vegetation from the owner of the land (the transferor) to another (the transferee) without severance of the vegetation from the land. A forest property (carbon rights) agreement separates ownership of carbon rights from ownership of the vegetation by transferring ownership of the carbon rights from the owner of the vegetation (the transferor) to another (the transferee). A forest property (vegetation) agreement may reserve to the transferor the right to take edible fruits from the forest vegetation.

The proposed section also provides that if ownership of the land has or is to be separated from ownership of the forest vegetation, a forest property (carbon rights) agreement may only be made if both the owner of the land and the owner, or prospective owner, of the forest vegetation are parties to the agreement.

Similarly, if the owner of land on which forest vegetation is growing or is to be grown has entered into, or is about to enter into, a forest property (carbon rights) agreement, a forest property (vegetation) agreement separating ownership of the land from ownership of the forest vegetation may only be made if both the owner of the land and the owner, or prospective owner, of the carbon rights are parties to the agreement.

Proposed subsection (7) enables a forest property agreement to take the form of a declaration of trust in which a reference to the transferor is a reference to the owner as settlor and a reference to the transferee is a reference to the trustee under the trust.

6—Form and content of forest property agreement

New section 6(1) requires that a forest property agreement be in writing, state that it is made under the principal Act, identify the land to which it applies and describes present and future forest vegetation to which it applies to enable it to be clearly identified. If a forest property agreement is made for a specific term it must state the term of the agreement and the circumstances in which the agreement comes to an end or can be brought to an end. Furthermore, new subsection (1) states that the agreement must comply with any requirements imposed by regulation.

Proposed subsection (2) establishes that a forest property agreement may—

- require or permit any party to the agreement to take, or refrain from, specified action relating to the planting, cultivation, maintenance, care, harvesting, destruction or removal of forest vegetation
- confer on the transferee a right to enter the land to inspect the forest vegetation and to exercise rights, or carry out obligations, relating to the forest vegetation
- deal with the duty of care to be exercised by each party to the other
- deal with incidental matters.

The making of a forest agreement under this new section requires the following consents—

- in the case of a forest property agreement conferring ownership of vegetation—the holder of any registered encumbrance over the land must consent to the agreement
- in the case of a forest property agreement conferring ownership of carbon rights—the holder of a registered encumbrance over the land and the holder of any registered mortgage or charge over the vegetation must consent to the agreement.

Proposed section 6 also provides, however, that the Court may dispense with a consent on the ground that—

- the consent has been unreasonably withheld
- or there is some other good reason to dispense with it.

The new section also states that an agreement is ineffective unless the consents required by it have either been obtained or dispensed with.

7—Registration of forest property agreement

Proposed section 7(1) establishes that a forest property agreement may be registered. Proposed subsection (2) establishes that if the agreement is unregistered, the interest of the transferee is an equitable interest and therefore liable to be defeated by a purchaser who acquires an interest in the subject matter of the agreement in good faith, for value and without notice of the agreement.

The proposed section establishes that the interest of the transferee under a registered forest property agreement has priority over—

- the interests of the holders of encumbrances over the land who consented to the registration of the agreement or whose consent was dispensed with and, in the case of a forest property (carbon rights) agreement, the interests of the holders of mortgages or charges over the vegetation who consented to the registration of the agreement or whose consent was dispensed with
- the interests of the holders of encumbrances over the land registered after the registration of the forest property agreement and the interests of holders of mortgages or charges over the vegetation registered after the registration of the forest property agreement
- the interests of all persons with unregistered interests in the land—including interests under unregistered forest property agreements

Proposed subsection (4) outlines the necessary process for registering an agreement in the form of a declaration of trust under the *Real Property Act 1886* despite the operation of section 162 of that Act.

8—Dealing with interest of transferee

Subject to the terms of the agreement, proposed section 8 enables a transferee under a forest property agreement to assign, mortgage or charge the interest conferred by a forest property agreement.

If the transaction under this proposed section relates to the interest conferred by a forest property (vegetation) agreement, proposed subsection (2) requires the following consents for a transaction under new section 8—

- the owner of the land must consent to the transaction
- if the ownership of carbon rights is separated from ownership of the vegetation under a forest property (carbon rights) agreement—the owner of the carbon rights must also consent
- in the case of an assignment—the holder of any registered encumbrance over the land, and the holder of any registered mortgage or charge over the vegetation must consent to the transaction.

If the transaction under the new section relates to the interest conferred by a forest property (carbon rights) agreement, proposed subsection (2) requires the following consents for a transaction under new section 8—

- the owner of the relevant vegetation must consent to the transaction and, if that person is not the owner of the land, the owner of the land must also consent
- in the case of an assignment—the holder of any registered encumbrance over the land, and the holder of any registered mortgage or charge over the vegetation or the carbon rights, must also consent to the transaction.

The Court may dispense with a consent under proposed subsection (2) on the ground that—

- the consent has been unreasonably withheld
- there is some other good reason to dispense with it.

A transaction under this new section is ineffective unless the required consents have been obtained or dispensed with.

A transaction under proposed section 8 affecting the interest conferred by a registered forest property agreement may be registered under this Act and, unless or until registered, any interest conferred by the transaction is equitable only and therefore liable to be defeated by a purchaser who acquires an interest in the subject matter of the transaction in good faith, for value and without notice of the transaction.

New subsection (6) provides that if the transferee under a forest property agreement assigns its interest under the agreement, and the assignment is registered, the assignee succeeds at law to all the rights and obligations of the transferee under the agreement (and references in this Act to the transferee are to be read as references to the assignee).

9—Enforceability of registered forest property agreement by and against successors in title to the original parties

Proposed section 9 provides that a registered forest property agreement is binding on, and enforceable by and against, the persons for the time being registered as—

- the owner of the land to which the agreement relates
- if the agreement transfers ownership of forest vegetation—the owner of the forest vegetation
- if the agreement transfers ownership of carbon rights—the owner of the carbon rights.

New subsection (2) ensures that a registered forest property agreement is no longer binding if the person ceases to be registered as—

- the owner of the land to which the agreement relates
- the owner of forest vegetation
- the owner of carbon rights.

However, this does not relieve a person from liabilities that had accrued under the agreement before the person ceased to be so registered.

10—Variation and revocation of forest property agreement

New section 10(1) provides for the variation and revocation of a forest property agreement by agreement between—

- the owner of the land on which the relevant forest vegetation is situated
- if the owner of the land is not the owner of the relevant forest vegetation—the owner of the forest vegetation
- if the owner of the forest vegetation is not the owner of the carbon rights—the owner of the carbon rights or

if the forest property agreement provides for unilateral variation or revocation, or variation of revocation in some other way—in accordance with the agreement or if the transferee under the forest property agreement cannot be found or has abandoned the exercise of rights under the agreement—by order of the court.

Proposed subsection (2) provides for the variation or revocation of a forest property agreement if a forest property agreement takes the form of a declaration of trust but only with the agreement of all beneficiaries of the trust or as otherwise provided in the instrument of trust.

New subsection (3) provides that if the transferee's interest under a registered forest property agreement is subject to a registered encumbrance, the agreement cannot be varied or revoked unless—

- the holder of the encumbrance consents or
- the Court dispenses with the consent on the ground that the consent has been unreasonably withheld or there is some other good reason to dispense with it.

New subsection (4) states that the variation or revocation of a registered forest property agreement does not take effect under proposed section 10 unless or until the agreement, order or other instrument of variation or revocation is registered. Until the agreement is registered the variation or revocation will only have effect in equity and cannot affect the interests of a purchaser who acts in good faith, for value and without notice.)

Proposed subsection (5) makes it clear that if a forest property (vegetation) agreement is revoked or terminates for some other reason, the property in vegetation to which the agreement related reverts to the owner of the land on which the vegetation is growing.

Proposed subsection (6) states that if a forest property (carbon rights) agreement is revoked or terminates for some other reason, the property in the carbon rights reverts to the owner of the relevant vegetation and ownership of the rights will then pass with ownership of the vegetation unless a further forest property (carbon rights) agreement separates ownership of the carbon rights from ownership of the vegetation.

11—Applications for registration

New section 11 enables an application for registration to be made by a party to the agreement or transaction in a form approved by the Registrar-General for the following—

- a forest property agreement
- the variation, revocation or termination of a forest property agreement
- a transaction affecting an interest conferred by a forest property agreement.

An application under new section 11 must be endorsed with a certificate signed by the parties to the agreement or transaction—

- stating the name and address of every person whose consent is required under the principal Act for the agreement or transaction to which the application relates
- certifying in relation to each of those persons that the required consent has been given in writing or that consent has been dispensed with.

An application must also be endorsed with a certificate signed by a legal practitioner or registered conveyancer—

- certifying that every consent required under the principal Act for the agreement or transaction to which the application relates has been given or dispensed with
- certifying that the application is otherwise correct for the purposes of the relevant registration law.

An application must also be accompanied by—

- any survey, duplicate certificate of title, judgment, or other document the Registrar-General may require
- the fee required by the regulations.

Proposed subsection (3) provides that in proceedings relating to a registered forest property agreement, a court may direct the Registrar-General to make a specified variation to, or to cancel the registration of, an instrument or other document registered under the principal Act and the Registrar-General must, on application by a party to the proceedings, in a form approved by the Registrar-General, comply with the direction.

The Registrar-General is entitled to rely on a certificate endorsed on an application and may act on the certificate without further inquiry.

12—Application of relevant registration law

New section 12 establishes that subject to Part 2 of the principal Act, the provisions of a relevant registration law apply to, and in relation to, the registration of a forest property agreement or a transaction affecting a forest property agreement as if a forest property agreement were a profit àprendre.

13—Transitional provision for forest property agreements made before the relevant date

New section 13 operates as a transitional provision to provide that a forest property agreement in force under the principal Act immediately before the commencement of the *Forest Property (Carbon Rights) Amendment Act 2006* continues in force, subject to its terms and the provisions of the principal Act, as a forest property (vegetation) agreement with a reservation of edible fruits to the owner of the land.

The Hon. J.M.A. LENSINK secured the adjournment of the debate.

[Sitting suspended from 5.57 to 7.48 p.m.]

STAMP DUTIES (LAND RICH ENTITIES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 1 November. Page 875.)

The Hon. D.G.E. HOOD: I rise to support the second reading of this bill. The bill seeks to amend the Stamp Duties Act. I think the key word with respect to this bill is 'avoidance'. The provisions amended by this bill were created to attack somewhat clever avoidance schemes, and now it seems we need to further improve the act to attack other even more clever avoidance schemes, if that is the way to phrase it. One particular avoidance scheme targeted here is the trick of putting land into a company and then selling shares in the company so that the value of the transaction is rated at the lower share transfer rate rather than the land transfer rate. The differential can be significant and represents significant avoidance of paying revenue in some cases.

This is not to say the activity is illegal but, as I said, the word is 'avoidance'. It is a carefully chosen and well-worn term to represent things done regarding public revenue that are legal but, when the parties stop winking and nudging—if I can put it that way—they know that they have made a considerable saving against the spirit of the law anyway. There are other adjustments to the act that I will not go into here, save to say that more entities will now be considered land rich and therefore their transactions will be assessed at more appropriate stamp duty rates.

Family First fully supports this initiative and the measures it seeks to implement to prevent the avoidance of paying what is legally appropriate stamp duty. All it takes is avoidance on a few major transactions and the taxpayers miss out on a significant amount of revenue that they will only make up, for instance, by taking the revenue from first home buyers, which is a point I will make towards the end of my speech. Family First believes that there should be no stamp duty—and I say it again to make it absolutely clear: there should be no stamp duty whatever on first home-buyer homes. It is an unnecessary tax on families starting their own home and their own future, and we strongly believe that there should be no stamp duty whatsoever for first home buyers.

In our view, once these anti-avoidance provisions start to work, stamp duty relief for all South Australians will be most appropriate. This bill is said to have a likely yield of approximately $4 million per annum. We hope that this is not absorbed into general revenue but, instead, delivered in some form of stamp duty relief for South Australians. It is important to state for the record that South Australian stamp duty rates are too high. Stamp duty is a significant impost on families, whether they be buying their first or subsequent home, or upgrading to a bigger home. In my own case, my wife is pregnant and we have been looking for a new home in the past few months. Recently, we were shocked to learn that the stamp duty applicable to the sale of that home was approximately $46 000.

The Hon. R.P. Wortley interjecting:

The Hon. D.G.E. HOOD: It was not a million-dollar house. Mr Wortley interjects saying that—

The PRESIDENT: Order! Mr Wortley is out of order.

The Hon. D.G.E. HOOD: He is out of order, but it is a relevant comment. I wish I was buying million dollar homes, but that is another matter. As I say, we hope that the passing of this bill will enable the government to look at the stamp duty rates and lowering the general level of stamp duty in this state, which Family First strongly believes is far too high. As an example of this, *The Advertiser* reported on 10 November 2006 that the Property Council recently told the select committee investigating the collection of property taxes by state and local governments that 'it is not rocket science to recognise that the property sector is being held back by a tax system ridden with inequities.'

The Property Council also called for the government immediately to adopt several key recommendations to cut the impact of property taxes eating into the superannuation returns of ordinary mums and dads. Further, in an interview on 4 August 2003 between Derryn Hinch in Victoria and the commonwealth Treasurer, Peter Costello, the Treasurer said:

> What has surprised us is that the principal reason why house prices went up was that interest rates came down. . . people could afford to buy more expensive properties. . . it kicked a whole lot of houses that were previously being taxed at moderate stamp duty rates, $6 000 into higher brackets and they are now being taxed at $16 000 or $17 000 for the average house under stamp duty.

That was in 2003. He went on to say:

> We weren't expecting that the States would take this enormous windfall out of stamp duty, but they did. In fact, we introduced. . . the First Home Owners' Scheme, to give a grant of $7 000 to people who are buying their first home. We pointed out to the States that this would bring new people into the market, there would be more house purchases, that the States as a consequence would get more stamp duty and would they please look at that to try and relieve some stamp duty for those first home buyers. But none of them did. . . So what do (first home owners) do with their First Home Owners' Grant? Go and try and pay off some of their stamp duty. It is a pretty frustrating merry-go-round out there.

I want to emphasise the commitment that Family First has to lowering stamp duty rates. We genuinely believe they are too high. No-one should pay exorbitant rates of taxation when they buy a home, regardless of the value of that home.

A family or an individual should be able to move homes when they so choose without paying taxation to do so. I think the description of this additional revenue as 'windfall' is more than fair; and I recall that the recent budget does not say anything to the contrary and that stamp duty has not been addressed in this budget. Indeed, perhaps some part of the $4 million yield from this bill's reforms will enable Revenue SA to look into other avoidance schemes. I understand that there are other schemes where people seek to avoid the payment of stamp duty. We encourage the government to assist Revenue SA in unearthing other schemes and to bring us legislation to deal with those schemes also. In principle, Family First supports this bill as it will enable the appropriate stamp duty to be collected, but again I emphasise that Family First would like to see stamp duty lowered, and we would like to see it abolished in the case of first home buyers.

The Hon. P. HOLLOWAY (Minister for Police): I thank all members who have spoken in the debate. I wish to put on the record some answers that have been provided by the Treasurer's office to some questions that were asked when this bill was debated in the lower house. I supplied a copy of these answers to the Leader of the Opposition some time ago, but I think it is important that I put them on the record. During the debate on this bill in the lower house, opposition members asked a number of questions of the Treasurer, and they indicated that they would be happy for them to be responded to in the Legislative Council. I will therefore answer each question raised by the opposition in turn.

The first question I have is that the $1 million threshold has not been increased since the introduction of this section in the legislation in 1990, there being significant increases in land value since 1990. Evidently New South Wales has increased its threshold to $2 million and we have heard that Victoria might be considering an increase. Are other states increasing or looking to increase the threshold? What would

be the revenue cost in South Australia if the threshold were to be increased to $1.5 million? I am advised that, to date, no state has announced that they are considering raising the threshold. The Western Australian Treasury is currently considering alternative land rich threshold values as part of the examination of its land rich provisions in stage 2 of the state tax review. In addition, the threshold in the Northern Territory is $500 000 and the ACT has no threshold. However, I am advised that the land rich models in the territories are significantly different from the regimes in the other states.

New South Wales is the only state where the $2 million threshold applies, and clearly property values in that state are significantly higher than the value of equivalent property in South Australia. Revenue SA currently does not separately capture land rich data and therefore there is no reliable estimate of what an increase in the threshold would cost. The second question raised by the opposition concerned the argument for reducing the 80 per cent test to 60 per cent. There have been artificial increases in intangible assets to avoid triggering the 80 per cent test. If this is a problem, will it not still be a problem at 60 per cent? Would it be possible to address this issue by providing clearer guidelines on the appropriate method of valuation for intangibles? The answer is that whatever level the asset test is set at, it is possible to use artificial means to defeat it; however, the lower the level of test the more difficult this is to do. The government is proposing an amended level of 60 per cent consistent with the approach in Victoria, New South Wales and Queensland and it is, therefore, considered reasonable in the circumstances.

The third issue raised is the definition of local primary production land asset, which assumes that land is used either wholly for the business of primary production or wholly for some other purpose. No guidance is given as to how the definition applies where only part of the land is used for primary production, whereas in the Land Tax Act the definition refers to land used wholly or mainly for the benefit of primary production. What problems, if any, would be caused if the definition used in the Land Tax Act was to be used for this purpose, and will the government consider an appropriate change? The answer is that the definition of a local primary production land asset needs to be considered in conjunction with the definition of primary production entity. An asset will be considered to be a primary production land asset by Revenue SA if the land is coded by the Valuer-General as being primary production land.

The Valuer-General's land use codes are based on the land's predominant use: an entity will be a primary production entity if 50 per cent or more of its local land assets are local primary production land assets. The government is of the view that this is a generous test and one which genuine primary producers would easily meet. In relation to land tax, Revenue SA also adopts the use of the Valuer-General's land use codes in deciding whether land is used for primary production and therefore, in effect, the test in this case will be the same as that used in the tax act.

The fourth issue raised includes section 91A(3), which refers to anything fixed to the land, including anything separately owned. Will this provision catch leased plant and machinery? Will this mean that intangible assets such as licences and goodwill are encompassed in the value of the land (for example, a liquor licence)? Why was not the word 'fixture' used, as it has a defined legal meaning, rather than the vague expression 'anything fixed to the land'? I realise these are technical points but we thought they were worth raising.

Could the value of electricity transmission and distribution equipment on the land be included in the value of the land? The answer is that the common law already provides that fixtures are considered to be part of the land and, therefore, fixtures are currently included as land for the purpose of the 80 per cent test. The new provision operates to allow the Commissioner to include fixtures that are separately owned from the land for the purposes of the proposed 60 per cent test. The term 'anything fixed to the land' has been introduced to facilitate this approach. Parliamentary counsel has adopted the words 'anything fixed to the land' as opposed to 'fixtures'; however, my advice is that nothing turns on this change.

Leased plant and machinery may be caught by these provisions if separately owned from the land for the purpose of avoiding land rich duty. Electricity infrastructure on land is currently considered to be part of the land for the purposes of the land rich provisions, and this treatment will not change as a result of these amendments. I am advised that intangible assets such as licences and goodwill may be encompassed in the value of the land; however, this is a valuation issue which depends on the specific circumstances of the case and is an issue that is unrelated to the amendments concerning fixtures.

The fifth issue raised is that there has been an increasing use of the Commissioner's discretionary legislation in recent years, which does not make for transparent and readily understandable legislation. Is the government aware of concerns about this trend. and what is its response? Is the use of the Commissioner's discretion more prevalent in South Australian legislation than in other states? The answer is that the use of discretions is quite varied across both state and commonwealth jurisdictions, and Revenue SA is not aware of any particular trend in that regard. However, it remains an inevitable consequence that, as governments of all persuasions grapple with increasingly sophisticated taxpayers and advisers finding more complex ways to avoid or evade duty, the legislation put in place to deal with these circumstances at times requires discretions for administrators to ensure that inadvertent consequences do not occur. In most cases these discretions are reviewable decisions.

Whether a discretion is appropriate must be judged on a case-by-case basis, based on the nature of the provision to which it relates. Discretion can operate either to place the onus of proof on the Commissioner of State Taxation or on the taxpayer in relation to whether a discretion should be invoked. Which approach is appropriate will again depend on the nature of the provision. As the land rich provisions are anti-avoidance measures, it is appropriate, in this instance, that the onus of proof is on the taxpayer.

The sixth issue raised has to do with sections 94(2)(d) and 94(5), as follows. The government says that this amendment operates to the benefit of taxpayers. Will the government explain how that statement can be guaranteed? If some discretion is required under section 94(2)(d), would it not be preferable to draft the provision so that rights and interests acquired in the ordinary course of business are included, unless the Commissioner believes there is anti-avoidance conduct involved? Why is the phrase 'acquired in the course of normal business of the entity' used in section 94(5) rather than the commonly used phrase 'in the ordinary course of business', which has been judiciously considered? The answer is that, currently, for a private entity to be land rich, the proportion of its land assets to total assets must be 80 per cent or more. To ensure that total assets are not inflated just for the purpose of defeating this proportion, assets such as

money on deposit, shares in related private corporations, and contractual rights or interests (apart from an interest in land arising from a contract for option to purchase land, and certain loan transactions) are excluded from total assets.

Industry representatives have pointed out that many asset classes arise from contractual arrangements, hence the current asset exclusion formula is harsh as it removes classes of assets without regard to whether they are part of a contrivance to avoid land rich duty. The bill adopts a case-by-case consideration of contractual rights and interests. Any exercise of the Commissioner's discretion will be for the benefit of the taxpayer when compared with the current position. The onus of establishing a claim to include a contractual right or interest is placed on the taxpayer. The land rich provisions seek to reduce avoidance opportunities. In addition, taxpayers are best placed to explain how and why assets have arisen in the course of their normal business. The Commissioner does not have the information to ensure that all instances of asset manipulation are identified; hence, in fairness to all taxpayers, the reversal of the proposed onus is inappropriate.

The use of the term 'normal business of the entity' is a drafting approach taken by parliamentary counsel. I am advised that the phrase 'normal business of the entity' has a slightly different meaning from the phrase 'ordinary course of business'. Pursuant to the proposed section 94(5), the Commissioner has to be satisfied that there is a relationship between the contractual right or interest and the core business activities of the entity. The use of the phrase 'ordinary course of business' would not accurately convey this relationship; therefore, the phrase 'normal business of the entity' has been deliberately adopted in this bill.

The seventh issue raised has to do with section 95A. One concern of industry is that the drafting of section 95A, subsection (2) in particular, is far too wide. I specifically refer to the concept of 'acting in concert', which is very uncertain. Paragraph (b) particularly picks up a range of transactions that would not attract aggregation under section 67. For example, where a 50 per cent holding is sold to three independent shareholders, the land rich provisions might be capable of applying either paragraph (a) or paragraph (b), given the width of the concepts used. The answer is that South Australia has amongst the weakest rules for the aggregation of interests acquired by associated parties. Such dealings may involve the taking up of interests in a land rich entity by two or more entities that are not associated under the relevant definitions but, in substance, are held by a single economic entity. This provision is enacted in order to prevent anti-avoidance practices.

Unfortunately, unless such anti-avoidance provisions are drafted widely, it has been the experience both in South Australia and interstate that the provisions can be defeated by creative practitioners. In the example given, section 95A would not be applied to three shareholders acting independently as there would be no intent to defeat the effect of the land rich provisions in that instance.

The eighth and final point has to do with section 95B. This section requires entities to test their status for a period of three years following the acquisition. What is the policy basis for this requirement, and does it not depart from the general principle that duty be assessed at the time of the instrument? If this provision remains, at what point in time will the addressed duty become applicable, and what will be the penalty consequences? The answer is that the policy basis for this requirement is to prevent avoidance where primary production land is purchased through a company or private unit trust but the land is then developed for a non-primary production purpose once the benefit of the higher percentage test is taken advantage of. Given that retention of the 80 per cent test is a benefit to genuine primary producers, the clawback provision is reasonable, given that it will only apply to acquisitions by non-genuine primary producers who have sought to take advantage of the higher percentage test. Clearly, the higher test should only apply to genuine primary producers and not, for example, real estate speculators.

When an entity ceases to be a primary production entity, duty becomes applicable from the date of the initial acquisition of the significant interest. A statement must be lodged within two months of the entity ceasing to be a primary production entity. This statement will be assessed with duty as if it was lodged within two months of the initial acquisition of the significant interest. Where the statement is lodged within the specified period no penalty or interest will be applicable. As this provision is a clawback provision it is the only sensible way in which it can operate. That, I trust, adequately answers the questions that were raised by the opposition in another place, and I again thank members for their support for this bill.

Bill read a second time.

MAGISTRATES (PART-TIME MAGISTRATES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 2 November. Page 896.)

The Hon. R.P. WORTLEY: It is with great pleasure that I stand here today supporting this family friendly bill which seeks to amend the Magistrates Act 1993, allowing part-time magistrates.

The Hon. D.W. Ridgway: You would make a good magistrate.

The Hon. R.P. WORTLEY: Do you think so? I would probably earn more money than I am earning here. The amended bill aims to allow magistrates to be appointed as part-time magistrates from the commencement of their employment. The amendment also provides that a full-time magistrate may, by agreement with the chief magistrate and with the approval of the Attorney-General, work part-time. The bill will help increase work flexibility by allowing magistrates to work part-time and considers the needs of individuals who are concerned about balancing family and work.

We are all aware of the strain caused by heavy work commitments on our families, and I am pleased that this government is supporting a better balance between work and family responsibilities for South Australian magistrates. If the state is to retain the vital services of these magistrates we must create a more accommodating magistracy. Allowing magistrates to work part-time will hopefully encourage magistrates, especially women with young children, to continue on in the profession. In South Australia men by far outweigh the number of women magistrates in our courts, and I believe this amendment will create a positive sea change within the magistracy. The bill recognises that our society is changing. There is a larger proportion of single working parents, and there are also many couples who are dependent on a double income. Ignoring the need for part-time magistrates would be ignoring the need for workplace flexibility and, by ignoring this need, more often than not the profession

would suffer a loss of its skilled employees, resulting in increased staff turnover and associated costs.

We can only hope that the amended bill results in a more efficient and productive court system by creating an environment in which South Australian magistrates are able to live a more balanced life. The introduction of part-time magistrates will not only highlight the importance of workplace flexibility but also bring us in line with modern Australia. It will also enforce the need for magistrates to be appointed specifically to serve as a resident magistrate in a country area. Labor has already appointed three regional magistrates in Berri, Port Lincoln and Mount Gambier, and they have been a great success. Appointing regional magistrates has enabled (and will enable) regional South Australians to gain the same access to justice as is available to other residents of the state. I hope this amendment, providing for part-time magistrates, will encourage magistrates to further their careers by allowing them to combine the important functions they provide to the state with their personal lives.

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

GENETICALLY MODIFIED CROPS MANAGEMENT (EXTENSION OF REVIEW PERIOD AND CONTROLS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 1 November. Page 875.)

The Hon. R.P. WORTLEY: I rise to support this bill, which seeks to amend the Genetically Modified Crops Management Act 2004. The transitional provisions of the act cause the Genetically Modified Crops Management (Designation of Areas) Regulations 2004 to expire on 29 April 2007. These regulations prohibit the growing of commercial GM food crops anywhere in South Australia. The bill before us will extend the transitional provisions so that the prohibition expires on 29 April 2008. The amended bill will also cause the date of the review of the act to be extended by up to 12 months. If the tabled amendment is passed, the review will be undertaken by April 2008.

Not only will an extended period of time ensure no adverse market and trade outcomes in relation to GM crops in the state's agricultural industry but it will also allow us to work with New South Wales and Victoria to develop a shared position on the regulation of GM food crops. Victoria and New South Wales must complete their reviews of their respective regulatory arrangements by the end of March 2008. Agriculture has played a vital role in the establishment of Australia, and it has survived the many natural disasters thrown its way by Mother Nature.

Today our farmers are once again battling Australia's unpredictable climate. We are facing one of the driest years on record, and our farmers and their local communities are taking the full brunt of the climate effects and production downturn. The sustainability of water management strategies for a drought-prone environment and the challenge of combating dryland salinity have brought forward an issue that may result in further growth or downturn in the development of Australia's agriculture. If we could develop a grain that would be resistant to the effects of drought and high salinity levels through the development of a genetically modified grain, the state—and, indeed the whole country—could save millions in relief assistance, not having to fear the effects of the Australian climate. However, if GM food crops are not managed properly, the country could lose billions in agricultural export.

The application of new technologies and science over the past 100 years has resulted in unforeseen gains in productivity and output. From the development of the stump jump plough to the improvement in disease and weed control, we have seen the agricultural industry grow. However, the question is: how far do we take it? The effects of regular chemical use on the environment and the costs they inflict on the farmer may be avoided with the introduction of GM food crops, but this cost-saving exercise may also result in the farmer not being able to receive as good a price as for non-GM crops.

I believe it is important to embrace this technology, but we just have to ensure that all the bases are covered. I understand that the legal liability aspect of this bill has to be taken into consideration for review by the minister in another place. It is our responsibility to ensure that a comprehensive review is undertaken and that the final agreement will deliver an outcome that will benefit all parties involved in the management of GM food crops.

If legislation is passed allowing GM food crops to be grown for commercial purposes in South Australia, it would be hard to rectify if a poor outcome is delivered. That is why it is vital that the right decision is made today, and the right decision is to extend the review of GM food crops in South Australia for up to 12 months to give us additional thinking time.

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

APPROPRIATION BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 921.)

The Hon. SANDRA KANCK: Budgets reveal the real priorities and deepest convictions of a government. The decisions about how much to spend, what to spend it on and how to spend it show what really matters to a government. So, what does this budget show? It shows the traditional Labor egalitarianism has been replaced by a focus on the big end of town. Sometimes budgets are framed in a hostile environment that limits choices, but that is not the case for this Rann Labor government. In fact, rarely has a budget been delivered under more favourable circumstances.

The government is in its second term, so it should now understand what government is all about and have had an opportunity to appoint ministers and chief executives of its own choice. The government has a safe majority in its own right, without needing to curry the favour of Independents. It is in the first year of a four-year term, so it can take risks without being punished electorally. South Australia now has an assured cash flow from the GST. Revenues have been boosted by a property, export and mining boom, and the approaching environmental crisis provides a rationale and a focus for reform.

So, if ever there was a time when a government could afford to undertake ambitious reforms, this is such a time and such a place. But, despite this unique opportunity, it is now clear that the Rann government is not interested in reform. In this sense the current period seems strangely reminiscent of

the second Bannon government. In the words of one its ministers, John Cornwall:

> Between 1985 and 1989 the Bannon government has had the twin curses of a record majority and the smallest opposition, in relative terms in living memory. It ought to be possible to use such political command to introduce some of the bolder, long-term reform initiatives.

But, as we know, the Bannon government did not do that but ended up running with its tail between its legs. A more recent comment has come from *The Advertiser*'s senior political reporter Greg Kelton. Although he is to some extent promoting a book *The Advertiser* is selling presently, he talks about the moment that Don Dunstan quit as Premier and resigned from politics in this state. He says:

> South Australia had undergone a massive political transformation under the leadership of Mr Dunstan. The pace of reform and his vision have not been matched by any Premier since. The man who stood at the side of all three [that being Don Dunstan, Des Corcoran and John Bannon] was Mike Rann, now a Premier who constantly evokes the Dunstan image. Only time will tell whether he will match his mentor.

To go back to the beginning, Greg Kelton's first statement in that article was:

> I was there on February 13, 1979, the day political reform died in South Australia.

He has made his own comment as to whether or not Mike Rann can match Don Dunstan. Certainly this budget indicates that Mike Rann as Premier is not capable of matching that level of vision. In previous budget speeches I have railed against the way the Rann government was so fixated by debt reduction for its own sake that it paid little heed to the needs of the future. Now it has the much vaunted AAA credit rating, and that rating was achieved not without pain being experienced by South Australia. So, we are now in a position to borrow money at relatively low interest rates to fund innovative projects—that is what achieving a AAA credit rating is all about—and still this government baulked at the first hurdle.

This budget is marked by three things: its elitism, the 'all talk and little action' approach to the environment and its reliance on industry to determine the sort of economic future we might have. It has become increasingly obvious that our Premier spends a lot of time hobnobbing with the A-list. This budget now confirms that this preoccupation is firmly established for the Labor Party.

Learning a musical instrument is apparently an activity that will soon be deemed to be too good for ordinary public school students, as far as this budget is concerned. Now if someone wants to learn a musical instrument they will have to go to a private school. But then, they will be in good company, along with the children of most cabinet ministers and senior public servants.

A public outcry about swimming programs has seen the government taking evasive action. However, the fact that such a program was ever under consideration for axing shows the meanness of spirit that pervades this government. But it is still playing about with aquatic programs. If the government is serious about saving the lives of people, and particularly young children, the aquatic programs are just as important as the swimming programs. Most people who drown can swim. An aquatics instructor wrote to me and said:

> Teaching someone to swim and not the aquatic rules is like teaching someone to drive but not teaching them the road rules.

Aquatics instructors teach how to survive suddenly rising tides and rips, how to operate EPIRBs and flares, how to avoid hypothermia and the value of wearing a life jacket. As a state, we replicate the rest of the nation in living on the edge of this continent, and having such skills is vital. Every year, 30 000 South Australian children undertake aquatics training. As well as making them safer in the water, these programs give them exposure to the marine environment. For children coming from inland areas, these programs are invaluable.

There is also an economic argument in this. For instance, at Port Vincent, aquatics education is able to supplement income for some farmers. At the West Lakes Aquatic Centre there is more than $1 million of equipment for aquatics education, and more than 1 000 people could lose their jobs if the aquatics program is stopped. This is a program that teaches life skills and teamwork, but budget timidity by this government could see it sacrificed.

While we are talking about education, for decades South Australia's school dental service provided treatment to primary school students at no charge, whilst secondary students paid an annual fee of $35. While those on School Cards are still protected under this budget, those families that are part of the working poor will now be slugged $35 per visit, as compared with $35 per annum prior to this budget.

The Be Active—Let's Go program has been massacred in this budget. It has been slashed from $4 million to just $425 000, despite the South Australian Strategic Plan's focus on healthy weight and physical activity. Reducing the opportunity for children to be active at a time of strong concern about obesity and rising rates of type 2 diabetes is very poor policy, indeed. However, I note that the government was able to find $5.5 million to upgrade security and install a new super video screen at Football Park. I know that South Australians derive great pleasure from football, but it is a question of priorities. Does this government want our children to play sport or merely to watch it?

The 2006 budget fails carers. The development of a carers recognition act and a carers charter is an important step, but it is not nearly enough. Carers SA prepared a comprehensive budget submission that included a proposal for a review of the complex tangle that is our system of concessions, subsidies and rebates. Carers SA proposed a series of education and awareness programs, workforce assistance and the establishment of an advocate for family carers with the Health and Community Services Complaints Commission. I know it would have been unrealistic to expect government to meet this whole agenda in one go, but the government has not met any of them—it has ignored all these proposals. Here we have a government that is electorally secure, rolling in funds, facing a clear need and provided with a clear set of policy proposals and not one of them is taken up. But, of course, these carers are not on the A list and nor are the people for whom they care.

If the Rann government cannot act on an important issue such as this when everything is going its way, will it ever? What more does this government need to grasp the nettle of reform? Also, consider the fate of the Energy Efficiency Program. This modest program provided advice to 16 000 low-income households on how to save on their electricity. An independent evaluation found this program had been quite effective, yet it too has been cut—no doubt to fund another executive's $100 000 plus salary.

Again, these people are not on the A list, so we should not be surprised. We are facing such shortages of skilled workers that our Premier has recently scurried over to India to try to convince the leaders of that country that they should send some of their better-trained people to South Australia. Why

do we not train our own? This government has now had almost five years to train some of these people. Our TAFE system is raring to go, so what does this government do? The fee cap for TAFE has been increased from $1 285 to $1 900, which will hardly be a help in overcoming our skills shortage.

In addition, instalment payments for TAFE are complex to arrange, necessitating a contract with the minister to allow such payments. Once that is approved, all payments must be made fortnightly during the first three months of each year. Only individuals and families in extreme hardship qualify for concession rates—certainly not the working poor. Demand for private scholarships through benevolent funds cannot keep up with the demand. A constituent has written to me about this. Their letter states:

> With two dependent students at TAFE this year, it has been a financial disaster but not one that qualifies my family for any form of assistance other than being granted permission to make instalment payments. This is just for the tuition, books are an add-on cost. The fee cap of $1 285 was hard enough this year. It is such an enormous jump for 2007. How can the government justify it?

Well, it seems that people who attend TAFE are not part of the Premier's A list either; and nor are TAFE lecturers, who appear to be treated as second-class citizens. Amazing amounts of money are being spent at the present time on police checks as part of the implementation of the government's child protection policy. So few students would be at risk of abuse or interference in the TAFE system—it has almost entirely adult clientele. There would be some lecturers—very few—who might have VET students, but even if you are not one of those lecturers and teach only adults, if you do not have that police clearance, then, next year after the passage of relevant legislation, you will not be able to teach in the system.

So, lecturers who have been in the TAFE system for years and who have an unblemished record must now get a police clearance; and this, by the way, applies to lecturers who are involved in Neighbourhood Watch. The clearance for that system is not good enough to allow them to continue to teach as TAFE lecturers. I have today put some questions on notice about the costs involved in this program, but I remind members of the government that these people are lecturers, not lecherers. The likelihood is that more lecturers are assaulted by students in the TAFE system than the other way around.

It just seems to be a wonderful way to transfer money from the TAFE budget to the police budget with no educational outcome at all. In terms of educational outcomes, at the primary school level in particular, a number of small schools will lose $30 000 per annum as a consequence of this budget, raising serious issues of viability for some very small schools. Why can we not work through these issues and implement some creative solutions, such as integrating school, child-care and community centres that would keep local infrastructure within easy commuting distance for students and users? It is not as if there are no solutions but, instead, we throw the baby out with the bath water.

As someone who taught in a two-teacher school approximately 25 years ago, I can attest to what wonderful places they are. They are a marvellous place to go to school. When you are in an environment such as that, as a teacher the only way you can work in that system is to put in place individual programs for students; and it allows every child to proceed at the ability they have, without any sort of comment about whether an eight year old is reading a book of a five year old, and so on. The most marvellous learning outcomes, I assure members, do take place in these small schools.

The year 2006 will be seen, historically, as the year that the penny started to drop about climate change, peak oil and the River Murray, but this long overdue sense about the environment has not been reflected in this budget. The Conservation Council of South Australia issued a media release about the budget, noting that at $220 million this year's environment budget is only 2 per cent of an $11 billion budget. Jane Corin, President of the Conservation Council, said:

> It is irresponsible to think the government can maintain the state's natural resources on less than 2 per cent of the overall budget.

I certainly cannot see how the government will be able to deal with those issues of climate change, peak oil and the River Murray, along with the drying of Deep Creek and the Upper South-East dryland salinity scheme, with only 2 per cent of the total budget being spent on the environment.

Our Premier has cleverly built a reputation as being environmentally conscious, but with many of the government's economic decisions he has effectively put sustainability on layby. One of the key priorities in creating a sustainable future should be to provide alternatives to the car, yet this government increased public transport fares by 10 per cent in June—well above the inflation rate. That means a couple who travel into the city will be paying $50.20 per week for their bus tickets. So it is now cheaper for that couple to drive their car into the city each day and pay a car parking fee than to use public transport. Where is the sense in that? Where is any understanding at all about climate change and environmental sustainability by this government?

In this budget the government allocated $220 million for car-based projects compared with $24.2 million on the tram extension and only $500 000 on cycling. This shows 20th century thinking and a clear lack of vision. Where is the vision spelt out for extending our public transport system? Sure, we are extending the tramline to the railway station—an idea which I ran strongly with in the 2002 state election and which I have been pleased to see the government copying. What is it all about? The government keeps responding in an ad hoc fashion to outside pressures to determine what happens next. This government does not even seem to know the difference between light rail and heavy rail and the different functions of each. We should not be phasing out heavy rail, as has been suggested, but, rather, using it for close country services, extending a passenger line beyond Gawler to the Barossa and extending the Noarlunga line to Aldinga and across to Victor Harbor.

The Hon. D.W. Ridgway interjecting:

The Hon. SANDRA KANCK: It would take a little vision, but, sadly, that is lacking.

The Hon. J.S.L. Dawkins interjecting:

The Hon. SANDRA KANCK: For some reason or other, our transport minister is the weakest link. Heavy rail is a relatively fuel efficient public transport option when there are reasonably extended distances between stations—ideal for urban centres outside the metropolitan area. Why is our government not heavily lobbying and working with the federal government to take the freight line from Murray Bridge around to the east of the Adelaide Hills and back in to the north of Adelaide to get into our industrial areas; then returning that line to a passenger line all the way to Mount Barker and perhaps, ultimately, to Victor Harbor? We could have, effectively, a ring route. Where is the vision to pursue

such options? I do not mind if the government borrows my ideas again. In fact, I would say: please do. We need a plan and we need a vision, but it is surely not coming from this government.

In terms of borrowing ideas that I have proposed, it is good to see that the government has taken up another of my proposals, and that is the provision of a rebate for plumbing rainwater into existing homes. But, overall, with all the claims the government makes to being a leader in responding to climate change, its response to the current drought has been alarmingly short-sighted. Over the next four years only $8.4 million has been allocated to the Murray-Darling Basin Commission and $5.7 million has been allocated to the planting of a River Murray native forest. The Murray measures are too little, too late, and, for goodness sake, do not tell me we could not see this coming, which the Minister for the River Murray said a fortnight ago. The predictions have all been there about climate change, and how she and this government have failed to see it, I do not know.

Any good that these two measures might have done (the $8.4 million to the Murray-Darling Basin Commission and the money for the River Murray native forest) is more than offset by the fact that there will be no water allocated to environmental flows over the next year. The Minister for the River Murray revealed in the estimates committee on 23 October that South Australia cannot afford to spare water for the Living Murray projects in the Riverland and the Lower Murray Lakes. This raises the question why South Australia has not been aggressively buying water from interstate cotton and rice farmers over the past few years. The minister cannot say that the state of the Murray is a surprise. If there is no water to spare, the government should buy out those licences now to control future flows. It seems that our precious surplus has been built up at the cost of sustainable water management. The Auditor-General's Report highlights the dividends paid by SA Water to the government—$200 million for next year and $850 million for the last five years. These funds could have been used to purchase water for the Murray or to fix leaking pipes or to build better stormwater management systems.

It appears that, by the time we get to the 2010 election, South Australia will still have a useless AAA credit rating. It is useless because nothing will have been achieved by having it, and the Labor Party will have built up a war chest for last-minute sweeteners along the lines perfected by John Howard. But at what cost? It is a question we must ask, because the Rann government will be handing our children a dead river. If there is no money for environmental flows, be sure those river reds will die, and be sure that we will have a big salinity problem to deal with.

In his budget speech the Treasurer predictably claimed that his budget is based on good economic and financial management. Well, I dispute that. Good economic management is surely about how we achieve prosperity without reducing environmental, economic and social sustainability; and good financial management is about achieving sensible objectives in a cost-effective manner. Key elements of this government's plan for the development of South Australia fail the test of good economic management.

This government is allowing the A-list to determine our economic future. Rather than setting out to create ecologically sustainable industries, the government has attached itself to the coat-tails of the nuclear and defence industries. I do not in any way disagree that, properly managed, mining will make an important contribution to South Australia's future, but the hysteria about uranium is out of all proportion to its alleged benefits. In the 2004-05 financial year, Australia's uranium exports, the bulk of which come from South Australia, were valued at $475 million. That is less than South Australia's exports of wheat, metals and metal manufactures, wine, road vehicles, parts manufacture and horticulture. Seafood exports from South Australia in that same period were $425 million, so even that is competitive with uranium. In this budget, $1.5 million has been allocated to a new task force to promote, streamline and fast-track the Olympic Dam expansion, while only $800 000 has been allocated for the Premier's climate change council.

When the expansion of Olympic Dam will double South Australia's greenhouse gas emissions, what does that say about a commitment to addressing climate change? I am afraid that when David Suzuki came here he was hoodwinked by the Premier. Many South Australians would question whether the returns on uranium really justify the risks to peace and the environment. The same question can be asked about the emphasis on the defence industries. The Rann government has made much of our defence industry—I use the term 'defence' advisedly—as the basis for the state's economy. We are told that it creates jobs and that Mike Rann wants to increase the number of jobs from 13 000 to 28 000 by the year 2013, but are these jobs worth the ultimate cost?

This budget includes massive spending to enable the Port Adelaide Maritime Corporation to deliver the Air Warfare Destroyer project and to expand the maritime and defence industries in this state. This spending includes $243 million for the common user facility and harbour dredging associated with the AWD project. I want to remind members of the amount of money that is being spent now on the Be Active-Let's Go program. It has been reduced to $425 000. These are interesting priorities. An amount of $6 million has been set aside to support operation of the Air Warfare Destroyer Systems Centre—again, a very interesting contrast.

While the government might have pursued the defence industry for economic reasons, strong financial incentives have a tendency to obscure important moral and ethical issues related to the arms trade. Our weapons and weapons systems here in South Australia are exported all over the world. I know that we sell arms to Israel. How do we know that the missiles and bombs that recently rained on the men, women and children of Beirut did not have, effectively, a 'made in South Australia' stamp on them? The large numbers of Lebanese in our community mean that this is not an abstract question.

Do South Australians want to achieve economic prosperity at the expense of human lives? If we produce nothing more than a cog in a wheel that drives a missile delivery system that is used against Lebanese civilians, are our consciences clear? This is an immoral industry. As long as we participate in this industry South Australia is a merchant of death. There are alternatives. Imagine if those sorts of funds—the $243 million for the common user facility, the $67.7 million to acquire land key operations and the $6 million for the Air Warfare Destroyer systems—were put in to making Adelaide a solar city, or if we put those funds into products that would help us and the world deal with the growing shortage of water.

This budget fails the test of good financial management. The most striking example is the building of new prisons, for which the government has allocated $517 million. To put that in perspective, it is twice the amount for the Education Works program to improve school infrastructure, and not much less

than the $640 million allocated for health. Some of this is warranted—some of our correctional facilities are antiquated—but this program is based on a major increase in the prison population.

The new men's prison will increase capacity by 419 to 760 beds, yet building prisons is about the most expensive and ineffective way to deal with crime. It does not compute, given that minister Holloway told us in this chamber a fortnight ago that crime rates in South Australia are dropping. Why would the government do this? We have to go back to perhaps the last Labor reformer in our parliament to understand. John Cornwall, who I quoted before, said:

> The law and order lobby is insatiable, yet both major political parties and governments of all persuasions try to meet its demands. One of the more bizarre results is more prisons with more prisoners serving longer terms than ever before in our lifetimes, but very few effective rehabilitation programs.

What a pity that John Cornwall was not listened to by his own party. This government will spend hundreds of millions of dollars to construct new prisons and then hundreds of millions of dollars to run them, but it will not address some of the causes of crime and repeat offending.

This budget does not provide increases in funding for rehabilitation programs. It does not provide funding for specific counselling for the children of offenders and prisoners. It does not provide funds for restorative justice, despite successful trials in the Magistrates Court and significant international research on the benefits for both victims and offenders. It does not provide extra funding for skills and employment programs once prisoners are released from gaol. The location of these prisoners—outside the city with no public transport—will result in their being even more cut off from society. One small exception, for which I do give credit to the government, is the allocation of $5.4 million over three years to continue sexual and violent offender treatment programs.

Another sign of misplaced priorities and poor financial management is the chronic funding of the Aboriginal Legal Rights Movement. In fact, the ALRM has proposed to the state that responsibility for Aboriginal legal services be transferred to the federal government. In other words, it anticipates more support from John Howard than it gets from Mike Rann. It is important to note that the Office of Evaluation and Audit found that the ALRM is 2½ times more efficient than mainstream legal aid.

In summary, I see this budget as notable for all the wrong reasons. Our world-class spin on the environment has not been matched by an adequate investment in sustainability. This budget sees South Australia's prosperity as being built on arms and uranium, and it is absolutely financially derelict in that it will allocate hundreds of millions of dollars to prisons simply to beat the law and order drum. Whatever happened to the Labor tradition of social reform? In his book, *Goodbye Babylon*, Bob Ellis relates a question put to him by Senator Aden Ridgway in 2001. Aden asked Bob, 'What has the Labor Party said or done in the last five years of which you passionately approve?' Bob Ellis responded by muttering, 'Nothing yet.' But he, like so many people, maintains his attachment to Labor. After almost five years of a Rann Labor government, and in the light of this budget, the same question could be asked here today and, sadly, I think that the answer would be the same.

The Hon. R.D. LAWSON: I rise to speak on the Appropriation Bill. I will not detain the council long, but there are some points I wish to make. This year's state budget is one of missed opportunities. Despite the breast-beating, the self-congratulation, the bravado and the juvenile swagger of the Treasurer, the budget he has produced is a great disappointment to thinking South Australians. This government has been awash with funds, thanks to healthy GST revenues, land taxes and stamp duties from the burgeoning property market. The economic conditions that have been enjoyed across Australia have been felt here—unfortunately, not as much in this state as in some other places, but certainly we have been living through good times, and this government has been a beneficiary of those.

Unfortunately, the South Australian community has not received value from the money which has come into the Treasury coffers. The Treasurer is fond of trumpeting this state's AAA rating (the rating given by the rating agencies), but this rating really has little to do with the way in which the current government has managed the good economic times. It is more to do with the fact that the previous Liberal administration had put this state's fundamental financial position on a sound footing.

This government, unfortunately, is big on popular and symbolic gestures, things like strategic plans, gestures like putting solar panels on the roof of Parliament House, and the like. Unfortunately, it is not big on making real investments that are necessary to ensure this state's future. It is true that, at present, for example, we have quite a bit of building going on in the city of Adelaide. People see cranes on the skyline and people have shown some confidence in the future of this city. You do not see too many new buildings; they are now coming to completion, and I fear that the really good economic times that we have enjoyed over the past four or five years are coming to a slowdown, and this state will suffer.

This government, unfortunately, has not made plans for the future, such as addressing the water crisis in this state—something that has been known to be coming for a long time. We have only seen in the past week the government making some desperate gestures to try to suggest that it is on top of the problem. We heard the ill-advised suggestion of the Premier earlier this week that a weir would be built at Wellington, and already we see the government back-tracking on that idea. It was a great idea at the time and it achieved a headline, but it is not solving the problems of this state. The Premier—as the Premier of the driest state on the driest continent—ought to have shown real leadership in ensuring that we get our water entitlement and that it is appropriately used and conserved, but, more importantly, that we are building the infrastructure into the future.

The population of this state is not growing fast enough; it is one of the slowest growing places within the Commonwealth of Australia. Unless there is significant population growth, we will not have the economic drivers that are necessary to ensure that we have a burgeoning economy and economic opportunities for the younger generation. We have an ageing population in this state. In fact, we have a population which not only has the largest proportion of people over the age of 65 but also has the largest growing older population. That is a real challenge to policy makers, especially in the area of health and disability, yet we do not see, in any of the budget papers, this government planning for the ageing of our population. We see, once again, gestures.

I know something about the disability portfolio. I had the honour to serve in that area for some years, and I know that is a portfolio that does not respond merely to one-off funding

to address a particular crisis at a particular time. In a place like South Australia, where you have an ageing population, there is an increasing number of people with disabilities who require the support of the community and, because of the longevity of people with disabilities and because of the ageing of the population, these people simply cannot be discharged from hospital—as if they were ill—after a year or some period of convalescence. They require support for the rest of their lives. It is not possible to say, 'We will give to X program or Y program a cash injection to get the disability lobby off our back for the forthcoming election.' In disability we have an increasing number of people entering programs each year, and those people do not leave the program at the end of the year; they are there for the long haul. They require a substantial and significant long-term injection of funds based upon proper planning, not on crisis management.

With the ageing population we have increasing need for home support services for people, whether through Domiciliary Care or through many of the other fine organisations we have in this state, most of which are funded through the Home and Community Care program, a commonwealth/state program contributed to by both the state and commonwealth. This government, not in this year but in an earlier year, even decided that it would not match the commonwealth funds in relation to Home and Community Care but, more importantly, this government has not been laying the foundation for sustainable support for people in their own homes. In an area in which I have particular interest, the justice system, there are a number of crises.

There are delays in our courts, especially our criminal courts. We have the worst record of throughput of criminal cases in the country, and have had for some years. The judges have been commenting on it in their annual reports and the statistics are getting worse, not better, yet there is no investment in this budget to address that important issue. There is a failure to fund the Office of the Director of Public Prosecutions, a matter that I raised in question time today because the DPP's report was tabled here today. There has been a failure and a missed opportunity in this budget to fund the courts' administration to undertake an appropriate renovation of our court facilities. We simply do not have enough criminal courts to have those cases disposed of quickly, and the people who suffer there are not the lawyers, not the people who are charged with offences but the victims of those crimes, who have to continue to live with them long after the time when they ought to have been disposed of.

They are also the witnesses, many of whom are members of the public who happen to have the misfortune to be witnesses in those cases. They have to wait not only months but years before they go to court to give their evidence. There is a failure in this budget to address appropriately the funding crisis in the Australian Legal Rights Movement, a matter that my colleague the Hon. Andrew Evans mentioned in a question today. It is all very well for this government to talk law and order, to breastbeat and suggest that it is tough on law and order but, unless you are actually making the investments to ensure that we have a justice system that is working, we are going nowhere. The government is not addressing the important issues such as, for example, why we have the highest rate of remandees in custody, a rate that is almost twice the rate of remandees in custody than in other places.

There may be good reasons for it, but there are better ways of protecting the community than by having people retained in overcrowded facilities for months. The government will say, 'We're going to solve it all because we are going to build a new men's prison at Mobilong' but, when one looks at the budget papers and sees the qualifications and that this prison will not come on stream within the foreseeable future because it is dependent on the public/private arrangements (which we support but which the government is pleased at every election time to condemn as a form of privatisation), simply this government has not made the investments necessary for us to have a safe society and it ought to be condemned for it.

When one looks at the targets in the budget papers for the justice portfolio, one sees a lot of targets that are fairly meaningless and unimpressive. One does not see, for example, reducing the delays in our criminal courts. We see things such as the first dot point, which is to continue to work with the WA and Northern Territory departments of justice to support the implementation of cross-border justice legislation. They have been doing that for the past three years, and we have seen absolutely nothing come out of that process.

The second dot point, which is to establish a high level task force, sounds good—appoint a committee to address the recommendations from a judge whose title is misspelt in the budget papers. The next target is an important target. This is what this government is setting its sights on: 'Coordinate the justice input to update South Australia's Strategic Plan and report on justice led targets'. This is more talk and more bureaucracy. I am not surprised that the number of employees in the Justice Department is increasing by the number that it is to meet all the paperwork objectives. One gets a whole series of so-called undemanding targets, which are little more than a statement of the work that the office happens to be doing at the moment and one would expect at any time. There is no rigour within the budget process.

These are the targets—as I say, all undemanding targets—which will have little effect on the real lives of South Australians. However, when one looks at what they regard as the targets—that is, the things which they achieved last year—one sees, for example, from the Office of the Liquor and Gaming Commissioner, 'Implemented legislation to achieve the proposed reduction in gaming machine numbers'. Well, that was a target; very good, they achieved it: they did reduce the number of gaming machine numbers. However, just reducing the number of machines had very little effect, in fact nil effect on the amount that South Australians are spending. Some $700 million a year is being spent by South Australians in gaming machines and, notwithstanding all the huff and puff from the Premier about how he will reduce opportunities for gambling, we find that their highlight was simply to reduce the numbers, not to improve the social effects of gaming.

When one looks right across the budget, one sees targets that are barely worth firing at: targets that one is sure to achieve and highlights which are really not highlights at all. I suppose I should register my own disappointment at the way in which our budget papers are presented. It is a continuing disappointment, because it has been happening for a number of years. Agencies select the targets that they want to adopt. They stick with them, but they are undemanding targets. For example, let us look at the subject of crime prevention. What is the measure by which we would wish to have our justice system judged? The performance indicators chosen by the government include a large number of things. Let us take the last of them, which is the percentage of the community who think that sexual assault is a problem in their neighbourhood.

Last year, 31.9 per cent thought that sexual assault was a problem in their community. This year the result was 30.2 per cent. The target for the number of people who think sexual assault is a problem in their neighbourhood for next year is 30.2 per cent—exactly the same as this year, or better, if they can get it. What sort of undemanding target is that? What sort of useless information is that to chock up the so-called performance criteria that occupy so much of the budget papers? Look at the next one under crime prevention in relation to property. There the comparable target is the percentage of the community who think that housebreaking is a problem in their neighbourhood. Last year 63.4 per cent thought that housebreaking was a problem in the district. What target has the government set to improve that? It is exactly the same; they want to do 63.4 per cent or better next year.

These undemanding targets, this useless information about the performance of our state, is not getting to grips with real issues. When one sees that this government, over the previous four years, budgeted for an increase in the size of the public sector by some 1 135 full-time equivalents and actually hired an additional 7 750 full-time equivalent people at a cost reliably estimated by my colleague the shadow treasurer at $500 million a year, it is clear that the Hon. Kevin Foley's claim to be an effective Treasurer is really an idle boast. The statement that all these additional personnel are police, teachers, nurses and doctors is simply false. At best about 1 400 of them may fit into that category, but there were an additional 7 750—in fact, an additional 9 985 public servants.

This government is not managing its budget well, it is not managing its spending priorities, and it is not preparing this state for the future. There is absolutely no room at all for complacency and no room at all for the sort of self-congratulation that we saw from the Hon. Russell Wortley earlier today.

The Hon. M. PARNELL: This is my first budget and, having heard the contributions, I am sure there is a book somewhere with a list of labels that one attaches to budgets—'missed opportunity' is probably one that crops up every couple of years. However, I have approached this with fairly fresh eyes—not as jaded as some other honourable members—and I have to say that I have found—

The Hon. R.P. Wortley interjecting:

The Hon. M. PARNELL: Well, I do not know whether you will find what I have to say refreshing. However, I found the process to be—

An honourable member interjecting:

The ACTING PRESIDENT (Hon. I.K. HUNTER): Order! The honourable member needs no assistance.

The Hon. M. PARNELL: Thank you, Mr Acting President. I found the process to be frustrating—mostly because of the lack of honesty, candour and, I think, rigour in the budget documents. I was disappointed to discover that there was no role for the Legislative Council in the estimates process, until I actually sat in on the process and saw how it worked. My view was that while that was how they ran the show they were welcome to it; I cannot see that a great deal of useful information came out of the process. Call me old-fashioned, but I do harbour this notion that good government is fostered by more open and transparent disclosure of information; I do not think good government is hindered by public and media scrutiny of information, and in a little while I will talk about some of the brave measures taken in the United Kingdom to encourage the level of scrutiny that, I think, is needed in South Australia.

When we dig deep enough and get beyond the rhetoric, spin and media announcements relating to the budget we actually find the government's real priorities, because the way it spends its considerable resources is the best indication of what this government's priorities really are—far and away above the spin of media releases. There are three things I want to briefly explore: I want to look at the accountability mechanisms of the budget; I want to talk about the government's commitment to social justice; and I want to talk briefly about connectivity, the way the silo approach to departments and the budget does not actually achieve some of the whole-of-government objectives we all share.

The first thing I want to say about accountability relates to public/private partnerships. I know the government and the opposition like them. I do not like them, and I want to explain why. These public/private partnerships have come to the fore in this budget because of the proposal to build six large schools and also a new prison complex using this mechanism. John Spoehr, who members would know is the Executive Director of the Australian Institute for Social Research at the University of Adelaide, wrote in the *Adelaide Review* of 6 October about public/private partnerships, as follows:

> No matter how you look at them, public/private partnerships amount to privatisation.

In fact, they amount to privatisation by stealth. I believe they are more insidious than straight privatisation because of the impact they have on the way in which government departments operate and the way in which they have to re-organise their working and even their thinking to give effect to these partnerships. What public/private partnerships do is force public servants to think like private companies, and I think that is a dangerous trend. That is not to say that government departments should not be efficient; of course they should. It does not mean they should deliberately waste taxpayers' money; of course they should not. However, they are not companies, and their motivation is very different from those of companies. In fact, as I see it, the danger is that, when the Public Service has to think like a private company, the two words 'public' and 'service' both get lost in the translation.

A danger is that these PPPs shift the culture and the values of government agencies towards a 'financial bottom line' focus and away from their 'serving the community' focus. The PPPs deliver profits and benefits to companies, and they leave most of the risks and losses with the taxpayer. To quote John Spoehr again:

> The use of public/private partnerships. . . to develop new schools and prisons risks locking the state government into expensive and inflexible lease arrangements.

That is an important point not to lose sight of, because one of the benefits of having government agencies controlling public infrastructure is that the public, through the government, has the say on how those services are managed: there is no question of being locked into 50-year leases or long-term arrangements to satisfy private investors.

There is an alternative to these PPPs, and that is sensible public sector borrowing for essential Public Service infrastructure. The AAA credit rating has been mentioned in this place already. One of the advantages of the AAA credit rating is that you do not have any trouble obtaining credit, and that is what the government should be doing, rather than entering the PPPs. Financially, there has never been a better time for

the state government to borrow, and it is a prudent and sensible path that the government should be taking.

The list of PPPs that have failed the public interest test is growing all the time. In South Australia, we have had the case of the Modbury Hospital, where the state budget now allocates $18 million to bring Modbury back under public sector management. Interstate, we have had horrendous examples in New South Wales and Victoria, particularly in relation to the building of road infrastructure. The first difficulty people have had is obtaining accurate information about these contracts with the private sector, because they have largely been secret. However, when the contracts have been exposed to the light, what people have found in both Sydney and Melbourne is that the government has signed away various important public rights. For example, the government has signed away the right to upgrade adjoining free public streets in case they detract from the patronage on the private toll roads.

Governments have also signed away the right to expand public transport services, because they have agreed with the private sector that they will not put in a bus, train or tram service that might compete with the private road and might detract from the private profits to be gained from the private road. They are extreme examples, but they are common examples in New South Wales and Victoria.

I think there is a risk that if we go down that path then we will find the same problems. So, there are clear winners and losers in PPPs. The winners are consultants, lawyers and developers; it has been a gravy train for those sectors. Ministers and treasurers are winners; they can get debt off their books, although that misses the important point that infrastructure can and should, in many cases, be paid for over its useful life, and there is not a need to either pay up-front or have someone else foot most of the bills.

The losers in PPPs are those affected by the fact that the costs often blow out, the consultancy fees blow out and, ultimately, they cost taxpayers more than if the project had been undertaken completely in-house through the public sector. The Public Service itself is a loser, as talented bureaucrats are lured away by the private sector for higher pay. Even though I have only been here six months, I have seen a number of senior public servants who have come to brief me on bills and the next time I have seen them, they are in the employ of the private sector.

The concept of open government is also a loser under PPPs, because the commercial-in-confidence protections often exclude important accountability mechanisms like freedom of information legislation. So, the Green perspective on PPPs is that we do not believe that private capital, motivated by profit, can be relied on to deliver the best outcomes for society at large. That is not being anti private sector; it is saying that when it comes to important public infrastructure and public programs, the public sector should be providing those. By all means use tenders and use the resources of the private and corporate sector, but do not have them running the show.

The second point I want to make in relation to accountability is to call for a proper watchdog over the South Australian government's performance towards its social and environmental goals as well as its economic goals. We currently have the Auditor-General process to deliver accountability on economic goals. I will say that I found the Auditor-General's documents far easier to read and it was much easier to find the information that was wanted compared to the budget documents, but there is still a lot of information that is buried or unavailable, even in the Auditor-General's Report.

But the Auditor-General, partly through his legislative charter, has been unable to delve into areas where we wish to assess government programs against other than financial indicators. A better example, I think, is the United Kingdom's recently established Sustainable Development Commission—a body that describes itself as a 'critical friend of government'. I think the fact that the government has been prepared to embrace a critical friend is a worthwhile concept. This Sustainable Development Commission was formalised only in April of this year so we have not had a lot of time to see how effective it has been.

Its job is to monitor cross-government and departmental progress towards sustainable development. Part of its role is to undertake critical reviews of policies such as Treasury spending reviews and budget and pre-budget reports. Whilst we currently have a focus through the Auditor-General and through budget estimates on financial performance, we do not have scrutiny of the social and environmental performance of government agencies.

In terms of some specific spending priorities in the government, I want to focus on some social justice issues to start with. There are five areas I want to touch on briefly. In fact, the reason why I want to look at social justice is that, as has been said before in this place many times, how well we treat our less well off is one of the best indicators of how well we are doing as a society.

The first area I want to look at is people who are living with disabilities, and the budget papers show a real reduction in expenditure of 8.1 per cent—down from $149 million in 2005-06 to $137 million in 2006-07. South Australia ranks last in Australia in terms of per capita funding per disability service user. In South Australia, we are spending about $11 452 per disability service user compared to New South Wales where it is $23 300 per user. That is not just per head of population: it is per disability user, and Australia is at the bottom of the class.

In mental health, the government has ignored pleas from the NGO sector to have the $25 million, which was expressed to be a one-off additional payment last year, continue into the current year's budget. That extra money was appreciated last year and it would have been appreciated again this year. I think that the groups that have been calling for that money in the NGO sector are putting their effort in the right places. They are trying to help people stay well in the community rather than is the case with the government-funded services whose approach is more akin to that of the ambulance at the bottom of the cliff, waiting until a crisis arises. I urge the government to revisit the mental health budget and to put more funds into the NGO sector.

The Offenders Aid and Rehabilitation Service established a program a year or so ago to deal with the children of prisoners and offenders, and that program was to provide direct support to those people who are some of the collateral victims of our criminal justice system. Through no fault of their own these children face a range of unique and complex issues which arise out of the incarceration of their parents, including stigma, breakdown of family stability and isolation, which may well become worse as the prisons move further out of the metropolitan area to places such as Mobilong. Children with incarcerated mothers and fathers are at a very high risk of developing a range of emotional and behavioural problems.

This was a program that I highlighted in this place in July, and the response from the minister was that we should wait until the budget. Well, we waited and we now have the budget, and there is no support for this important project. Along with minister Zollo, I was pleased to attend yesterday the OARS annual general meeting and, in fact, the executive officer in his report highlighted the disappointment that OARS had with the abandonment of that project of delivering services to those children of prisoners.

The next area in terms of social justice, as has been mentioned by the Hon. Sandra Kanck, is the increase in TAFE fees. Clearly, in an age of skills shortage, anything that makes crucial job training less available cannot be a good thing for South Australia. Also under social justice, we had a program which was by all accounts very successful in dealing with energy efficiency for low income families. This was a very simple program where, on a one-to-one basis, advice and information and practical assistance was provided to low income families in order to reduce their energy bills and, consequently, to reduce greenhouse gas emissions. Mr Conlon, only a week or so ago on Radio 5AA, in trying to explain why the government cut funding to this important service, said that he was trying to find a way to get industry to contribute. It is difficult to see what is in it for industry. I can see no incentives why industry would come to the party.

This is really a government program and the government should have funded it. In fact, it was even referred to by the energy industry ombudsman on Radio 891 a week or so ago when he said that the evaluation was very positive and that it resulted in a reduction of those households that were audited in terms of their energy use and also the greenhouse gas emissions. By all accounts it was a successful program, which has now been axed.

One aspect of the program was to provide low interest loans to help people replace old and inefficient refrigerators, they being one of the most energy intensive appliances in our homes. Members might recall probably a year or so ago an article in *The Advertiser* which contained a photo of a man who had received some of this one-on-one assistance and he expressed some surprise that his beer fridge in the shed was using more in electricity than the value of the beer it contained. He realised that he would save hundreds of dollars a year just by turning off the beer fridge and maybe just running it while he was having parties.

Again, an inexpensive, simple program has been axed in this budget. When you axe programs the people and staff involved dissipate throughout other areas of government or the private sector and you lose the expertise, but you also risk losing the goodwill of some of the non-government sector partners, in this case the Salvation Army, Uniting Care Wesley and Lutheran Home Care. It is a big disappointment that this budget has not seen fit to keep simple and worthwhile programs going.

In relation to connectivity, one of the most disappointing aspects of this budget is that we have rhetoric about joined-up government, which flows from the State Strategic Plan, but that rhetoric is not backed up in any way by the budget structure, process or outcomes. The Greens believe that the budget process is an integral part of achieving advances in tackling 21st century problems. We have heard mentioned the River Murray, greenhouse emissions and social justice. These complex problems do not neatly fit into departmental structures or silos. You need cross-government programs that are innovative and funded outside the traditional department-by-department budget process. The solutions to these problems need to come from all government departments through their day-to-day work and not just a small number of high profile, iconic projects and programs.

To give two examples, the first is the issue of obesity, about which a lot has been said in this place. It is arguably the single largest and most costly public health challenge we face in the 21st century. We have talked a lot about obesity in children, but there is still a major health issue for adults also. The solutions to obesity cross departments and do not neatly fit into just the health department. The solutions have to come from urban design, public transport, walking, cycling and programs encouraging people to eat more healthy food—fruit and vegetables—and to exercise. The solutions do not fit neatly into one government department.

An issue I have raised a number of times is the Bakewell Bridge. It is certainly not the most important piece of infrastructure in the state but it is an excellent litmus test of how the government does not take seriously the need to cater for pedestrians, not just for environmental reasons but for people's health reasons as well. The Hon. Sandra Kanck mentioned the aquatics program—an excellent program that should never have been cut. I have had three children go through state primary schools and they have all enjoyed the aquatics program. It has given them not just confidence and knowledge of safe practices around water but also the encouragement to get out and be active. When it comes to tackling obesity, ending the aquatics program is something we will regret.

Cycling is close to my heart. We are miles behind the other states in the provision of services for cyclists. In Western Australia traditionally over many budgets they have invested much more than we have in this state and they are now reaping the benefits of much higher rates of participation in cycling.

We also have some concerns relating to the obesity issues that will arise from the government's program of closing small schools and creating super schools. Whilst the construction of new schools is to be welcomed, one of the consequences of getting rid of small schools is that one reduces the ability of children to walk to school. Most of us here would recall from our school days that the child who was driven to school was the exception rather than the rule. These days, it is the other way around.

An academic, Paul Tranter, who has worked in this area for over a decade or more (he worked at, of all places, Duntroon Military College, I think, as a geographer), wrote an excellent paper over 10 years ago on children's independent mobility. He posed the following questions: why do we not let our children walk around our neighbourhoods? Why do we not let our children walk to school? Why do we keep them locked up in our homes? The answer was not, as one might expect, a fear of abduction or molestation or being a victim of crime. The main worry was the fear of traffic, and the main danger to children walking to school was traffic created by other parents driving their children to school. So, that is a self-fulfilling prophesy if ever there was one. I make the point that we have lots of solutions that fall within different departments—education and transport—and they all relate to this question of obesity. Again, the budget has missed the boat in dealing with this matter in an integrated way.

The question of climate change has been raised. We have heard lots of rhetoric from the world's greatest climate change Premier, but there has been little concrete funding. I, for one, would be very happy to get David Suzuki and Al

Gore back after the budget so they can be asked what they think about South Australia's performance. They could look at things such as major pieces of infrastructure with only one footpath, and only $2.75 million in cycling funding. They could look at a whole range of simple, easy and fairly cheap things we could have done that we did not do to address climate change. In fact, as was pointed out previously, the much vaunted Premier's Climate Change Council has half the budget of the task force to smooth the package that is the Roxby Downs expansion. One of the most climate damaging projects we have ever considered in this state has twice the budget of the Premier's Climate Change Council. That has to be a case of priorities the wrong way around.

In terms of public transport (and I will try to get some good news in here), the Greens welcome the tram extension. It is a project that has been roundly criticised. In fact, I would urge members, the next time they are going to the strangers' dining room or the members' dining room, to have a look at the photographs on the wall on the left-hand side. They will find some wonderful photographs of trams in the 1930s heading north along King William Street and then turning left into North Terrace to go down past the railway station. That is nothing new: we are going to bring back those trams. My main support for that public transport infrastructure is largely due to the potential that it holds for even further expansion. However, in terms of the budget, we are spending 10 times more on road infrastructure than on public transport infrastructure and, if it were not for that major tram project, it would be something like 20, 30 or 40 times more spent on roads.

The strong consensus within the scientific community in relation to climate change is that we have about 10 years to make the critical changes to the way we live our lives and the way our public services are provided. Everyone would be aware of the report from former World Bank chief economist Sir Nicholas Stern, which highlighted the urgency of the problem. In fact, the Stern report identified that the cost of doing nothing about climate change would be equivalent to the First World War, the Second World War and the Great Depression all rolled into one. That is the cost of inaction. My question is: where is the urgency in this budget in relation to tackling climate change? Where is the necessary public expenditure to transform our economy into a low-carbon economy?

My final point relates to the environment budget. Again, from talking to scientists it is fairly clear that, with climate change, we are facing a biological train wreck. South Australia was already the mammal extinction capital of the world. That is an honour we have had for probably the past 30 or 40 years. South Australia has lost more small mammals to extinction than anywhere else on the planet, yet only 2 per cent of the state budget is allocated to the environment. The most common epithet attached to this budget is one of missed opportunity. I agree that that is the correct assessment of this budget. I support the second reading of the Appropriation Bill.

The Hon. D.W. RIDGWAY: I rise to speak in favour of this Appropriation Bill. It is interesting that some members asked whether I would speak tonight, and I am delighted that a number of members opposite have decided to stay in the chamber while I speak. As members know, I am just a humble farmer from the South-East who has tried to come here to save South Australia from the ravages of the Labor government. As the Hon. Mark Parnell said, this is a budget of missed opportunities. It contains no payroll tax reform, no land tax reform, no reform of WorkCover (which is a basket case) and no help for families.

One of this state's most important assets is its families. This budget has neglected the needs of families. There is no help for pensioners or self-funded retirees and there is no help for small business. It is often said that small business is the engine room of the South Australian economy; and, again, this government has neglected small business. There is no help for first home buyers. I have three children and, as every week or month passes by, I think how much more difficult it will be for them when they leave home and want to get into the home market. How will they be able to buy their first home?

This government seems to have no recognition of the importance of trying to get young people into their first home and for them to have some sort of wealth creation mechanism. There is no focus on jobs growth. While there is some growth in the mining industry, sadly, the rest of the economy is left out. There is no real focus on population growth. We have the State Strategic Plan. I am sure the Premier would say that the government has a plan to have two million people in South Australia by 2050. The State Strategic Plan, as I interjected earlier today, is more like a list of warm and fuzzy destinations with no actual travel plan of how to get there. Quite frankly, I do not believe that we will meet very many—if any—targets of the State Strategic Plan.

This is a Labor budget of broken promises and missed opportunities. The Premier and Treasurer have broken their promises in at least three areas of the budget. First, during the election campaign, they promised not to reduce Public Service numbers.

Members interjecting:

The Hon. D.W. RIDGWAY: Members opposite ask me to name a broken promise. Well, that is one—the biggest one of this government. It was not going to reduce Public Service numbers. After the 2002 election, the Treasurer bragged about having the moral fibre to break his promise. What sort of brag is that? There is someone you just cannot trust. You never know when he will break his promises. You cannot believe anything that man says. At least he is a little consistent because he continues to break his promises.

The government promised not to seek savings in health, law and order and education yet, with those Public Service cuts, we see cuts in all those areas. It also promised not to cut teacher numbers, but teacher numbers will be cut. There are at least three broken promises. Then there is the issue of asset sales and privatisation. Just recently I noticed something about the Monarto Zoo. People might laugh at this, but the Monarto Zoo has privatised its food catering business.

We have heard about a range of public-private partnerships that have been discussed, but in actual fact the privatisation of the Monarto Zoo food shop or canteen is an example of something which was run by the government but which has now been outsourced and privatised. It is one of many examples of this government indulging itself in privatisation. The public servant cuts announced in this budget show that the government is complacent and arrogant.

It is interesting to note that the Public Service Association spent some $250 000 in the election campaign against the Liberal Party's commitment to reduce the Public Service by 4 000. I wonder how they talk to the Treasurer behind closed doors about his broken promise of cutting many thousands of public servants over the next four years. We are not sure of the detail, but I am sure we will find there will be signifi-

cant cuts. Many of us remember the interview with the Treasurer on ABC Radio on 16 March, just two days before the election. During the interview the Treasurer said:

> At this point we are looking at about 800 additional vital public servants in our promises to date, that is, 400 police, 100 teachers and 44 new medical specialists.

ABC reporter Matt Abraham responded by asking the Treasurer, 'And you won't fund any of those by getting rid of any jobs?' The Treasurer responded with an emphatic no. Again, he has broken his promise to South Australians. Straight after the election, funnily enough this government finds that it has 390 public servants, as the minister described, 'rattling around the Public Service without a proper job'. They were offered voluntary separation packages. How on earth can the government claim it is a good economic manager and that it has restored the AAA credit rating when everyone knows that the AAA credit rating is due almost entirely to the sound economic management of the former government and sale of the long-term lease of the electricity assets of this state? Everyone knows that.

Members interjecting:

The Hon. D.W. RIDGWAY: Members opposite are interjecting, but members of the Labor Party have commented that—

The PRESIDENT: Order! Members are out of order if they are interjecting and you should refrain from responding.

The Hon. D.W. RIDGWAY: Thank you for your guidance, Mr President. On a number of occasions I have spoken to members of the Labor Party, who have said that, if the Hon. Trevor Crothers had not crossed the floor to vote with the Liberals to privatise ETSA, they would have burst in here, picked him up and carried him to the other side of the chamber. One of the most hypocritical comments I hear in this place is the Labor Party blaming the Liberal Party for selling ETSA when that is exactly what they wanted to do themselves; they just never had the courage to admit to it and own up to it.

The Treasurer and the Premier also misled the people of South Australia during the election campaign. The reduction of the Public Service was a fundamental breach of faith with all the people of South Australia. They looked down the TV cameras and said that they would not do it and then, as soon as the ink was dry on the election result, they cut the Public Service. It is quite interesting to look at the management of this government, in particular its management of the Public Service. Members opposite have been in office for nearly five years, or some 4½ years, and we have had six reviews into the Public Service in that time. It is quite bizarre that a government that says it is a good economic manager that is able to manage the economy well and believes it is a good and responsible government would have at least six reviews into the Public Service. Having had that number of reviews—including the Fahey report, a review by the Economic Development Board, the Menadue report on the health system, the Speakman-Payze report on the Public Service and the Smith report into public sector finance and expenditure; and we are awaiting the Goss Report—the Premier and the Treasurer need to explain how they can let Public Service numbers blow out above the budgeted total by an extra 7 750 full-time equivalents.

I am sure the Treasurer probably sees himself in a future life in some sort of corporate position. I am a bit concerned at how his CV would look if he applied or was headhunted for a new job because, under the heading of personnel management of the company of South Australia, if you like, of which he is the chief financial officer, he has allowed staff numbers to blow out by 7 750, yet he claims to be a good economic manager. I think it is a joke. He is probably one of the worst economic managers we have had in this state.

The cost of that blowout is estimated by my colleague the Hon. Rob Lawson to be more than $500 million a year, or $2 billion over a four year period. The Hon. Mark Parnell has alluded to the fact, and a number of members have mentioned, that this is a budget of lost opportunities and squandered opportunities. It is exactly that. How on earth can these people, in the best economic times this state has seen (largely through the hard work of the state and federal Liberal governments), look themselves in the mirror every morning while having a shave or putting on their makeup knowing they have squandered $2 billion, given the enormity of some of the problems that face this state such as, for example, the water crisis? They have squandered $2 billion in the last four years (and I expect another $2 billion in the next four years, so that is $4 billion).

There are irrigators in the Riverland who are likely to run out of water in the next financial year and lose all their properties—fruit trees, vines, stone fruits, and the lot. Generations have worked hard on those farms and they will lose them, and this government will have squandered, over its eight year term, some $4 billion. I think people in the community need to ask themselves what you can do with $500 million a year. The government could have done a range of things. Perhaps it could have reduced the tax burden on pensioners, businesses and families. Perhaps it could have carried out construction of some decent road projects in that time.

We have seen the blowouts on the South Road and Northern Expressway projects. I cannot believe that a government can cost projects and then, within a matter of months, we find that those costs have blown out and doubled—and more than doubled in some cases. Perhaps they could have also put some seatbelts in school buses for our children as they go along rough, bumpy and poorly maintained rural roads, Mr President. I am sure you remember from your days as a shearing contractor how bad some of the roads were. Unfortunately, I think today you will find that most of them are in a similar condition.

We have wasted opportunities with this loss of potentially $4 billion over eight years. I look at what this government has received in GST revenue and it has some $2.7 billion more to spend than the former Liberal government. It is almost, if you like, drowning in money. The budget has provided the government with a real opportunity to relieve taxes on South Australian families and businesses, but it just keeps on taxing. It is high-taxing Labor all over again. It is these opportunities that have been wasted by Labor that will unfortunately be the legacy that this state will carry for generations to come.

I mentioned earlier small business. This is the small business state. It is almost a family small business state. There are a number of very important small businesses and medium businesses (and, in fact, a few big businesses) that are run purely by their families and have started and grown in South Australia. I think there are some 80 000 small businesses in South Australia, and they are in fact the engine room of the economy.

I was delighted to see the other day the announcement that came from the summit on the drought in Canberra called by the Prime Minister, in particular the River Murray, that exceptional circumstances would be extended to small businesses in drought-affected areas. I think that is an

extremely important consideration, because there are a number of businesses in country towns where there has been assistance given to the farmers, and they need that for sure, but a lot of those small businesses are service industries that rely on the farming community and they suffer quite a considerable amount more. So I was delighted to see that exceptional circumstances now have been extended to those small businesses.

I spent a day last Monday in the Riverland talking to irrigators about some of their problems. I was fortunate enough to be invited to sit in and observe a Riverland Horticultural Council meeting, where I heard that the Sunraysia district already has its exceptional circumstances application in yet, in respect of our Riverland, it is driven by the government—the state government has to progress the exceptional circumstances application. The Sunraysia district (over the border), which has a 95 per cent allocation of water, has its exceptional circumstances application in, whereas in three days, on 17 November, we will have the first meeting in the Riverland to start talking about it. If this government was serious about supporting country people and rural communities, it would have acted a lot quicker in supporting those communities.

I turn now to payroll tax. I grew up in the country, where there are a number of small businesses, and some of them have grown to be quite successful. A couple of them just could not believe that, as they grew their business—and they were doing the right thing by employing more South Australians, and employing more young families—suddenly they get to the threshold of $504 000 and they have to pay a tax on the fact that they have been providing jobs for South Australians. They just cannot believe how unfair that is. When they look at their competitors across the border, they see that in many other states payroll tax does not cut in until a payroll reaches in excess of $1 million. So we have effectively been taxed at twice the rate other small businesses are in other parts of the country. We have the highest payroll tax regime in Australia.

Small businesses are like farming businesses in that most small businesses reinvest their money in their business. They do not stack it away, and it is not paid in dividends to shareholders—they actually reinvest in their own business. As you take money off them in the form of payroll tax, it means that they are unable to invest in their own business and invest in innovation and technology which enables them to compete with companies over the border and in international markets, and employ young South Australians. It just is a senseless tax. South Australia has one of the worst payroll tax regimes in the nation.

I refer now to WorkCover. South Australia has one of the highest WorkCover levies in Australia. One of the things that disturbs me most, and everybody who understands it, is the unfunded liability. When the Liberal government left office, the unfunded liability was $67 million, yet in December 2005 it was $617 million. I cannot believe that members of the government can sit there and say that they are good economic managers and that Mr Foley can claim to be a great success story when we have seen a $550 million deterioration in WorkCover's position. I am staggered to think that they would think that. I have heard the Premier and the Treasurer say, 'It is not real money; it is really only funny money.' You tell some of the businesses out there to have a look at it and tell them it is funny. It is far from funny; in fact, I think it is a disgrace.

One of the state's key differences was its economic competitiveness that enabled us to grow the economy. The key component of any growth is to improve the competitiveness of small business. The taxes and levies that are charged on small business, like payroll tax, property tax and WorkCover, just continually suppress the competitiveness of our small businesses. This is a budget that has been of no help to small business in South Australia.

The government is flush with money; we know that. There are thousands of pensioners and self-funded retirees. There are thousands of hard working immigrant families who have invested not in superannuation schemes but in property. I know of dozens of families who have contacted me who came from Italy or Greece, or some other European country, some 40 or 50 years ago, bought a reasonable sized piece of land—an acre, an acre and a half or two acres—built a house and were market gardeners. Over time, they built one house, then another and another, eventually covering the land with houses. That was their superannuation fund, and they sometimes worked three or four jobs to pay for it. Now they find that, with these properties, they are being taxed unfairly, whereas if they had their money in a superannuation scheme they would not be taxed on it. They are being slugged for land tax, yet they are providing valuable rental properties for our low income South Australians. It is really a very unfair and unfriendly budget for self-funded retirees. In fact, the $150 payment made last year to senior citizens has now been scrapped. Pensioners and self-funded retirees are worse off, and the government has thumbed its nose at them.

As to young South Australians and getting them into their first home, one of the key factors in relation to this is housing affordability. We have seen some confusion in the government in that the planning strategy was released this year yet, only 13 days after its release, the Premier called for an immediate review of land supply. So, Planning SA did quite a lengthy and expensive review of its planning strategy, which included not only land supply but also a whole range of other issues, but within 13 days—less than a fortnight—the Premier called for a review of land supply in South Australia. It really is quite concerning to me that a government department spends two years developing that strategy but, at the end of the day, the Premier does not think that it is worth the paper it is written on and orders another review of land supply.

Housing affordability is something that this government has failed to address. If we are to keep young South Australians here and attract young people to this state, housing affordability is an important key component and must be addressed. Tragically, just recently I learned from the quarterly report of the Housing Industry Association that Victoria has a more affordable housing regime than South Australia. This means that it is more expensive for young people to buy a house and live in Adelaide than it is in Melbourne, our closest competitor. This government has done nothing for South Australians.

I will talk a little bit about debt. The Treasurer talks about his AAA credit rating. It is interesting to note that we see in the budget an increase in debt of $700 million over the next four years. If you look at the mismanagement of the government, with all these extra public servants and some $500 million a year spent on them, you have to say that this extra borrowing is not for infrastructure or important projects in South Australia; it is to fund public servants and for recurrent funding. It comes down to Labor's capacity for economic management.

You have only to look at the River Murray (which I will come to later) to highlight some of the areas where I think that this government surely lacks the ability to manage. There are probably three or four areas where this government has, over many years, opposed some initiatives introduced by the Liberal Party. For example, we were proponents of the Roxby Downs mine, the sale of ETSA and the GST. I will not go into detail on those three issues because I know that they have been covered before. However, they are certainly three significant steps in South Australia's economic past that have put us in the position we are today, and this government and members opposite fail to recognise their importance.

I now turn to primary industries. Mr President, South Australia has always had a very strong primary industries sector, and you know that as you have worked in it for many years. This year, this sector faces probably one of the worst droughts in the past 50 years. It saddens me that this is the fifth budget from the Labor government, and it has again deserted rural South Australians, with vital cuts in services to agriculture just when they are needed most. Mr President, you know that, when things are going well in the bush, you can get away with cutting a few corners because people are fairly tolerant of that but, when things are going badly, and they are doing it tough—and you know that your home patch of Naracoorte is probably the worst it has ever been—those people need some really important support.

It is interesting to look at what has happened over the border. The Victorian government has spent some $114 million on drought relief. And what have we spent? $4 million. When you look at some of the packages that have been handed out for other things, like guitar festivals in Adelaide, it is almost an insult to South Australian farmers that this government sees fit to make only $4 million available for drought, and $2 million for a guitar festival. It really is an insult to South Australian farmers. If you look at government funding for our agricultural sectors, such as wine, and then look at our state food plan, it has again been reduced, totalling a 15 per cent cut over the past two years and, effectively, it is probably close to a $20 million cut over the past two years.

An article from a couple of days ago in *The Advertiser*, entitled 'State food plan fails to meet targets', states:

> A major shake-up is being planned for the state government's food plan following widespread industry dissatisfaction. Criticism of the plan, which costs about $4 million a year, are that it has not met industry needs and targets. They are included in an independent evaluation of the SA food plan from 2004 to 2007, commissioned by Food South Australia. The evaluation shows the state food industry, worth $10.1 billion in 2005-06, has lagged well below the level required to achieve its target of $15 billion by 2010.

That comes back to one of those warm and fuzzy declarations in the State Strategic Plan that I spoke about earlier—something that this government has no passion to support. It was just a lovely bunch of statements the Premier made to get a good headline to make it look like he was doing something for South Australia. In fact, all he is really worried about is the next election and getting himself elected; he has no real long term plan for South Australia. Another article states:

> The food sector is crucial to the success of the state government's strategic plan. The report shows how the plan has achieved little growth over the existing trend since 2001-02 when it rose above the growth target required before falling significantly behind during the drought of 2002-03.

We acknowledge that there was a drought in 2002-03, but this government has done absolutely nothing to bring it back up. Another article states that the minister for agriculture, Hon. Rory McEwen, said the state food plan target of $15 billion by 2010 would be challenging to meet. So, even the minister is saying that he does not believe that he will be able to deliver. In fact, a 2005 article states:

> Mr McEwen maintained the industry could still achieve the ambitious target of reaching the $15 billion food plan target by 2010 if everything goes right.

We know that the industry needs leadership, and one of the great successes of South Australia's agriculture industry has been its great diversity. This government has not invested in South Australia's agricultural industries at all.

Tourism is another area which I think is clearly lacking. It is amazing. I have not taken a huge interest in tourism but, when I am out and about attending community functions, most of the people who talk to me about tourism say how this government has ripped money from tourism funding. The tourism marketing budget has been cut from $33 million to $28 million. When you live in a very competitive world, as we do, I cannot believe how, in relation to one of our great success stories—bringing in international and interstate visitors to South Australia—this government has seen fit to take some $5 million of investment from the tourism industry, while at the same time giving $2 million to a guitar festival. It is interesting. I think the regions have been neglected more than any other area. The other day somebody told me that the name 'Barossa' is one of the most recognised regions in the world, but we do not market Barossa anywhere near effectively or aggressively enough in the international market.

It is interesting to look at comments made by other commentators, in particular, *The Financial Review*, which after budget day summed it up this way:

> With growth languishing at the bottom of the National League Table Mr Foley neglected what could be a lifeline—small business. Until the State Government creates conditions in which business can create jobs and lure people back—the outlook will be ordinary.

Obviously, the government has neglected small business, and that goes right across all sectors, including tourism, mining, agriculture, retail and manufacturing. All those small businesses have been neglected.

I would like to touch briefly on roads. With the $2 billion that has been squandered over the last four years, we have seen significant wasted opportunities where the government could have invested in a whole range of road projects. We have seen nothing but mistakes and mismanaged money. In the transport portfolio, almost on a daily basis, we have cost blow-outs and projects that have been rolled over from one year to the other. I cannot believe that the government can be so incompetent at managing what appears to be a pretty simple and straightforward infrastructure project.

In relation to the extra $100 million on opening bridges, I was speaking to some people recently about other port infrastructure, and they cannot believe that the government has progressed with it—and these are people in the Port Adelaide area who talk to a number of members in the government. They are very certain that these bridges will hardly ever open. They will open for a few months, perhaps, and eventually they will realise that it is too costly and time consuming and they will not be open any more. Some time last year the RAA prepared a report which mentioned a $200 million backlog in road maintenance, yet we have not seen any additional funding put towards rural road maintenance. So, we can see that, unfortunately, inflation is going to climb higher and higher. The Labor Party and the government claim that road maintenance has little impact on

road safety or the road toll, but earlier this year the Minister for Transport said:

> There are far too many road deaths and injuries on our roads, but if you're going to do something about that you have to actually go to what the causes are. . . the roads are not the major contributor, they're not a major contributor at all.

What absolute garbage! Road maintenance and the safety of the surface are probably some of the biggest factors in accidents.

The President and you, Mr Acting President, have grown up and worked in rural South Australia, and in times like these—when we have a particularly bad drought and morale is low in country areas—it is important to have some investment in country areas and country roads to support those communities. Those roads have been particularly neglected. The ongoing works on the state's regional network have been limited to some $6.7 million for shoulder sealing and $7.6 million is for improvements to selected Outback roads, and that has certainly been important for some of the Outback areas.

The Hon. T.J. Stephens interjecting:

The Hon. D.W. RIDGWAY: Yes; I have noticed that. I do not want to wake the sleeping baby on the other side. It is typical of this particular government to have neglected the bush again. Members opposite know that they are not likely to get too many votes in the rural areas, so again they just thumb their nose at them and do not put any money into it.

I would now like to quickly touch on a couple of the efficiency dividends that have been required across some of the portfolio areas that I have an interest in. One of the important areas is primary industries. When we have a drought as bad as we have—and, as I said, rural communities want support—this government is looking at taking efficiency dividends over the next four budget years: $247 000 this year, $500 000 next year, $758 000 the year after and $1.002 million the year after that. We are seeing money being taken, and it will be all about people on the ground. Rural communities need support in adverse times such as we have now.

The government has no actual concern for rural South Australians. The same goes for the Department of Water, Land and Biodiversity Conservation. Efficiency dividends are almost the same, although not quite. Again, we have this water crisis in South Australia, probably the single most important issue facing our horticultural industries in the past hundred years, and we have seen more and more money being taken out of the Department of Water, Land and Biodiversity Conservation. We also see some things like the branched broomrape program being scrapped. This is a very invasive weed. There was a huge quarantine area, yet they have walked away from it with some $2 million being taken out of that program. The Department for Environment and Heritage is looking at some half a million dollars each year for the next four years in efficiency savings. We can see that, especially for rural South Australians, this government is not really interested in helping. It is just trying to fix the bottom line mess that it has created.

Today I asked the Minister for Environment and Conservation about some projects in relation to Waterproofing Adelaide, and I have the Waterproofing Adelaide strategy here. It is one of the many documents that have been produced. There is a Thirst for Change document and a discussion paper that the Premier called Beyond the Drought. We have got to the drought but not beyond it yet. It talks about possible water options for Adelaide. They are:

- The more efficient use of the water that we currently use—

we do not have to be rocket scientists to work that one out—

- reuse of waste water or stormwater;
- increase of the supply from current sources;

I guess that could be what the weir is about at Wellington, to increase pumping from the Murray. Who knows? It continues:

- policy and regulatory and management measures.

Today I asked what projects the Minister for the River Murray was talking about last night at Langhorne Creek, and the minister was unable to identify any of the projects that the minister in Langhorne Creek last night said were being fast-tracked as part of the Waterproofing Adelaide strategy and that budget allocations had been made for those projects. I have looked at the budget papers and could not find anything. The minister today was unable to identify any of those projects.

We talk about the severity of the drought we are in, and it was interesting to see the Premier call this a one in 1 000 year drought. I know that David Dreverman from River Murray Water quantified it as being something more with 114 years of records, and I think that Mr Dreverman was trying to say that we have not had anything like this in the past 114 years and was trying to put it into some order of magnitude.

As my colleague the Hon. Robert Lawson said, the Premier is all about bold headlines and capturing the imagination of people, and to claim that it was a one in 1 000 year drought was exactly that: just something the Premier was trying to do to get some media attention. Then they jump on a weir at Wellington. Today in *The Australian* the Reserve Bank rejects that it is a one in 1 000 year drought and claims that it is probably not much worse than most of the droughts we had in the 1980s and the 1940s. Although it may be a particularly dry year, it is not an Australia-wide drought of the magnitude of a one in 1 000 year drought. I would like to turn some attention to it. I know that it is getting late and members are getting a little restless.

Members interjecting:

The ACTING PRESIDENT (Hon. J.S.L. DAWKINS): The honourable member will be assisted by his backbench being a little bit quieter.

The Hon. D.W. RIDGWAY: I was fortunate to travel to Canberra last Wednesday, the day after the first ministers' briefing on The River Murray System: Drought Operation and Planning for 2006-07 and Beyond by Mr David Dreverman, General Manager, River Murray Water, Murray-Darling Basin Commission. It was the day after the Prime Minister had three state premiers and some ministers involved in this briefing. I want to discuss this graph with the chamber now. It records in gigalitres the River Murray system inflows, including the Darling annual totals, from 1892 through to 2002. I might seek leave at some stage, if that is appropriate, to have this graph inserted in *Hansard*.

The ACTING PRESIDENT: If it is purely statistical, the honourable member can have it inserted. If it is a diagram there will be difficulty in setting it in *Hansard*.

The Hon. D.W. RIDGWAY: In that case, maybe I will just talk to it rather than ask for it to be inserted into *Hansard*. We have had these dry periods before in Australia's history. We had what was known as the Federation Drought, which lasted roughly 10 years from 1892 to 1902 or 1903; we had one around the end of the Depression and through the Second World War; and we are in one now. It is interesting that over the period of the Federation drought we had an average of

some 5 400 gigalitres of inflow into the system, and in the Second World War drought we had some 6 300 gigalitres inflow, but in the six years, so far, of this particular drought (and we all hope it breaks next year, but there is no guarantee that it will) we have had an average of some 4 150 gigalitres of inflow.

However, during those previous droughts we had a couple of years (in particular, around 1900) when there was close to 8 000 gigalitres of inflow (to still give us an average of 5 400), and in the Depression/Second World War drought we had two years with in excess of 10 000 gigalitres of inflow. In light of the information presented to me in Canberra the other day indicating that we are now at the lowest six-year average inflow, I am astounded that in December this year the Murray-Darling Basin Commission, in cahoots with the state government, made a decision to release a significant amount of water for the environment. In fact, in the end it meant that 760 gigalitres of water went over the barrages at the Murray Mouth.

Bearing in mind the conditions in which we now find ourselves, we see that River Murray irrigators are restricted to some 330 gigalitres. That was based on a 1 580 gigalitre minimum inflow, and it looks as if that has now been downgraded to 1 440 gigalitres, so we may see even tougher controls on those irrigators. Adelaide's water supply, through SA Water, is now down to a likely 118 to 120 gigalitres of pumping from the River Murray, with about 50 gigalitres for country towns, the Upper Spencer Gulf and the South-East. In aggregate, about 480 or 500 gigalitres is being used in this extremely dry year, this government having allowed 760 gigalitres to flow over the barrages last year. With the average inflows over the last six years, it is down to 4 150 gigalitres, more than 2 000 gigalitres lower than the Depression/Second World War drought and about 1 300 gigalitres lower than the Federation drought. Yet in light of that evidence the decision was made to release water over the barrages.

I think we all support the decision to allow water to come down the river to irrigate and 'wet up' some of the important flood plains—which happened along the way—but then the decision was made to release water over the barrages even though we did not have sufficient storage in the bank and we were likely to have, potentially, another couple of years of low rainfall and low flows into the catchment. Questions should be asked of both the minister and the Department of Water, Land and Biodiversity Conservation about their management of the River Murray.

I would like to sum up by saying that this is a particularly interesting budget. As we have said, it is a budget of missed opportunities, a budget of spin, and a budget of smoke and mirrors, particularly when we bear in mind over the past week or two some of the Premier's water announcements. I believe that all the Premier has ever really focused on is getting elected next time. The Premier and this government have no plan for the long term future. In fact, I doubt that some of the senior ministers in this government will even live in South Australia when they are no longer in parliament. I expect the Hon. Jane Lomax-Smith will return to England, where she has family. At the end of the day, I suspect that, when she is no longer a member of parliament, she may well do that. I suspect that the Premier, when he leaves the position of Premier and within weeks of his not being a member of parliament, will not bother to live in South Australia. He has no plan for the future of South Australia. He does not want to see his children and grandchildren grow old here. I just think he will move on. He does not really care about the future of South Australia. With those few words, I commend the bill to the council.

The Hon. NICK XENOPHON: I know this is an opportunity for honourable members on the non-government side to give a spray to the government, and I can understand that with respect to appropriation bills. In my case, it will be more like a fine mist. I want to focus on one particular aspect of the budget, and that relates to gambling revenue and also the Gamblers Rehabilitation Fund. I will be brief in my remarks, and I have some questions I wish to put on notice to the government with respect to this aspect of the budget.

We know that the budget indicates that $417.7 million is the budgeted amount for gambling taxes in this financial year, with the estimate going down in 2007-08 to $403.2 million, which is largely due to the introduction of long overdue smoking bans on 31 October 2007. Anne Jones, the CEO of Action on Smoking and Health, who is based in Sydney and who I consider to be one of the nation's leading anti-tobacco lobbyists, made the point that, when the government introduced its smoking legislation in 2004, the delays of those smoking bans would lead to 125 premature deaths of patrons and, in particular, those who work in the hospitality industry in poker machine venues. That indicates to me that this government should have acted much more quickly as a matter of urgency with respect to introducing smoking bans into poker machine venues, rather than leaving it to the last possible moment and leaving it to the last place where indoor smoking bans are introduced, and that is an issue of great concern.

Of course, the issue for me has always been—and I will not unnecessarily restate this—that a significant proportion of gambling revenue comes from problem gamblers. The Productivity Commission states that 42.3 per cent of poker machine revenue comes from problem gamblers. More recent studies out of the University of Western Sydney indicates closer to 50 per cent, and there have been leaked documents from TABCorp in terms of their poker machine operations there that indicate a very significant proportion of revenue comes from regular players and that there is a significant gambling component there.

However, what I want to comment on and query the government about relates to the issue of gamblers' rehabilitation. I know the Hon. Mr Lucas and I disagree fundamentally on the issue of gambling and poker machines, and we can agree to disagree. However, one issue that we have agreed on is the need for additional funding for gamblers' rehabilitation. I appreciate the support of the Hon. Mr Lucas and his colleagues and the cross-benches during the 2004 amendments to the Gaming Machines Act and the support of the opposition to keep alive the amendments that I moved to increase the amount to go to gamblers' rehabilitation, and the compromises reached, which would have meant an extra $2 million a year. Together with the money that was supposed to be kicked in from the industry, it meant that the Gamblers Rehabilitation Fund would increase to $5.345 million. That is the budgeted amount, and the estimated amount for 2005-06 was the same.

My concern is about how this money is being spent: where is it going? I have spoken to gambling counsellors who have expressed concern that the money is not going to frontline services. One of the very few occasions that I have had any form of agreement with the Hotels Association is when they asked questions with respect to where the money is going.

There is a concern that the funds are not being allocated to frontline services; they are being absorbed by government departments and, in particular, Family and Youth Services. That is something which I believe is absolutely wrong. I am also concerned that it is going into amorphous campaigns, into promotional campaigns that do not address the key issues of frontline gambling services and also prevention, with respect to problem gambling.

The point has also been made about the poker machine cuts—and I supported those cuts and I would do so again—but the best that can be said, or what can reasonably be said, is that those cuts have led to a reduction in the growth of gambling losses. In some areas there has been a slight reduction, but overall it has been simply a reduction in the growth of gambling losses. To me that is simply not good enough. Many other measures need to be implemented. The point that has been put to me, and to gambling counsellors that I have spoken to, is that more counsellors are needed in the south and the west because gambling losses on poker machines have skyrocketed, especially in the Port Adelaide Enfield Council area, and that is a real concern. My questions to the government are:

1. How much of this money is going to frontline services, to the BreakEven Services?

2. How much of it is going to the new Office of Problem Gambling?

3. How much of it is going to education programs?

4. How much of it is being allocated for bureaucrats administering the program, which some might see as being an unnecessarily significant component of the fund?

I subscribe to the philosophy that it is much better to have a fence at the top of the cliff, rather than the best equipped ambulance at the base of the cliff. But, in the absence of more sweeping legislation to control the harm caused by gambling in this state (particularly by poker machines) then, at the very least, we should have the best possible frontline services to provide assistance to those who have a problem.

Whilst waiting times have been reduced in some areas, so you do not have to wait five or six weeks in some cases to get that first interview, the problem is to get the subsequent interviews, the follow-up interviews to get intensive treatment and intensive counselling that is so often needed—and support for family members where a gambling problem has devastated a family's finances and relationships—and there simply are not the resources for those follow-ups. The responses I have received from the government to questions I have asked repeatedly since February of last year are simply not satisfactory. A breakdown of that figure is something I believe is absolutely essential so that those in the welfare sector and problem gamblers and their families at least know where the money is going. These are questions that ought to be answered in the government's response to this part of the Appropriation Bill.

I do not resile from my opinion that I believe this state would be better off without any poker machines. I note that the Hon. Sandra Kanck has called for a referendum on the issue of voluntary euthanasia. She knows what my views are in relation to that, but I think it is healthy to trust the people to vote on key issues of concern.

The Hon. R.I. Lucas: Capital punishment?

The Hon. NICK XENOPHON: The Hon. Mr Lucas asks about capital punishment. I think we share the same view on capital punishment. I find it repugnant and, if there were ever a referendum on capital punishment, I would fight tooth and nail because we know from the United States that many innocent men and women have been executed—

The Hon. R.I. Lucas: But you'd accept the decision of the majority?

The PRESIDENT: Order! The honourable member will stop debating interjections.

The Hon. R.I. Lucas: I'm just helping.

The Hon. NICK XENOPHON: The Hon. Mr Lucas is always very helpful. I think it is legitimate where there are issues of community concern with respect to the issue of poker machines, and community concern about poker machines is widespread. If we go to the expense of having a referendum on the future of the upper house—and I cannot believe that the government is still serious about wanting to abolish the upper house, given that I think it is a pretty good insurance policy against the excesses of the executive arm of government—what is wrong with having a referendum on an issue such as poker machines which has caused such impact on the community?

As to the working party announced by the government on gambling, I am gobsmacked that it is going back to square one when we have an Independent Gambling Authority. I see that as the government's poke in the eye to the Independent Gambling Authority, given that there is now a so-called responsible gambling working party that seems to be looking at reinventing the wheel, when I have been around long enough to have seen these sorts of organisations and compacts between the industry and welfare sector come and go in previous years. I am not discouraging discussions between the welfare sector and the industry but those discussions have been ongoing for many years. I would have thought that this working party is replicating and duplicating what the Independent Gambling Authority has been doing.

I believe that the Gamblers Rehabilitation Fund needs the use of front-line services to be absolutely effective and that it not be absorbed into paying for bureaucrats for administering the fund. The government has an obligation to explain to the people of this state where that $5.345 million is going in this current financial year. I support the bill.

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

ADJOURNMENT

At 10.39 p.m. the council adjourned until Wednesday 15 November at 2.15 p.m.