

SOUTH AUSTRALIA

PARLIAMENTARY DEBATES

(HANSARD)

**Second Session of the Fifty-First Parliament
(2007)**

Parliament, which adjourned on 29 March 2007, was prorogued by proclamation dated 5 April 2007. By proclamation dated 5 April, it was summoned to meet on Tuesday 24 April at 12 noon, and the Second Session began on that date.

LEGISLATIVE COUNCIL

Tuesday 24 April 2007

The **PRESIDENT (Hon. R.K. Sneath)** took the chair at 12 noon.

OPENING OF PARLIAMENT

The Clerk (Mrs J.M. Davis) read the proclamation by His Excellency the Lieutenant-Governor (Bruno Krumins) summoning parliament.

GOVERNOR'S SPEECH

Honourable Members of the Legislative Council and Members of the House of Assembly.

I have called you together for the dispatch of business.

I thank Lewis O'Brien, an elder of the Kaurna people, for his gracious 'welcome to country' today.

And I acknowledge, seated in the Gallery today, descendants of members of South Australia's first Parliament.

It is a great pleasure to open this Second Session and to join you in this happy and historic occasion.

At this special Sesquicentenary Opening of Parliament, we celebrate 150 years of successful responsible government in South Australia.

This day affords an opportunity for us to look back at the achievements of not just this institution, but of the people of this State overall.

It is also a day for us to think of the future—of the Parliament's capacity to continue to advance the interests of the State and to bring about the common good.

Exactly 50 years ago today, the then Governor, His Excellency Sir Robert George, began his speech in this place by reading a message of congratulations from Her Majesty The Queen.

For today's opening, Her Majesty has again very kindly sent us a message, and it reads as follows:

I am most grateful for this opportunity of addressing myself to the Parliament of South Australia as it celebrates the 150th anniversary of its first meeting.

South Australia has enjoyed a distinguished history of democracy. This assembly, whose founding members gathered in Old Parliament House a century and a half ago, was among the very first in the world to be elected by a secret ballot. So many of the democratic traditions which elsewhere are taken for granted in the 21st century were nurtured here by the people of South Australia. Those early South Australians sought to make their new State both representative and inclusive long before others followed their example. Members of both Houses assembled here today are the latest guardians of those powerful traditions.

I am pleased that on this important anniversary I am able to pay tribute to all those who, throughout the history of South Australia, have served the people of this State and its strong association with parliamentary democracy. When I last visited Adelaide in 2002 I reflected on the development of Australia as a modern nation. It is an endeavour to which the people and Parliament of South Australia have contributed much, and to them all I send my continued good wishes and warmest congratulations on this special day.

ELIZABETH R.
24th April, 2007.

Honourable Members.

The history of the South Australian Parliament is characterised by a steady development that has both reflected and further encouraged the wider social and economic growth of the State.

The formation of Parliament marked a profound change.

It was the end of a colonial system of administration in which a Governor responsible only to the British Crown ruled South Australia.

It was also the beginning of a model of government that, through Parliament, was responsible directly to the people of the State.

The Parliament of South Australia officially began on 22 April 1857, following elections held the previous month and the introduction, in 1856, of a Constitution that was seen as one of the most democratic in the world for its time.

A mere 20 years after the start of European settlement—and building on the work of the appointed Legislative

Council that was inaugurated in 1843—the people of South Australia had a bicameral, representative Parliament.

It consisted of an 18-member Legislative Council and a 36-member House of Assembly.

Reflecting the free, non-conformist and liberal ethos of the colony's founders, the new Parliament functioned on the basis of contemporary democratic principles and measures. Just some of these included adult male suffrage (including for Aboriginal men), use of secret ballot, no plural voting, no property qualification for Members of the House of Assembly, and a relatively limited property qualification for Members of the Legislative Council.

A few days after the opening of Parliament, one local newspaper, *The Adelaide Observer*, said that the circumstances under which South Australia entered this new phase were 'auspicious'.

It opined that South Australia's financial position was sound, that its population was growing rapidly, that commerce was in 'a safe and improving condition', and that foreign trade was increasing.

'Indications of advancing prosperity are to be found on every hand,' the *Observer* said, 'and a tone of confident hopefulness pervades the whole community'.

The stature of the Parliament and the scope of its work grew steadily throughout the 19th century.

Its laws and decisions had an increasing impact on the day-to-day lives of South Australians—including through the introduction of one of the first and most groundbreaking pieces of legislation, the *Real Property Act*.

This Act instituted South Australia's own Torrens Title system, which has since become known and used worldwide to simplify the recording of dealings in land.

Nevertheless, not all was plain sailing.

Within just a few years of the establishment of the Parliament, tensions arising from the relationship between British statutes and local law-making came to a head.

A constitutional crisis in the 1860s arose from a struggle between the Parliament and the Supreme Court's Justice Benjamin Boothby over the validity of locally enacted laws.

This crisis—which led to the appointment of a Select Committee to investigate Boothby and to the collapse of a ministry—ended only with the death of the judge in 1868.

In the days before the development of political parties, the Parliament also survived what one historian described as 'chronic instability'—indeed, the formation of 47 different governments in the first 36 years of Parliament.

Both greater stability and activism occurred in the 1880s and 1890s, partly encouraged by the wily and energetic Premier, Charles Kingston.

Building on South Australia's radical beginnings and its history of enlightened social reform, the colony entered a period that earned it a worldwide reputation for being a 'social laboratory'.

Just some of the measures adopted at this time included the payment of a salary to Members of Parliament, and the granting to women of the right both to vote and to stand for Parliament. Parliament's decision in 1894 to grant adult women the right to vote made South Australia the first colony in Australia, and just the fourth place in the world, to introduce such a measure.

And the granting of the right to stand for Parliament, also made in 1894, was a world first.

Responding to the development of technology, Parliament granted the money that allowed South Australia, in 1872, to

become the first place to establish telegraphic communication between Australia and the outside world.

It is important to note that the development of this Parliament did not stop South Australia from becoming a critical, enthusiastic player in the movement towards the Federation of Australia in 1901.

For example, Adelaide hosted one of the key Constitutional Conventions of the 1890s and, of course, Charles Kingston was a prime mover behind Federation.

When the first Federal Parliament convened, former members and officers of the South Australian Parliament were strongly represented: Kingston became Minister for Trade and Customs; Richard Baker was elected inaugural President of the Senate; Frederick Holder became the first Speaker of the House of Representatives; and the former Clerk of both the Legislative Council and the House of Assembly, Edwin Blackmore, became the inaugural Clerk of the Senate.

The early 20th century saw the Parliament increasingly operate along party lines, especially following the creation of the Labor Party.

The Parliament grappled with the social and economic challenges generated by the Depression and the impact of two World Wars.

This again led to some political instability, but the legitimacy of the institution itself—the Parliament—remained rock solid.

Indeed, the Parliament achieved a landmark in 1939 with the completion of Parliament House and the construction of this very Chamber.

The post-World War II period was characterised by a new burst of activism and reform.

The extraordinary premiership of Sir Thomas Playford saw Parliament involved in a wide range of State-building initiatives, including in the fields of housing, electricity, transport, agriculture, manufacturing, mining, defence, and urban and regional development.

The 1960s and 1970s brought about various measures to reform the electoral system that had an impact on the make-up and running of the Parliament.

And the Dunstan era, in particular, saw a flurry of social reforms.

Just some of these included laws designed: to improve the welfare, civil liberties and land rights of Aboriginal people; to outlaw discrimination on the basis of race and gender; to provide for equal opportunity; to afford protection to consumers; and to improve the general level of community welfare.

Thoughtful, sensible law-making continued throughout the 1980s and 1990s, resulting in even greater social and economic prosperity for South Australians.

More recently, Parliament has enacted measures to enhance the honesty, accountability and transparency of government, and to remove unjustified discrimination.

And, in May 2005, it achieved another milestone: the first regional sitting of the Parliament, in Mount Gambier.

Today, the South Australian Parliament is a place of both continuity and change.

It has become more representative of the State as the franchise has expanded.

And both these trends—along with the increasing responsibilities of government generally—have led the Parliament to play an even more crucial role in the development of the State and in the lives of South Australians.

Perhaps most importantly, Parliament is today debating and dealing with prevailing issues that affect not just the State, but the wider nation and planet.

Just some of these topics include Australia's response to terrorism, the future of the River Murray and the impact of climate change.

One-hundred and fifty years after its opening, this Parliament remains a resilient, fair, adaptable and, above all, very effective instrument for the betterment of the State.

May it continue to be an institution through which the people of South Australia innovate, respond, anticipate and shape a bright future for themselves.

Honourable Members.

Before closing, I wish briefly to touch on two matters that are customarily addressed by the Governor or Governor's Deputy at the Opening of Parliament.

It is with sadness that we acknowledge the passing of three former Members of Parliament since the Opening of the First Session of the 51st Parliament, in April 2006.

In August last year, a former Member and Speaker of the House of Assembly, Terry McRae, passed away.

A former Member of the Legislative Council, the Honourable Norm Foster, died in November 2006.

And early in February this year, a former Minister and Member of the Legislative Council, the Honourable Ren DeGaris, passed away.

During this Second Session of the 51st Parliament, my Government intends to continue its efforts to foster prosperity, growth and opportunity—and all within the framework of *South Australia's Strategic Plan*.

In the field of industry, my Government will work closely with BHP Billiton to facilitate and negotiate an indenture to underpin the expansion of the Olympic Dam mine, with an associated desalination plant proposed for the Upper Spencer Gulf.

Mineral exploration is at an historic high in South Australia, and the successful Plan for Accelerating Exploration, or PACE, will be extended in order to further foster that boom.

My Government will develop the Techport Australia shipbuilding site at Osborne, which will be the hub of the Air Warfare Destroyers project and the centre of a long-term, internationally competitive naval construction industry in this State.

Large-scale transport infrastructure work will continue in the northern and north-western regions of Adelaide, and the extension of the Glenelg tramline will soon see trams run along North Terrace once again.

Work on the Bakewell underpass project will continue and, in conjunction with the Commonwealth, the State Government will upgrade the Le Fevre Peninsula railway corridor.

My Government will finalise negotiations with the Commonwealth, and then introduce complementary legislation, to transfer management of the River Murray to an independent commission responsible to a Federal Minister, with appropriate guarantees of environmental flows to South Australia.

My Government will also continue to work with other States, through the Council for the Federation, to establish a national emissions trading scheme in order to reduce greenhouse gas emissions. In the area of health, a network of GP Plus Centres will continue to be developed across Adelaide, 'junk food' will be banned in schools, and the

Premier's Be Active Challenge will promote physical activity among Reception-to-Year 9 students.

Governance of the public health system will be improved through a new *Health Care Bill*, and an independent Health Performance Council will be proposed.

My Government plans to introduce new mental health legislation, in the wake of the Social Inclusion Board's report on the State's mental health system and the Government's consequent funding commitments.

My Government will introduce a package of reforms designed to enhance the rights of victims of crime, will reform the criminal law dealing with serious drug offences, and will re-introduce legislation relating to rape, sexual assault and child protection.

In 2007, the first of ten new Trade Schools and at least six new Children's Centres will be opened, and the Government will pave the way for the opening of six new schools across Adelaide in 2010 and 2011 as part of its Education Works initiative.

In other initiatives, a new South Australian Certificate of Education will be implemented, and my Government will legislate during this Parliament to lift the school-leaving age to 17 by 2010. My Government's continuing efforts in higher education—including to develop Adelaide's status as Australia's 'University City of the Future' with the interest of further overseas institutions—will seek to build on the significant recent increase in the number of overseas students studying in South Australia.

The quality, breadth and relevance of the State's skills base will be improved through the implementation of my Government's Skills for South Australia program.

Later this year, my Government will introduce legislation designed to make the State public service more responsive to the needs of South Australians.

In order to improve housing for the most vulnerable in our community, new care and amenity standards will be set in the supported residential facility and boarding house sectors.

My Government will take further steps to improve safety in Aboriginal communities, including the placement of more police and social workers.

In relation to the environment, there will be legislative action to deal with site contamination, to toughen penalties for cruelty to animals, to phase out single-use plastic bags, and to establish a series of marine parks across the State.

Honourable Members.

In closing, I wish to thank all those involved in organising this special Sesquicentenary Opening of Parliament—an event that celebrates the enduring and practical contribution of one of our State's defining institutions.

I now declare this session open and trust that your deliberations will be guided by Divine Providence to the advancement of the welfare of the people of this State.

The Lieutenant-Governor retired from the chamber, and the Speaker and members of the House of Assembly withdrew.

The President again took the chair and read prayers.

[Sitting suspended from 12.49 to 2.30 p.m.]

SENATE VACANCY

The Lieutenant-Governor informed the Legislative Council that the President of the Senate of the Commonwealth of Australia, in accordance with section 21 of the Commonwealth Constitution, has regretfully notified Her

Excellency the Governor that, through the death on 2 April 2007 of Senator Jeannie Margaret Ferris, a vacancy has happened in the representation of this state in the Senate. The Lieutenant Governor is advised that, by such vacancy having happened, the place of a senator has become vacant before the expiration of her term within the meaning of section 15 of the Constitution, and that such place must be filled by the houses of parliament, sitting and voting together, choosing a person to hold it in accordance with the provisions of the said section.

The PRESIDENT: I inform the council that I have conferred with the Speaker of the House of Assembly and have arranged to call a joint meeting of the two houses for the purpose of complying with section 15 of the Commonwealth of Australia Constitution Act on Thursday 3 May 2007 at 10 a.m.

PARLIAMENT OF SOUTH AUSTRALIA, SESQUICENTENARY

The Hon. P. HOLLOWAY (Minister for Police): I seek leave to move a motion without notice concerning the sesquicentenary of responsible government.

Leave granted.

The Hon. P. HOLLOWAY: I move:

That this council notes the historic occasion of the 150th anniversary of responsible government in South Australia.

It is an honour to be able to stand before this Legislative Council as Leader of the Government to address this motion on the special sitting to mark the sesquicentenary of our parliament. It is important that we South Australians recognise that last Sunday, 22 April, was the 150th anniversary of parliamentary democracy in this state. On that day in 1857, the history books suggest around 1 000 people gathered on North Terrace to watch the governor, Sir Richard MacDonnell, officially open the first parliament in the chamber that is now known as Old Parliament House. One hundred and fifty years later our parliament continues to play a vital role in the social wellbeing of the community and the economic development of the state.

We have much to be proud of in South Australia. We have a rich history of progressive thinking, policy making and governance; a sound, substantial and buoyant economy; a harmonious multicultural society; an open and outward looking approach to the world; and a confident and optimistic attitude to the future and its undoubted challenges. Political parties, personalities, premiers and ideologies have come and gone through this place during the past 150 years, but the institution itself has evolved and endured. It is resilient, and its legitimacy remains firmly rooted in the society it seeks to reflect and represent. The most important aspect of this parliament's history is not its establishment or its procedures or its office holders or the building itself. Its most important achievement is the work it has done to practically improve the lives of South Australians and, of course, that work continues.

The 150th anniversary of the South Australian parliament is also an opportunity to honour all those who have gone before us in serving this institution and, most importantly, the people of South Australia. To name just a few would do a disservice to all the others. All have in some way contributed to making this parliament one of the most forward thinking, democratic institutions in the world, and that is no hollow boast. There are very few places in the world that can celebrate 150 years of unbroken parliamentary democracy.

It is an achievement that all South Australians can be very proud of.

I thank my colleague, the Attorney-General, for providing me with a list of the South Australian parliament's achievements, starting with the original South Australian Constitution, one of the most democratic in the world, ahead of those of the other Australian colonies, the UK and most European countries. In 1856 the new South Australian constitution guaranteed adult male suffrage, which included Aboriginal men, although there is no record of any Aboriginal men taking up that opportunity. It had a secret ballot, there was no plural voting and no property qualification for members of the House of Assembly, and there was a relatively low property qualification for members of the Legislative Council.

In 1858, in one of the new parliament's most significant early acts—and this was referred to by his Excellency the Governor's Deputy today—the Real Property Act was passed. This simple, cheap method for checking property titles has been widely adopted around the world. The system is, of course, commonly known as the Torrens title, after the member of parliament who played a significant role in first developing the legislation and then promoting the system around Australia and in other parts of the world.

In 1872 the parliament granted the money needed to allow South Australia to become the first colony to establish telegraphic communication with Australia and the outside world. I think those who saw the recent ABC television program about Sir Charles Todd and the explorer John McDouall Stuart could not have helped being struck by the significance of that achievement.

Other significant milestones achieved by the South Australian parliament during its 150-year history include: in 1876 we became the first part of the British Empire to legalise trade unions; in 1885 we became the first state to levy income and land taxes; and in 1894 the Constitutional Amendment Act was passed to make South Australia the first colony in Australia and just the fourth in the world to grant adult women the right to vote, and the first to grant them the right to stand for parliament. It is also important to point out that, when the vote was granted, Aboriginal women were included, and at the Ngarrindjeri Mission at Point McLeay a number of Aboriginal women insisted on enrolling and voting in the 1896 election, even though they were actively discouraged by the white manager of the mission. There were more than 100 Ngarrindjeri women on the electoral roll that year, and more than 70 voted at that election. By the late 19th century Aboriginal people had the vote in all the colonies apart from Western Australia and Queensland, but it was only in South Australia that some Aboriginal people actually enrolled and voted.

The milestones of our parliament continue. In 1895 Catherine Helen Spence was appointed to the government's commission of inquiry into the Adelaide Hospital, the first woman to participate in an official commission. In 1895 she became Australia's first female political candidate when she stood for election to the Constitutional Convention for Federation. In 1896 women had the chance to vote for the first time at an Australian election and just the second time anywhere in the world. In 1910 Premier Verran led the first complete Labor government anywhere in the world. In 1936 the government established the first public housing authority in Australia, the South Australian Housing Trust. In 1966 South Australia became the first to pass an Aboriginal affairs act, repealing many regulations that restricted the civil

liberties of Aboriginal people, including the right to mix with non-Aboriginal people.

In 1966 the Prohibition of Discrimination Act prohibited discrimination on the grounds of race, colour or country of origin. The Aboriginal Lands Trust was established in the same year to hold lands acquired for Aboriginal people. In 1975 the Sex Discrimination Act was passed, and the Equal Opportunity Office was established. In 1976 the Pitjantjatjara Land Rights Act gave the people of the Anangu Pitjantjatjara Yankunytjatjara lands inalienable freehold title over 100 000 square kilometres of land. In 1991 South Australia became the first state to outlaw age discrimination.

As I mentioned earlier, this parliament has evolved and endured, and this is certainly true of the Legislative Council. When I first became eligible to vote I could not vote for this parliament's upper house, as property qualifications still then existed. Today I proudly lead the government in this chamber, for which all South Australians can now cast their vote. So, this parliament and this chamber have evolved and changed as the decades have passed, in the best interests of the South Australian community, and I look forward to that evolution continuing.

The Hon. D.W. RIDGWAY (Leader of the Opposition): I rise today with the great honour of addressing the chamber on the first occasion that I am representing the Liberal Party here today as Leader of the Opposition. So, it is a great honour to be here in that capacity and to speak to this very important motion. I join with other members in thanking Her Majesty the Queen for her gracious message of congratulations and good wishes for the continued work and progress of not only this parliament but also the people of this state.

We have gathered here this day to celebrate the sesquicentenary of responsible government in South Australia. It was on Wednesday 22 April 1857, 150 years ago, that the first fully elected bicameral parliament of South Australia was opened by Sir Richard Graves MacDonnell. Let me take you back to that day. It was an autumn day, the hour appointed for both houses to meet was 1 o'clock, but for some time previously a large number of people had assembled in front of Parliament House anxious to gain admission to the galleries. At 3 o'clock, the number of spectators assembled on North Terrace could not have been fewer than 1 000. A guard of honour was drawn up in front of the council chamber awaiting the arrival of His Excellency. A detachment of metropolitan police was also stationed on the terrace.

His Excellency arrived on horseback at 20 minutes past 3 o'clock accompanied by Major Nelson, the commandant of the troops, and various officers and gentlemen. A salute from the Gun Paddock by members of the volunteer artillery corps announced the arrival of the vice-regal cortege at Parliament House and continued for some time after its entrance. His Excellency was received with cheering by the citizens assembled on the terrace, which he acknowledged with affability and courteous politeness. At the conclusion of his opening speech, Sir Richard said:

The personal satisfaction which I experience at thus meeting you on an occasion so auspicious as the opening of the first Parliament of South Australia, wholly elected by the people, is much increased by the confidence with which I anticipate a no less prudent than energetic exercise of their extensive powers by the Representatives of the People.

With this anniversary, we celebrate the greatest gift people can have: the freedom to choose their own government and

the peace and stability that makes such an achievement possible. We are celebrating the advent of parliamentary democracy: the idea that ordinary citizens can not only choose their government but be part of it—a parliament chosen for the people by the people from among the people. We achieved all that when convicts were still being transported to other parts of Australia, and we did it without revolution or war.

The attainment of a representative government is the central achievement of modern politics. In its homeland, it took several centuries (and, as often as not, a revolution) to consolidate representative institutions. Monarchs had to be brought under the control of the assembly. Then, parliament, in its turn, had to be subjected to democratic election. Democratic elements had to be grafted onto ancient pre-democratic institutions of representation. Responsible government has not only survived but also flourished in those 150 years. This has been due to the commitment and work of members over generations to do their best to reflect and fulfil the public will and interest as they see fit.

I have read with very much interest reports of the sittings of this chamber on the very first day in 1857 and then also at the centenary in 1957. Then, as now, members were particularly interested in the River Murray—whether it would be developed and whether there was to be a harbour established at Victor Harbor sufficiently useful to carry all the traffic from the river. The river was a matter of great concern. Today, as in 1857, the River Murray is the life blood of South Australia. The South Australian economy is still heavily dependent upon water from the River Murray to supply a significant proportion of irrigation, industrial and urban needs.

The River Murray is also a significant source of water for urban users in South Australia. In addition to the Riverland towns that rely on the River Murray for their potable water, on average, 42 per cent of the water for metropolitan Adelaide—and, as we have experienced in a year such as this, up to 90 per cent in drought years—comes from the River Murray. Of course, we have a number of pipelines that supply water across a large part of rural South Australia. A healthy, working River Murray is essential for the future viability of the state. Protecting, enhancing and restoring the river's health is today one of the state's highest priorities.

A keystone of parliamentary democracy in this country is bicameralism. Strong bicameralism is a uniquely pervasive feature of the Australian political system, due to the existence of powerful upper houses in five of the six states. Major changes which have enhanced the legitimacy of state legislative councils within the political systems of the states and significantly modified their roles over the second half of the 20th century are thus of importance for Australia's evolving model of parliamentary democracy. As Dean Jaensch noted, bicameralism was a keystone of mid-Victorian constitutional theory, a 'safeguard through a Second Chamber'. It is no surprise, then, that bicameralism was incorporated in the thinking which preceded South Australia's constitution.

Today we celebrate the creation of that which we have come to enjoy as the embodiment of democracy. However, I feel that we should take this opportunity to reflect on the devolutionary success that this chamber, the Legislative Council, represents. The Legislative Council was the first parliament in South Australia, having been created in 1840, 17 years before the House of Assembly. It was originally appointed by the Governor and served in an advisory capacity

only, as the Governor retained almost all legislative powers. It was expanded slightly in 1843 when several prominent landowners were allowed to join and, in the same year, proceedings were opened to the general public.

Public demand for some form of representative government had been growing throughout the 1840s, and this was reflected in a series of reforms in 1851 which created a partially representative Legislative Council. After the changes it consisted of 24 members—four official members (fulfilling what would today be called ministerial positions) and four non-official members, all of whom were nominated by the Governor on behalf of the Crown, and 16 elected members. However, the right to vote for these positions was not universal and was limited to men of property. In addition, the reforms meant that the Governor no longer oversaw proceedings, that role being filled by a Speaker who was elected by the members.

In 1856 the Legislative Council prepared what was to become the 1857 Constitution of South Australia. This laid out the means of true self-government, creating a bicameral system which involved delegating most of its legislative powers to the new House of Assembly. While all adult males could vote in the new House of Assembly, the Legislative Council continued to limit voting rights to the wealthier classes, and suffrage was dependent upon certain property and wage requirements. Women earned the right to vote in the Legislative Council, at the same time as they did in the House of Assembly, in 1894.

Many great and influential people have embellished the history of the parliament in this state, amongst them (to mention only a few) Sir George Kingston, Sir Richard Hanson, Sir Hurtle Fisher, Sir Robert Torrens and Thomas Price—each of whom has made a particular contribution to the achievement of responsible government as well as playing a prominent part in framing our early statutes.

As we sit in this chamber I think it is fitting to pay homage to some of the most influential members of parliament who helped form our democracy. In 1881 Charles Kingston was elected to the South Australian House of Assembly as the member for the working-class district of West Adelaide. As a radical liberal he favoured universal suffrage, including votes for women and reform of the Legislative Council. He also championed industrial relations arbitration that predated national attempts at rudimentary welfare reform. A big, imposing man with a full beard, a booming voice and a violent, cutting debating style, Kingston dominated the small world of South Australian colonial politics in the 1890s. He was a great hero for liberals and working-class voters.

Sir Thomas Playford, a farmer, was another prominent South Australian politician who served continuously as premier of South Australia from 5 November 1938 to 10 March 1965—the longest term of any democratically elected leader in the history of the commonwealth of nations. His tenure as premier was marked by a period of population and economic growth unmatched by any other Australian state. Playford took a unique, strong and direct approach to the premiership and personally oversaw his industrial initiatives.

Steele Hall served as leader of the opposition for two years before being elected premier in 1968. Steele was also the first Australian premier to sport sideburns—indeed, the 1968 election fought between Hall and his Labor opponent, Don Dunstan, was described by the Democratic Labor Party as the battle of the ‘matinee idols’. Hall entered office on 17 April 1968 and immediately set about dealing with the issue of

electoral reform. Deliberately inequitable electoral boundaries had advantaged the LCL over the previous 40 years and, embarrassed by the LCL win in the election after receiving 43.8 per cent of the first preference vote compared to the ALP’S 52 per cent, and concerned by the level of publicity and public protest about the issue, Hall was committed to the principle of a fairer electoral system.

Whatever the public outcry over the electoral inequalities, Hall’s political bravery in introducing legislative reform to the House of Assembly to create a more equitable system of representation, therefore virtually guaranteeing the LCL’s defeat at the next election, should not be underestimated. It ranks as one of the few instances in Australian political history when a politician initiated a reform knowing that it would expressly disadvantage him or her. In addition to electoral reform, Hall expressed his progressive credentials by introducing improvements in social welfare, Aboriginal affairs and abortion reform.

As premier, Dr David Tonkin combined fiscal conservatism with implementing socially progressive reforms. In the former, Tonkin made significant cuts to the Public Service (earning him the enmity of the unions) while an example of the latter was the passage of the land rights bill and the return to the Pitjantjatjara people of 10 per cent of South Australia’s area. Other significant actions included the development of the copper and uranium mine at Olympic Dam (Roxby Downs) at a time when nuclear issues and uranium debates were rife. Extending earlier anti-discrimination provisions to include physical disability, establishing the Ethnic Affairs Commission, and introducing random breath tests were all significant achievements of the Tonkin government.

I come to more modern times with the Brown and Olsen governments. The Brown and Olsen governments achieved a number of major and important reforms in the state, creating Technology Park, the growth of the information technology industry and the Southern Expressway; rebuilding hospitals; modernising apprenticeship training; introducing the Water Resources Act and the water catchment boards; and encouraging numerous industry expansions. Assisting in the expansion of the wine industry and focusing on food exports has also created a symbol for our state. Premier Brown began the campaign 14 years ago to save the River Murray, and the legislation to build the Darwin railway and extending the airport were also among other highlights.

Under the premiership of John Olsen the government undertook the privatisation of the state-owned electricity industry (which, as we know, was ETSA) as a result of the unbelievable burden of debt, which was probably the greatest in the past 150 years of this parliament, which the Brown and Olsen governments found themselves faced with.

In closing, I mention my good friend who sits behind me at the moment, the Hon. Rob Lucas, who has served this state. As most members know, today is the first time I stand in this position as leader. The Hon. Rob Lucas has provided 17 years of outstanding service as leader of the Liberal Party in the Legislative Council, for which the parliament and South Australians are grateful. I particularly want to acknowledge Rob’s work first as education minister and then as treasurer from 1993 until 2002. These are two of the most crucial areas of the state government’s activity, and I know Rob’s work in the education portfolio was much needed at a time when the state was struggling financially. Rob Lucas’ performance as treasurer during the State Bank recovery was exceptional. He played a major role in the then Liberal government’s successful efforts to rein in the billions of

dollars of debt while keeping the doors of our state's hospitals and schools open and continuing to build productive infrastructure and attracting new industry. I know I speak on behalf of all South Australians, and personally, when I thank Rob for his contribution.

I will mention some of the firsts in South Australia. In 1856 South Australia was the first Australian colony to introduce male adult suffrage for parliamentary elections. As other speakers have said, in 1858 the Real Property Act introduced a new method of registering the ownership of land, which was subsequently copied internationally, known as the Torrens title system. In 1876 South Australia was the first territory in the British Empire, excluding Britain, to legalise trade unions. In 1881 Adelaide was the first Australian capital city to be connected to a water-borne sewerage system.

In 1881, Adelaide University was the first in Australia to be able to admit women to degree courses. In 1895, South Australia was the first Australian colony to grant women the vote following the Constitution Amendment Act 1894 gaining royal assent. In 1895, South Australia was the first place in the world to allow women to stand for parliament. In 1915, women police were appointed—the first place in the British Empire where women were appointed on equal terms with male officers. In 1965, Dame Roma Mitchell became the first female judge in Australia. In 1966, the Prohibition of Discrimination Act 1966 prohibiting racial discrimination was assented to, making it the first such act in Australia. In 1976, the Sex Discrimination Act 1975 was proclaimed, making discrimination on the ground of sex or marital status in employment, education, accommodation and the provision of goods and services unlawful; and it was the first such act in Australia.

In conclusion, what we are discussing and celebrating today is the success of responsible parliamentary government in this state. At the centenary celebrations in 1957 the Hon. C.R. Cudmore, leader of the Liberal and Country Party, said, 'It is the freedom of the individual which matters and cannot be attacked at the will of anybody. . . I have faith in any government which is responsible to the people; I have no faith in governments which are not responsible to anyone.' Let this be our guiding principle as we embark on the next 150 years of parliamentary governance in our great state of South Australia.

The Hon. J.M.A. LENSINK: I rise to support this motion to celebrate our sesquicentenary, which is a celebration of 150 years of responsible government in this state. In 1857 a bicameral parliament was established, consisting of an 18-member Legislative Council and a 36-member House of Assembly. The Legislative Council was elected by the entire colony and the House of Assembly was voted from 17 districts, which varied in representation from one to six members. The South Australian colony was established by free settlers rather than through transportation (as occurred in a number of other states in Australia). As the history books tell us, that led to a strong desire for individual freedoms, a strong pioneering spirit and a desire for a liberal democracy which was truly representative. The settlers came from the British Isles, and a large number also came from Germany and Prussia to establish the Barossa Valley and parts of the Adelaide Hills. From these times we have had a very diverse population in this state; and I believe that representation is reflective of that.

Political parties did not enter the fray until the 1890s, and the early forebear of the Liberal Party was the National Defence League, which became the Liberal Union in 1909 and later the Liberal and Country League in 1932, which was one of the first liberal parties to establish itself in Australia. The history books tell us that prior to the establishment of parties we had a number of different governments which the Lieutenant-Governor outlined in his speech—some 47 governments in 36 years. Today we stand here in this place and we have a range of members who have been elected on a party basis.

In other developments, I note that until relatively recently—in fact, 1986—the British government retained the right to veto South Australian legislation. Already we have had references to the right of women to stand for parliament and to vote in parliament. I am told that when the regent Queen Victoria was asked to sign the statute she described the idea of enabling women to have the vote as 'mad, wicked folly'. One of the arguments that was launched against women's suffrage was that because suffrage logically involved the holding of public office it was inconsistent with the duties of most women. It may have been true at that time, but I am pleased that most people no longer hold that view.

It took some 50 years from women being given the right to vote in 1894 for the first woman to be elected to parliament. A number of Liberal women from this state were the first to be involved in parliamentary activity and to be successful. In 1924 Agnes Goode, who was a South Australian candidate, was the first female to be endorsed by a political party in Australia; so that is a national first by a South Australian Liberal woman. In 1955 Dame Nancy Buttfield became the first South Australian woman to represent the party in the Senate. In 1959 Jessie Cooper and Joyce Steele were the first females elected to the South Australian parliament. In 1966 Joyce Steele became the first female South Australian parliamentary cabinet minister. The Hon. Dr Diana Laidlaw (who was present here today) is South Australia's longest serving female cabinet minister, having served for some eight years.

Our parliament has evolved over time to reflect the changes in community needs. We have spoken about women and we have spoken about property franchise. We have a number of different multicultural groups and people of different religions who have moved into South Australia. The parliament will always need to evolve to represent the different needs. Our parliament has served this state well, and I would hope that we all could show the same courage and vision of our forebears from the first parliament through to all other parliaments that have represented the people of South Australia. Most new ideas seem radical at first, but we must not be afraid of debate, and I echo the words in the prayer that is read at the start of the parliamentary sitting day: 'may we bear in mind the true welfare of the people of this state' in all our deliberations.

The Hon. S.G. WADE: I rise to support the motion that this council notes the historic occasion of the 150th anniversary of responsible government in South Australia. I join my leader in thanking Her Majesty for her gracious message to the parliament. Her visit in 1954 was one of the highlights of the history of this place. Our founding fathers were daring and progressive innovators and not mere passive recipients of British democratic traditions. In 1857, as a result of the election of the partly-elected Legislative Council in 1851, South Australia had already become the first British colony

to embrace the separation of church and state—an issue that is still debated in the mother country 150 years later. The Constitution Act 1856 provided the colony with responsible government within the Westminster tradition. However, the act and its sister act, the Electoral Act, enhanced that tradition with distinctly South Australian elements. First, the act provided for universal male suffrage, making South Australia the first Australian colony and one of the first jurisdictions in the world to introduce male adult suffrage for parliamentary elections.

Secondly, the act provided for a fully elected bicameral parliament, defying conservative concerns that the young colony did not have the capacity to maintain an effective upper house. Thirdly, the constitution provided for electoral districts based on population. Property holders had sought that property interests be protected by basing electoral districts on wealth. Further, South Australia led the way in electoral reform by being the first Australian colony to remove plural voting in upper and lower house elections, instead adopting the one man, one vote principle. The Electoral Act provided for secret ballot. While Victoria adopted the secret ballot just before us, South Australia implemented the ballot in a distinctive way. Rather than having to write names on a piece of paper, voters were presented with a ballot paper pre-printed with the names of candidates. This South Australian approach has been adopted throughout Australia and the world.

The founders of this parliament generally embraced a progressive approach and crafted a constitution that was one of the most democratic in existence anywhere in the world at the time. One area of compromise was in the franchise for this council. The colonists resisted pressure to constitute the Legislative Council with hereditary or appointed members. From day one all members of this council have been elected by the people. A key concession was the property franchise. I find that the property franchise is greatly overstated. In 1857 the impact was fairly limited. Two thirds of voters enrolled to vote for the House of Assembly were eligible to vote for the Legislative Council, that is, 15 538 compared with 10 092.

The franchise remained unchanged until 1907—50 years after responsible government was introduced. By this time the impact of the franchise was much more restrictive. At the 1905 election only 28 per cent of the 18 418 House of Assembly voters were also enrolled to vote in the Legislative Council. In 1907 special occupational qualifications, such as ministers of religion and postmasters, were added to the roll. In 1913 the franchise was extended to the head of each household, but not to their spouse. By the 1956 election—the year before the centenary of responsible government in 1957—58 per cent of the 299 048 assembly voters were enrolled to vote in the Legislative Council.

South Australia was a very different place when we last celebrated responsible government. In 1957 the state was still recovering from severe flooding of the River Murray. I note that we are now suffering from a severe drought. Atomic tests were being held at Maralinga, and electric trams ran through the city. The state had a population of 854 000 people, with a factory workforce which had doubled over the past 20 years and the value of output having already increased nearly tenfold. Thomas Playford was in the 18th year of his premiership—already a commonwealth record—and he had only recently been knighted in the new year's honours in 1957.

Of course, the parliament celebrated its centenary. One link we have with that day is the hourglass on the chamber table. It was the gift on the occasion of the centenary from the United Kingdom Branch of the Commonwealth Parliamentary Association. In terms of personnel, I understand that the only person still alive today who served in this parliament in 1957 is the Hon. Robin Millhouse, who served in the other place and who continues to serve currently as Chief Justice of the High Court of Kiribati and the Supreme Court of Nauru.

As we again come to celebrate another 50 years of responsible government, it is time to consider the development of the council in the past 50 years. A key year in the development of this council was 1975, when three key reforms were implemented: first, a universal franchise was introduced; secondly, the council returned to a single, statewide electorate, as had existed from 1857 to 1884, and thus avoided the risk of malapportionment; and, thirdly, proportional representation was introduced. From 1985 the ballot paper was modified to allow the elector a choice between voting above or below the line. Clearly, the story of this parliament under responsible government is an evolving story, but one thing is clear: this council has developed into one of the most democratically elected chambers in the world. Yet, even as we celebrate this milestone, the government is proposing that the council be abolished.

Thirty years after reforms which made the council one of the most democratically elected legislative chambers in the world, the Labor Party continues to fight battles of the past. The council remains an active house of review, and the voters of South Australia have shown that they like it that way. Decades-old voting patterns for this council have consistently elected sufficient cross-bench MLCs to ensure that the representatives of the two major parties do not have a majority.

Some 84 000 voters who voted for the ALP in the House of Assembly at the 2006 election did not vote for the ALP in the Legislative Council. The party failed to improve its representation in this place. The government's repeated attacks on the Independents and minor parties reflect a lack of respect for the judgment of those who voted for them and a lack of understanding of the distinctive mandate and role of this chamber. Our founding fathers fought a condescending governor to insist on an upper house and an elected upper house. Today the Liberal Party remains committed to ensure that this Legislative Council continues to grow as a vibrant, democratic chamber for another 150 years.

The Hon. NICK XENOPHON: I support the motion and, in doing so, acknowledge that the history of European settlement in the colony that became the state of South Australia (including the sesquicentenary of this parliament) is but a moment in time for the Indigenous inhabitants of this land, whose deep affinity and bond with it commands our respect.

Mr President, you asked me to assure you that I will not be speaking for 150 years, and I can give you that assurance in relation to this contribution. I support many of the comments made by my colleagues, and it is worth reflecting further on the comments of the Hon. Mr Wade about what was said in *The Register* of 1 May 1850 and quoted in Pike's book, *Paradise of Dissent*, as follows:

If the Legislative Council represents anything but itself it represents the moneyed class—not one of them represents. . . the industrial class, the shopmen, carters or farmers. The colony is

dominated by an irresponsible oligarchy which has little or no sympathy with the mass of the colonists.

That quote comes from 1850 when the Legislative Council was an unelected body.

I agree with the Hon. Mr Wade and other honourable members that this is the most democratic house, in the sense that we have proportional representation. We have the great privilege in this chamber of representing the entire state. Our electorate is the entire state, despite what our friends in the other place try to tell us. This chamber truly is, I believe, the house of the people. It is with some irony that we face a referendum (which I welcome) in 2010 as to whether or not this place will continue to exist.

I believe in the Westminster system. I believe in the bicameral system. I believe in the checks and balances that an upper house can offer and that it is an essential part of a democratic framework. Where there is a unicameral legislature, as there has been in Queensland for decades now, we can see the adverse consequences of power being concentrated effectively in the executive arm of government in a unicameral system.

The internal combustion engine was not thought of 150 years ago and the internet was not even dreamt of. I do not know what will happen in the next 150 years, but we need to bear in mind advances in technology. The diseases prolific in the mid 1800s were cholera, typhoid and tuberculosis, and now we have other afflictions, other social ills, such as gambling and drug addiction that are major issues in our community.

I want to reflect in the context of this auspicious occasion on federation, on what has been a steady erosion of states' powers, of the powers of this parliament, of the increasing power of the federal parliament of the commonwealth, and I see that as a retrograde step. Justice Callinan, in his dissenting judgment in what is known as the WorkChoices decision, in November last year said:

There is nothing in the text or the structure of the constitution to suggest that the commonwealth's powers should be enlarged, by successive decisions of this court, so that the parliament of each state is progressively reduced until it becomes no more than an impotent debating society.

That concerns me greatly. More recently, I refer to the decision of the High Court in a case involving Optus and workers compensation legislation in Victoria, where Justice Kirby, in his dissenting judgment, said that the majority decision flew in the face of an express limitation on federal power in the constitution. He went on to say:

This appeal and its outcome demonstrate the constitutionally disruptive journey that began with the [High Court majority] decision in WorkChoices. Once again, we have proof of the judicial indifference to the established authority of this court. Such indifference seriously disturbs the federal balance which the constitution was designed to achieve.

That disturbing of the balance of the Constitution is something that we should all be concerned about. It is important that we have a community debate, an open debate about which direction we want to head in. I believe in what the former speaker of the US House of Representatives said. I refer to the late great Tip O'Neill, who said 'all politics is local'. I believe that diminishing the powers of this legislature and shifting them to Canberra is a backward step in our democracy, something that our forbears could not have contemplated 150 years ago, let alone during the constitutional conventions of the 1890s.

This state has had many challenges over the years that we have overcome. We have the challenge of a drought, where if we do not get rain in the coming weeks it will have dire consequences for our primary producers in this state and dire consequences for this state in general. Let us hope and pray that we have that rain in the coming weeks, but it points to the challenges that we have. This state, founded as a free colony that at the outset recognised the separation of church and state, that has led the world with innovations and reforms, faces many challenges in the next 150 years. I am confident, given our history, given our strong foundations, given our history of resourcefulness and innovation and our robust democracy that we will be able to meet those challenges head on and succeed.

The Hon. J.S.L. DAWKINS: I rise to support the motion and endorse the comments of other members. I want to refer very briefly, rather than to matters of history, which have been dealt with very well, to the particular ceremonies this year, and one in particular was the open day that was conducted here two days ago, which marked the actual day of the sesquicentenary of this parliament. More than 2 300 visitors came here that day. It was a pleasure to be here and to take up the various views of people as they came through this building. There was one particular gentleman who walked up to me and said, 'What happens in this room?' As I was about to answer, another lady, who was just standing there, launched into something quite similar to what the Hon. Mr Xenophon just said. I thought: we will have to put her on the platform for the no vote for the referendum. She was a fabulous advocate of what happens in this chamber.

Mr President, in recent months I was a member of the committee of the parliament that was arranging the sesquicentenary, along with you, sir, and other members. I would like to congratulate all the staff who worked towards the open day in particular and also the celebrations here today. I know our staff here worked extraordinarily hard to prepare for the opening day, and I thank them all for their efforts. I particularly thank those who contributed to the open day on Sunday, because so much of this parliament was opened up for the public to see. It was enlightening for me to look through some of the corridors when the doors were all opened up, because we never get that opportunity at other times. In reiterating my support for the motion, I want to say that I think it is important that we have days like Sunday, where people have the opportunity to come into this place.

The Hon. SANDRA KANCK: I acknowledge that we are meeting on the traditional lands of the Kurna people. In my first speech of any new session of parliament, I usually make that acknowledgment but, in the context of what I am going to say, it has an added impetus. I think it is fitting that today we acknowledge 150 years of self-government in this state. I am a very fierce advocate for parliamentary democracy. When I take groups of people on tours of Parliament House and show them the House of Assembly chamber, like many I make much of that small red strip of carpet that goes around the edge of the House of Assembly chamber (what is known as the sword line or the blood line). When I tell people about why it is there, it often causes laughter, but that gives me the opportunity to point out how extraordinarily important is the form of democracy we have developed. We have a democracy that allows us to put differing points of view—and sometimes very differing points of view—on the record and, in a sense, we win some and we lose some, but no blood is

shed in that process. Until a system of democracy of this nature was developed, blood certainly was spilt in Britain—and continues to be spilled in various developing countries around the world.

As I have said, I am a passionate advocate of parliamentary democracy, because we see in the South Australian parliament how well it works. Therefore, I find it surprising in a way that, although it is important that we acknowledge what we have, the motion has been moved by the Hon. Paul Holloway, who seems to spend a great deal of time attacking the form of democracy we have here. This government seems to forget that we do not all get our way all of the time in a democracy; that is not what a democracy is about. What this government seems to want is some form of dictatorship, where all opposition is neutered.

Over and over again in this chamber—and even in very recent times—we have seen what improvements are made to government legislation. For instance, I point to the storm-water and the climate change bills that we debated back in March, just a very short time ago. I also remind the government that, from the perspective of the way in which people vote, the make-up of this chamber is far more representative than the lower house of this parliament. I think that, if there is a call for reform, it ought to be to reform the lower house of this parliament. The government does not like us having private members' business and spending time doing what our voters have asked us to do.

I know that members have spent a good deal of time talking about what has been achieved in the past 150 years. I want to talk about what has not been achieved. I am referring particularly to two groups, that is, women and Aboriginal people, respectively under-represented and never represented in this chamber and this parliament. Now, some people might argue that men can represent women and that white people can represent black people but I think that, even if that is arguable, even if in some cases there are sensitive people who will represent them, it is not always the case. I invite members to consider that in the history of the Legislative Council 298 people have been elected or chosen to fill casual vacancies, but I was shocked to find, when I was elected at the end of 1993, that I was just the eighth woman in the Legislative Council.

We have now had a total of 13 women in positions in the Legislative Council; and let us not say that that was over 150 years but let us say that it was 112 years from the end of 1894 when women were given the right to stand for parliament. Only 13 women in 112 years is nothing more than a disgrace, and I think the two major political parties should look at themselves to find good reasons why that has been the case. Perhaps they do not want to.

The reality is that if women had 50 per cent of the positions in parliament there would be very different outcomes, particularly in relation to social questions, and we have seen that, for instance, when we have had bills dealing with voluntary euthanasia and prostitution laws. On each of those occasions a majority of the male members of parliament opposed such reforms and a majority of the female members supported such reforms. I think domestic violence would have been taken far more seriously much earlier had there been more women in this parliament. We heard today, in the speech from the Lieutenant-Governor, that the bills for rape law reform that were introduced in the previous session are about to be introduced again. Had women comprised 50 per cent of this parliament we would not be waiting for them to be reintroduced. I am proud of the fact that, of the 12

members of parliament that my political party, the Australian Democrats, has selected in the past 29 years for this chamber, the House of Assembly and the Senate, 50 per cent have been women.

There is another matter of even greater disgrace; that is the fact that an Aboriginal person has never been elected to this parliament. Aboriginal people make up about 3 per cent of the population, so some might argue that it is difficult for them to achieve the quota in the Legislative Council; however, I consider such arguments to be just debating points. Aboriginal people made up much more than 3 per cent of the population 150 years ago, and the colonisers failed to give them fair and direct representation. The reality is that the major political parties, the ones that have the means to ensure that some sort of occasional equality exists, have never seen fit to put an Aboriginal person in a winnable position at election time. Although they had been given the same voting rights as the European colonisers, the rights for Aboriginal people to vote were traded away by the South Australian parliament at the time of Federation.

In my 13½ years in this parliament I have seen the trashing of the belief system of the Ngarrindjeri people over the building of the Hindmarsh Island bridge and, sadly, I remember speaking here in tears when 40 Aboriginal people were sitting in the gallery and the majority of members in this place took away some of the land rights that had been granted to them under native title. I assure members that the ILUA process that has been put in its place has not made up for that dispossession. Any argument that the parliament of South Australia has represented Aboriginal people falls on its face when it is checked against this reality.

Last Sunday, 22 April, which was the actual date of the inaugural opening of the parliament 150 years ago, Aboriginal people had a traditional smoking ceremony on the steps of Parliament House. As they are not here today in this chamber to put their point of view, the Hon. Mark Parnell and I will read into the record what they had to say on Sunday about responsible government in the colony of South Australia. This is on the letterhead of the Aboriginal Alliance Coalition Movement with the heading 'Your house is not our house', and it states:

To all politicians within their political parties within this State of South Australia:

We, the descendants of the traditional owners of our country, its lands and waters, are gathered here today under the umbrella of the Aboriginal Alliance Coalition Movement at this 150th year of this parliament for you to hear us.

First, while we acknowledge that for the Aboriginal people over the 150 years of this parliament there have been, eventually, some minimal positive achievements, these fairly can be seen as the crumbs that have fallen off another people's table.

Secondly, and in that keeping to that way, your house now freely has asked the free, self-governed and sovereign people of South Australia to commemorate today the occasion of the first assembly of their local legislature by inviting them to treat your house as their house for this one day only, to thereby celebrate 150 years of parliamentary democracy in South Australia in a constitutional state.

But we, the descendants, have never had our sovereignty faithfully represented in your house from 22 April 1857 until today, because your house was based on denying our equal collective right as a community of traditional owners to enjoy our representative voice in your house, unlike the Aboriginal voice in other lands.

We as descendants did not enter publicly and formally into the position of a free, self-governed, constitutional state, which you have enjoyed from 1857, because that was allocated only to all those non-Aboriginal people who had come into our lands and country and had failed to respect, honour, uphold and keep our rights guaranteed to us under the law that founded you, and this has in fact continued right up until today, despite your achievement of universal suffrage in 1894.

Thirdly, we descendants still, and against the intentions of the founding fathers of the province that began in 1836, are not personally responsible for the policy of a ministry of Aboriginal affairs that depends for its power and very existence upon a representative body constituted by and of the sovereignty of our people. Yet, this is what your house is openly asking to have commemorated here today.

We cannot abide by this denial of truth, justice, equity and freedom for us. We continue to demand our traditional rights as traditional owners within our own country and the land rights which were granted to us from King William the Fourth in the 1836 Letters Patent under the Great Seal of the United Kingdom. So we do not share the feelings that you seek to resurrect from 1857, and openly reported then, that: 'the occasion itself affords the matter for congratulation'.

To us, the circumstances under which that tragic and unjust social change in our fortunes was effected 150 years ago have no auspicious element in them for us. On the contrary, they are a matter of humiliation to us and are a shame upon you.

We are asking you to acknowledge that your enjoyment, if not the spirit, of your commemorative congratulations, blindly overlooks the denial of our English land rights within our own country in establishing your parliament on the land of the traditional owners and on the country of their unacknowledged descendants.

Nevertheless, with some 'tone of confident hopefulness' reported by those who took this land for your house, and which we also seek to have 'pervade the entire community', we equally are looking to 'enter upon a new political career—with a financial position sound and elastic—with a rapidly augmenting population—with commerce in a safe and improving condition', by establishing our representatives here as a free, self-governed and sovereign community equal with and among all the people of the state, irrespective of the delay there is in this just achievement.

Until we may speak this in-house here, we ask that all politicians of their political parties do not become involved in race debates and with those who choose to play race cards and use race debates when it suits them for their own purposes. Above all, we are here today to ask you to do what is right because it is right. And by doing so you will create a positive reconciliation through which we as the leaders of both races can positively work together to address the outstanding issues that are affecting us all within our state by building on what is right for us.

The Hon. Mark Parnell in his contribution will read the remainder of this speech on behalf of Aboriginal people in this state, but it is a pointed reminder to us all here that our reading of this is precipitated by the fact that Aboriginal people cannot be here to put their point of view: instead we are having to state it for them.

The Hon. M. PARNELL: I will commence my speech by concluding the reading onto the record of the Aboriginal Alliance Coalition Movement's statement to this parliament, which was delivered on Sunday. As the Hon. Sandra Kanck said, they are asking us to do what is right because it is right. The statement continues:

Who would want, or dare, to say here today, that it is not the duty of the political parties of this state to take and build on and make improvements to what has been established in and for justice and to prevent attempts to bring on justice?

Fourthly, as you would be aware, the Hon. D.A. Dunstan (minister for aboriginal affairs) introduced an historically just bill into your house on 13 July 1966 for an act to establish an Aboriginal Lands Trust that your house justly passed.

In doing so for our rights, the Hon. D.A. Dunstan justified the creation of this Aboriginal Lands Trust Act upon the basis of the unfulfilled Letters Patent of 1836. He said: *I intend to trace the history of Aboriginal lands rights in South Australia, because on examination it is clear that Aborigines were wrongfully deprived of their just dues. We must, as far as we can, right the wrongs done by our forefathers. The Letters Patent Under the Great Seal of the United Kingdom erecting and establishing the province of South Australia and fixing the boundaries thereof, dated February 19, 1836, contained the following proviso: provided always that nothing in these our Letters Patent contained shall affect or be construed to affect the rights of any Aboriginal natives of the said province to the actual occupation or enjoyment in their own persons or in the*

persons of their descendants of any lands therein now actually occupied or enjoyed by such natives.

What the Hon. D.A. Dunstan acknowledged in this statement to your house was the wrong that was committed in the ongoing colonisation of the original British Province of South Australia as that specifically was continued in the Constitution of this state of South Australia by the establishment of this house, and which created so very much pain, suffering, confusion, anger and segregation, and is why he also said on the record of the house: *It is clear that Aborigines were wrongfully deprived of their just dues. We must right the wrongs.*

Fifthly, the Hon. Jay Weatherill, your Minister for Aboriginal Affairs, made a like acknowledgment of the Letters Patent of 1836 on Proclamation Day at Glenelg on 28 December last year. Minister Weatherill publicly recognised that the failure of South Australia to have met and to continue to meet the promise in the Letters Patent has 'been the cause of much loss and suffering for Aboriginal people'.

Like the former minister for Aboriginal affairs the Hon. D.A. Dunstan, he said on behalf of your constitutional state to us all: *we must also recommit ourselves to the promise made to Aboriginal South Australians. . . 170 years ago.*

This is an overdue awakening amongst a representative and minister in your house, to which we, as assembled descendants, have awakened in return.

There is now the task of seeing that we each come up from the pillow of the past genocide and denial in your house, and the pain and suffering in ours, and walk together in a new direction that sets our voice in your house to set things right.

Finally, we the Aboriginal descendants do not want to see a wrongful, negative colonisation history of South Australia become entrenched in the sovereignty of the population of South Australia and passed on through our future generations. For as long as your house solely asserts the constitutional state of the free self-governed and sovereign people of South Australia, it is up to you to develop that fair process where we, as the descendants of the original inhabitants of this state, can obtain the truth, justice, equity and freedom which is our right and which has been denied in the establishment of the popular sovereignty of the free self-governed constitutional state, by which another people and not us have all the representatives in your house and our representative sovereignty is denied. This process requires a discussion with us for an agreement to support our voice.

In closing, therefore, we are acting to ensure that the issue is placed squarely at your feet. You have the resources to do this. You have the knowledge to make things right. You have the power to create a just healing in this state of ours. It is timely to reflect that just as in fact justice delayed is truly justice denied, your future actions would speak more loudly from now on than any more words to us.

That is authorised by Marshall Freeland Carter acting for the interim chairpersons of the Aboriginal Alliance Coalition Movement and dated 22 April 2007. I am very pleased on behalf of these indigenous people to have fulfilled the commitment I made to them on the steps of Parliament House on Sunday to read into the permanent record of this place their statement to us. It would be a tragedy if in another 10 (let alone 50 or 150) years we see those same injustices perpetuated.

I wish to make a few other comments briefly on the occasion of the 150th anniversary. I want to reflect, first, on the importance of the upper house of state parliament, as other members have done and, without repeating their words, to endorse what they have said. The upper house is critical in holding the government to account. It plays a critical role of scrutinising and improving legislation. Some in another place would deny that we do improve their legislation, but I have no doubt that the legislation that leaves this place is often a vast improvement on the bills that arrive here from the other place.

The other important point to make is that the upper house of state parliament is a more democratic house and, if there is to be a reform of the parliament proposed by referendum in 2010, why not a referendum to reform the House of

Assembly? The Legislative Council reflects more fully the concept of one vote, one value. What surprises me about the Labor Party's continued calls for the abolition of this council is that, if we look at the South Australian Labor Platform 2005—not a document that I spend an awful lot of time reading—under the heading 'Our Parliamentary System: Key Principles', it states:

Parliament is the central institution in our system of government and respect for parliament is an essential element of a healthy democracy.

We would all agree with that. The next principle is stated as:

Accordingly, Labor will continue to support a bicameral system of parliamentary representation and Labor will continue to support the role of the upper house as a house of review.

I do not understand where the talk is coming from in the Labor Party for abolishing the upper house. A debate about parliamentary reform is always welcome, but let us balance it with a debate on reform of the House of Assembly as well.

The final point I will touch on briefly on the occasion of the 150th anniversary is an issue which I approach with some trepidation as a new member of this place, and that is the issue of the modernisation of parliament. I approach it with some trepidation because this institution has certainly been around for a very long time, 150 years in fact, and it might be regarded as unseemly for a new kid on the block to be making too many suggestions about how it can be reformed. However, I would like to touch on a couple of matters.

The first one is the issue of family friendly sitting hours. I understand that there are moves afoot to again review the way this council operates, and the hours that we sit. Given the number of members in this council (and in another place) who are the parents of children, and some very young children—I acknowledge that the Hon. Dennis Hood probably has the youngest infant in this place—more sensible sitting hours would certainly enable elected members and their staff to spend more time with their families. It need not be at the expense of doing our work; there are many other hours in the day when parliament can be sitting.

The next thing that I would like us to reflect on is how we use new technology in the performance of our work. I would urge honourable members to look at, for example, parliamentary websites in other jurisdictions, where you can see things like the live streaming of debates on the internet. I know the Hon. John Gazzola could imagine nothing more tedious than watching in replay the debates that he has perhaps been a part of, but it is a way of taking the debates in this parliament to the people.

Certainly, there is always a cost associated with that, but there has also been incredible reductions in cost over recent years. In fact, almost every other teenager has the facility of a live webcast in their bedroom these days. We can also look at the way the records of debate are disseminated, as well as live streaming, with more electronic access to the debates. You can even see, on some parliamentary websites, feedback mechanisms—online petitions and things like that—as a way of helping people to engage in the parliamentary process. We do need to be respectful of tradition. I know there are people here who would hang on to tradition very dearly, and that is a very correct approach to take, but I think we can balance our respect for tradition with a mindfulness of our role as elected members in the 21st century, and we should be using these technologies more than we are.

In relation to parliamentary reform, no doubt the issue of superannuation increases and pay rises will be on the agenda again. One thing that I am very pleased to be able to say to

constituents is that I get the same superannuation that they do. I get the 9 per cent industry standard that other workers in the community get. I would be very reluctant to see us depart from community standards in our pay and our superannuation.

We also need to look at the disclosure of political donations. We need to look at the perception that exists in the community (and I am sure, in some cases, in reality) about the linking of political favours and political donations, and that is something we need to address. We do not have public funding for elections in this state and, as a result, most of the election funding for the major parties comes from corporate donations. That, certainly in the eyes of the community, leads to a perception of corruption, if not actual corruption.

The final thing that I would like to say is that we do need to look at updating the facilities for parliament and the way we operate. We need to look at things like whether or not our parliament is leading the state in recycling. Are we leading the state in our efficient use of water? We are going to be able to catch the tram to work in a little while, with public transport to the door, and that will be great, but we still do not have bicycle parking for visitors to Parliament House. There are a number of small but symbolic things that we can do to help show the people of this state that their parliament is not an irrelevant and antiquated structure but that we are in the 21st century and we are mindful of our obligations, that we are leading, rather than following, when it comes to efficiency and conservation. With that, I am pleased to support the motion that acknowledges our 150 years, and I look forward to even more reforms in the next 150 years.

The Hon. D.G.E. HOOD: I rise briefly on behalf of Family First to support the motion. I would like to take a moment, if I may, on the 150th anniversary of the establishment of this parliament, to reflect on a few things in our state which are important but which I think we can miss on occasions. Other speakers have talked about the history of this place and the important contribution it has made to our state, and I concur with all of those comments.

I think the bigger picture is more significant to me personally, and that is that if we take a step back and look at our situation here in South Australia we live in a truly great place on this planet Earth. We have one of the lowest rates of infant mortality in the world. We have some of the highest average lifespans of any place in the world. We have terrific quality of life. We have affordable real estate. We have a wonderful environment to live in, and a place that we can be truly proud of to live and work in. That is, at least partly and to some extent largely, as a result of the decisions that have been made in this place over the past 150 years. I think it is something that all members, whatever their colour or persuasion, can be justifiably proud of over that period.

It is true that this chamber has made mistakes over that time as well, and some of them have been rectified over a certain period and some of them are yet to be rectified but, nonetheless, I think all members, and indeed I think the public of South Australia, can be justifiably proud of the work that has gone on in this place—and when I say 'this place' I mean both houses—over that 150 years. In many ways the South Australian parliamentary system is a great example for other parts of the world and, indeed, other states in Australia. Having a true bicameral system and an upper house that is elected on a proportional vote across the entire state provides us with a truly democratic upper house, in

particular, which provides a great model for other democracies to look upon, reflect upon and perhaps learn from.

As I said, the other members who spoke before me reflected on that and the history of this place quite well, so I will not labour that point, but I do want to touch on something that I think is important, and that is the future of this place and our state in particular. I will not labour the point in respect of the attempt to reform the upper house. Family First's position on that is well known and has been widely publicised. I do want to pick up on some of the points that—

An honourable member interjecting:

The Hon. D.G.E. HOOD: What is our position? Let me clarify our position for those who are not completely up with that. We oppose the abolishing of this chamber, and we will continue to strongly oppose the abolishing of this chamber. I did want to pick up on one of the points made by the Hon. Mr Parnell. In fact, I wonder whether secretly our offices have been sharing a look at each other's notes in preparation for today, because—

An honourable member: It would not be the first time.

The Hon. D.G.E. HOOD: Strange bedfellows indeed. The future of this chamber and how we work in this place is very important. There has been a technology revolution in the past 10 years or so and, frankly, you would not know it, working in this parliament. We use what I consider in many cases are archaic methods to enact legislation in this place, which at times I believe can result in less than optimal legislation being passed. For example, if all of us were honest with each other—and sometimes maybe I am little bit too honest—when a bill has many amendments to it and it is being passed in this chamber at any given time, I think most members would acknowledge that they are at least somewhat confused at some stage during that debate and that they really need to watch very carefully to be completely up to speed with what exactly is happening at that particular moment in time.

Whilst I think that the chamber gets it right in the end, I think there is an opportunity for us to use electronic technology; for each of us to have a computer in front of us and to have the amendments already on the computer. A copy in front of us on the laptop is what I am envisaging, of what the bill looks like before debate and what the bill would look like with any amendments. It is not difficult to do that at all. It is very simple to do that. In fact, the staff in my office have prepared a system whereby I operate under that system at the moment and, believe me, it makes it very simple to follow the amendments that have been put forward. That is just one of many reforms that I could discuss, but I will not do so today.

In the last week of sitting I had my computer in front of me and I was operating under that system, whereby the amendments had been pre-loaded into my computer, so I could look at the screen and see how the bill as it stands is written and how it would look if amended, on one screen at the same time. I had a few envious members come over to have a look at my computer, and you could almost see the drool coming out of the corners of their mouth.

The Hon. Sandra Kanck interjecting:

The Hon. D.G.E. HOOD: Almost. It is a slight exaggeration. Certainly, I think that, if most members were able to look at that for a few minutes, they would be very keen to see it come into practice—and there are many other reforms I think this place could embrace. Having specifically made the point about that reform, I think it is time for this chamber and, indeed, this place, to consider reform. Whilst I respect

the traditions of this place and do not think we need wholesale change, there is an opportunity to move us into the 21st century in order to make us a more productive and efficient parliament, which I think would be in the interests of all South Australians.

In summary, Family First supports the motion. I would also like to say that, having been in this place for 13 months now and having had dealings with all members of this chamber, at some level my affection for all members has grown—so, it is a very emotional day—and I think all members would feel the same way at some level. I look forward to the battles ahead, and to the chats in the members' bar.

The Hon. R.D. LAWSON: The 150th anniversary of the sitting of the first bicameral parliament is a milestone worth marking. Associate Professor Peter Howell described it in his chapter in the *Flinders History of South Australia* as by far the most important event in South Australia's constitutional history. In my view, it is somewhat unfortunate that the event is still described as the anniversary of so-called 'responsible government', because the adjective 'responsible' can be confused in the public consciousness with another meaning of 'responsible'.

In the context in which Australians used to celebrate responsible government, the word 'responsible' is an adjective to describe the fact that the government of this state was answerable to the people of this state, not to the colonial office in London. That is a development which was quite properly celebrated at the time when it occurred, and it remains a milestone which we should commemorate. Unfortunately, the cynical will deride the claim that we have had 150 years of responsible government; they are thinking of 'responsible' as meaning reputable, of good credit, or respectable, etc. These cynics will point to the irresponsibility of some governments, which seems to be notably absent from the Lieutenant-Governor's catalogue of our state's achievements. Their failure, for example, to oversee the State Bank or, more recently, the WorkCover Corporation.

What we are celebrating today is the first sitting of a parliament that was answerable to the people of South Australia and also the establishment of a cabinet of ministers that was accountable to this parliament. Prior to 1857, the governor effectively ruled the colony, a fact well illustrated by Boyle Travers Finniss, the first premier of the state of South Australia, under 'Responsible Government' in his book *The Constitutional History of South Australia*. He referred to the various eras before that time—for example, the rule of Sir Henry Young as governor—and his chapters are headed 'The rule of'.

The governor really did rule the province of South Australia, notwithstanding the fact that, in some respects, he was aided by nominated officials and, later, some elected officials. In this context, it is worth recording very briefly our constitutional history. In 1936, the colony (although some prefer to call it 'the province') of South Australia was established. The governor, with the resident commissioner and three officials, constituted the council of government, which actually had legislative powers. Those powers were removed from the resident commissioner and handed to the governor in 1938. In 1842, that council of government was increased with the appointment of four non-official persons, and the council of government became the Legislative Council.

In 1851 the Legislative Council was enlarged by 16 members elected by the people of this state and eight nominated by the governor, who no longer presided. This development was in consequence of an act which applied to the Australian colonies generally and which was passed in 1850. In 1852 the Legislative Council appointed a select committee that recommended the establishment of a bicameral legislature with both houses of the legislature to be elected (an important principle), and in 1853 a bill for a new bicameral parliament was passed.

As a result of the influence of the governor at that time, the bill proposed a council that was comprised of nominated (not elected) members, and the bill lapsed. Governor MacDonnell was very active in opposing the democratic aspirations of the South Australian people and, as some historians have commented, sabotaged attempts to establish an elected chamber. In a message to the authorities in London he said that he did not believe 'that the country is quite prepared to see the Queen's representative, who is now the referee on all matters of executive detail, suddenly stripped of all influence and power, in a community too small to permit his [that is, the governor] maintaining that "dignified neutrality". . . ' He concluded:

I therefore considered whether it was not possible to popularise the existing constitution without wholly destroying it, and to centre in one chamber the ablest representatives of all classes of the community. It appeared to me that the desire, almost universal, as represented to me, for a single Chamber in preference to two, might lead to the acceptance of a safer and more conservative constitution in that shape.

Fortunately, Governor MacDonnell's scepticism about the capacity of South Australians to govern themselves was misplaced, and in January 1856 the South Australian Constitution Act was passed. This act provided for a bicameral legislature consisting of 36 members of the House of Assembly and 18 of the Legislative Council—all elected.

The first meeting of that parliament on 22 April 1857 was a turning point in our state's history, and it is interesting to read the topics of the legislation that was enacted by the first democratically elected South Australian parliament in the session which followed in 1857 and 1858. Bills were on monthly English mail, customs duties for goods carried on the River Murray, Chinese immigration and emigration more generally, and the disposition of the wastelands of the colony. Legislation dealt with telegraphs, an appropriation bill, a bill for the establishment of a savings bank, a bill relating to the establishment of the Gawler railway and another for its extension (a little like the Gawler tramway), and a bill relating to water supply.

There was an electoral act to amend the act of 1855 which had established a secret ballot and which continued that important South Australian initiative, and there were bills relating to local government and to bankruptcy. Landmark legislation was introduced by Robert Richard Torrens relating to real property, and this was subsequently refined in South Australia but was followed in many other parts of the world. There was legislation dealing with vines, with fires and with convicted felons, and interesting legislation which enabled a man to marry his deceased wife's sister. This particular legislation was one of the few acts of the South Australian parliament that was ever disallowed, and none was disallowed after 1893. There was legislation dealing with areas, patents and also aliens. So our forefathers in this parliament in the very early stages of the colony, at a time when its population was something of the order of 90 000 people,

indeed had an effective legislature, and one which laid foundations on which we are proud to build.

In the speech of the Lieutenant-Governor, and in various speeches from representatives, we have heard a good deal of self-congratulation about South Australia's innovation—for example, the fact that we gave Aboriginal people the right to vote and women the right to stand for parliament—but, very often, the rhetoric about these claims is not really backed up when one sees the experience. It is great to give Aboriginal people the vote and to clasp your hand on your chest saying that we were the first to do it, but to acknowledge in the next breath that none of them exercises that vote makes one think that they were not as innovative as they thought they were. As has already been mentioned, we gave women the right to stand for parliament in 1984, but it was half a century before one was elected here, so one realises that there is more to achieving change than passing laws in a legislature.

We presently have a government which is pretty fond of announcing that it is changing laws and increasing penalties and other things but actually not delivering. I believe that one of the important features of a parliament must be the capacity not only to pass laws and make speeches but also to ensure that governments are accountable and will actually deliver what they say they are doing. That is why it is very important that this bicameral parliament maintains its powers.

It is significant that we are today celebrating the 150th anniversary of the establishment of a bicameral parliament—a parliament with two houses of equal powers, elected on slightly different bases—and it is interesting that we are today having this debate in the context of a government which has announced that it proposes to neutralise—or perhaps even abolish, if it can possibly get the consent of the community—the Legislative Council. It is a government that is constantly seeking to undermine the Legislative Council, seeking to neuter it, and to reduce opportunities for minority voices and interests to be heard in our community. I am delighted to hear a number of members of this chamber deprecating the government's attempts, and also indicating that those members will be, as I am sure my Liberal colleagues will be, steadfastly opposed to this objective of the government.

Members interjecting:

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

The Hon. R.D. LAWSON: The Hons Sandra Kanck and Mark Parnell made comments about the aspirations of Aboriginal people to be represented in this parliament. That is an aspiration I certainly share, and I would dearly like to see Aboriginal people elected to this parliament—as they have been elected in other parliaments. The Liberal Party is proud that Neville Bonner was elected as the first Aboriginal senator on a Liberal ticket from Queensland; Senator Aiden Ridgeway from the Australian Democrats was a fine representative in the federal parliament and the Northern Territory parliament; and also in the Western Australian parliament there are Aboriginal representatives.

Personally, I do not favour reserved seats for Aboriginal people or people with disabilities or people from multicultural backgrounds, or any other form of special representation of that kind, but I would urge all parties to ensure that in a democratically elected council such as this there are opportunities for more minority representation—not special representation but, rather, people to be elected by the whole of this state based on merit. This is an occasion to look to the future. We are here as the inheritors of a great tradition, part of which was forged 150 years ago. We owe it to all South

Australians to ensure that we of this generation pass onto the next generation a system of government which is in good shape and which represents their interests.

Finally, I commend the parliament for its open day and the committee that examined the manner in which the 150th anniversary would be celebrated. A conference was recently held by the History Trust of South Australia on the State Electoral Commission. Unfortunately, it was held at a time when the other house was sitting so not many members of parliament were present at that conference. Frankly, I do not believe we have given sufficient attention to publicising the 150th anniversary of this parliament. I do not think it is sufficiently known in the wider community. It is great that over 2 000 people visited this place on the open day, and it is great that members and staff were here to entertain them.

I think it is a pity that the opportunity has not been taken (as has been taken in other parliaments) to commission a new scholarly history of the parliament of South Australia. There are a number of publications in this state, one of which is Gordon Coombs' *100 years of Responsible Government in South Australia*. It is not a document which is at all readable. It is a catalogue of events which has no scholarly oversight or input. I have mentioned Professor Peter Howell and the *Flinders History of South Australia* and some works by Professor Dean Jaensch, but I believe the time has come for us to have not merely an update of Gordon Coombs' book of 100 years but, rather, a properly funded and produced scholarly history of our parliament. I think the state of South Australia deserves such a publication. Too little is published for the benefit of students and others who should know about our great traditions.

The PRESIDENT: I take this opportunity to thank staff who volunteered their time on Sunday for the open day—which was a great success. Some 2 300 people visited and most of them were very impressed. Also, I thank the Clerk and her staff in the Legislative Council for today. I also give a special thanks to the catering staff for the wonderful job they did today; I thought the menu was very well prepared. I also thank the library staff who have had a lot of input in the past few days. On behalf of all Legislative Council members I thank those staff.

Motion carried.

LEGISLATIVE COUNCIL, STATISTICAL RECORD

The PRESIDENT: I lay on the table the statistical record of the Legislative Council 1836 to 2007. I advise the council that the record is the result of many months of work over several years by Ms Noelene Ryan and Ms Margaret Hodgins and they should be commended on their remarkable achievement. All members of the parliament will now be issued with a commemorative copy to mark the 150th anniversary of responsible government in South Australia.

Ordered that report be printed.

FERRIS, SENATOR J.M., DEATH

The Hon. P. HOLLOWAY (Minister for Police): I move:

That the Legislative Council expresses its deep regret at the recent death of Senator Jeannie Ferris and places on record its appreciation of her distinguished public service and, as a mark of respect to her memory, the sitting of the council be suspended until the ringing of the bells.

Early this month we were saddened to hear of the untimely death of Senator Jeannie Ferris. As a South Australian senator of more than 10 years standing, Jeannie Ferris served her state with great energy and distinction. I met Jeannie on several occasions, one being in Canberra to celebrate the 25th anniversary of the National Farmers Federation—an organisation for which she had worked previously. On all the occasions I had the good fortune to meet Jeannie I found her to be a very friendly and compassionate person, particularly about topics close to her heart. Jeannie's hard work, fairness, openness and ability to laugh earned her tremendous respect right across the political spectrum. In recent times she demonstrated extraordinary courage, resilience and determination in her fight against cancer—a fight that left a legacy in the form of increased federal government support for the combating of gynaecological disease. Jeannie passed away in Canberra on 2 April 2007.

Jeannie Margaret Ferris was born in Auckland, New Zealand, on 14 March 1941. After arriving in Australia in 1963 she was employed as a journalist in Sydney, Melbourne, Perth, Canberra and Yass. She worked for organisations such as *The Canberra Times*, the ABC, the CSIRO and the National Farmers Federation, the latter during the federation's heyday of the 1980s. She also earned a graduate diploma in agribusiness from Monash University. Jeannie had a passion for politics, becoming involved in the Liberal Party and working for a number of state and federal parliamentarians. These included the former defence minister, Ian McLachlan; the former leader of the opposition and minister for agriculture, Dale Baker; the former minister for the arts, Diana Laidlaw; and the former minister and premier and member for Frome, Rob Kerin. She was also a friend of a former minister and Liberal leader in this council, Ren DeGaris, who passed away earlier this year and who was honoured in a condolence motion on 7 February.

Jeannie was pre-selected as a senate candidate for the Liberal Party in 1995, occupying the No. 3 spot on the party's ticket. She entered the Senate in mid-1996, after the election of the Howard government, beginning an outstanding decade-long career as a politician. The new Senator Ferris made a memorable maiden speech in the Senate on 9 October 1996 that focused on the history and great strengths of her adopted state, and hinted at the issues that concerned her and that would exercise her mind as a senator. She was a great supporter of rural South Australia and of rural South Australian families. In her maiden speech she paid tribute to country families, saying, 'We in the cities continue to enjoy the benefits that flow from their bountiful harvests and offer them support when the elements do not.'

I am told of the long hours Jeannie spent in her time as an employer with SAFF and the NFF and as chief of staff to an agriculture minister developing measures to assist farmers and their families in times of hardship. I understand that, in developing the case for the very successful Eyre Peninsula regional strategy, Jeannie, along with the Hon. Caroline Schaefer who chaired that task force, spent many hours in a light aircraft flying to Charleville in Queensland in order to see what south-west Queensland was doing to assist its growers, such as Jeannie's commitment to getting the right result.

Jeannie also addressed in her maiden speech the importance of mining to the development of the state, especially South Australia's huge stores of oil and gas, our precious opals and the reserves of copper, silver, gold and uranium at Olympic Dam. She also touched on our state's wine industry,

our manufacturing exports and our food producers. Jeannie threw herself into the job of representing South Australia in the Senate with her usual enthusiasm, and she served on a wide range of Senate committees, including those dealing with employment, education and training, rural and regional affairs, information technology and the National Crime Authority. She became deputy government whip in the Senate in November 2001 and held the position of whip from August 2002 until her death. Among her Senate colleagues Jeannie was greatly respected across the political spectrum and she was well known for her keen sense of humour.

Jeannie was also acknowledged for her passionate interest in women's health, an issue that would become of great personal concern to her. In October 2002 she told a Senate inquiry into the support and resources available to those suffering from gynaecological cancers that she herself had undergone surgery for ovarian cancer one year previously. Jeannie sought to change the way Australia saw and dealt with gynaecological cancers and to improve the quality of diagnosis and ongoing treatment. Jeannie's work in the Senate inquiry had a major impact on the inquiry's findings and 34 recommendations, leading to the federal government providing \$1 million in seed funding for a new centre for gynaecological cancers. Senator Ferris described the establishment of the centre as 'one of the highlights of my time in the Senate'.

Jeannie Ferris was an outstanding parliamentarian. Though she took her job very seriously, she had the endearing quality of not taking herself too seriously. With integrity, compassion, energy and a capacity for hard work and with a wisdom and level of insight derived from a richly lived life, she did valuable and admirable things for both her state and her nation. On behalf of all Labor members in the council I extend my condolences to the family and friends of Jeannie Ferris, especially to her sons Robbie and Jeremy.

The Hon. D.W. RIDGWAY (Leader of the Opposition): I rise to support the condolence motion for our good friend and former senator, the Hon. Jeannie Ferris. Jeannie was born in Auckland, New Zealand, on 14 March 1941. Her path to politics began as a journalist in New Zealand with the *Rotorua Daily Post*. She emigrated to Australia in 1963 with her boyfriend, Bob Ferris, to study agribusiness in Australia. Bob and Jeannie married in 1964 and settled in Canberra in 1967. She moved to the ABC and worked in the parliamentary press gallery. Her then colleagues have since commented that, at this time when women were relatively unheard of in journalism, Jeannie Ferris became very prominent. Throughout the 1970s and 1980s she lived in the Yass district and was the editor of the *Yass Tribune*. She then became the CSIRO's director of public affairs and was head hunted for the National Farmers Federation, where she served as director of public relations.

In the 1990s Jeannie Ferris worked as a journalist and political adviser to a Liberal minister, Ian McLaughlan, who described her as a 'wordsmith'. In her interview, when he was president of the National Farmers Federation, she claimed that he needed a smart journalist like her to soften his right wing views for public consumption. She later became chief of staff to Dale Baker, the then primary industries minister in South Australia.

At a couple of the memorial services that were held for Jeannie, Ian McLaughlan was speaking about her preselection and rise to the Senate. A number of people were discussing a Senate candidacy and her name was suggested. The view

was that if she could keep Dale Baker in line she would make a very fine senator. As Ian said at a particular memorial service, it was not long after she left Dale Baker's employment that Dale did get into some difficulties.

She was elected to the Senate on 2 March 1996, at age 55. As I get older, that really is not very old at all any more, not like it was perhaps a decade or two ago, when I was younger. Jeannie took her place on 1 July but, as members would know, there was some confusion about whether or not she had been working since the election for Senator Minchin, and so she had to resign, but 12 days later she filled the vacancy which her own resignation had opened up. One of her colleagues, the communications minister, Helen Coonan, described Senator Ferris as bringing goodwill and humour to her role, and as a mentor for rookie senators and staff.

As the Leader of the Government said, she was appointed as the government whip on 22 August 2002 and served in that position for four years. Throughout her parliamentary career Senator Ferris served on many Senate committees. Her wide range of interests highlighted her experience with rural and regional issues, and in the media. She had a particular interest in rural and regional South Australia and was a longstanding member of the Liberal Party's Rural and Regional Council. In particular, in times of adverse rural economic times, whether through drought or commodity prices, she had a particular concern and passion for the wellbeing of rural women in South Australia, and rural women generally in Australia.

Jeannie was diagnosed with ovarian cancer in October 2005. She underwent treatment in 2006 and, one week after her final chemotherapy session, she accompanied Mark Vaile on a mission to Baghdad to rescue Australia's wheat exports. I think we can all remember the amazing scenes on television of Jeannie flying with Mark Vaile to Baghdad. She returned to parliament and to her work, determined to beat the illness. She started campaigns on a number of issues, in particular gynaecological cancer. She also pushed for vaccinations against cervical cancer, which needed to be fast-tracked, and the health minister, Tony Abbott, launched that in Adelaide (untimely as it was) the day after her death.

She formed a parliamentary inquiry into gynaecological cancers with the Australian Democrat, Senator Lyn Allison. The inquiry produced 34 recommendations in the form of the report *Breaking the Silence*. Establishing a national centre for gynaecological cancers was one of these recommendations. All 34 recommendations were adopted in February of this year. One week before Jeannie's death the government committed \$1 million to this initiative, one of her proudest achievements. Jeannie was pivotal in the parliament's vote to overturn legislation banning therapeutic cloning and to permit the use of the drug RU486. Her advocacy for women's health issues has led to an improved policy which will have substantial benefits for many women. Her main plea was that women be more proactive about their own health.

Senator Ferris was vocal in her desire to have a female successor in order that Australia's population, made up of more than 50 per cent of women, have a greater female representation. Her decision to retire from politics was made before her diagnosis, with the hope that someone younger may have a turn. Senator Ferris maintained a modest coverage in the media, being driven by her aspirations and passion for rural and women's issues, rather than stand in the media spotlight herself. Unfortunately, Jeannie passed away in a Canberra hospital on 2 April 2007. She is survived by her two sons, Rob and Jeremy. Rob has described her, I think

very fittingly, as a dynamic, irrepressible representative and champion of all that is fair and just.

The Hon. G.E. GAGO: I also rise to express my sympathy at the passing of Senator Jeannie Ferris on 2 April. As noted by others here, she became a senator in 1996, and the government upper house whip in 2002, after working as a journalist and political adviser. Jeannie accomplished a number of significant achievements during her parliamentary career. I would like to focus in particular on her dedication to women's health and also to reproductive choice. Diagnosed with ovarian cancer in 2005, Mrs Ferris organised a cross-party parliamentary inquiry into the issue in 2006, which led to a report entitled *Breaking the Silence*. The report stressed the importance of increased research and awareness into gynaecological cancers. Mrs Ferris was quite open about her own experiences with cancer, encouraging Australian women to be vigilant when it came to their health. As noted by my colleague, only a few weeks before her death the federal government announced a \$1 million grant to establish a national centre for ovarian, cervical and other gynaecological cancers, and that was one of the key recommendations in the *Breaking the Silence* report.

I want to acknowledge that Mrs Ferris will also be remembered for the role she played to ensure that the legislation relating to RU486 was passed. A committed supporter of women's reproductive rights, Mrs Ferris assisted the four senators who cross-sponsored this significant bill. The importance of the removal of ministerial veto power around RU486 cannot be underestimated. The passing of the bill was a great victory for all Australian women. Federal *Hansard*, on International Women's Day 2005, records Mrs Ferris's account of taking a friend to an illegal abortionist in the 1960s, as follows:

We found ourselves, one wet Friday night, a couple of hours out of town, where the local pharmacist had agreed to help in the less than salubrious back room of his shop. For this service he wanted more in cash than each of us earned in a month. I can still remember that old man and his dingy back room. After a couple of minutes my flatmate decided it was an unsafe choice which she was not prepared to take. My friend then found herself making a series of other less palatable choices, disappearing to the shame of a cold hospital basement where this talented young woman washed laundry until the child was born and adopted. Australia must never return to those shameful days. Our women must always have the choice to make an informed choice with their medical adviser, their families, their partner, their support, whoever they choose, and they must be free to make that choice without coercion and without compulsion.

Mrs Ferris's dedication to women's issues, in particular reproductive choice, is apparent from her International Women's Day speech. She used the day to highlight the importance of safe and legally informed choices for Australian women. She also supported stem cell research, transparency in advertising by pregnancy counselling services, and government funding for the new cervical cancer vaccine. The women in federal parliament, and certainly Mrs Ferris, have made significant gains for women across party lines. I hope that the focus on reproductive rights and health issues continues at both federal and state levels and also that committed women continue to make their choices heard in parliaments. I would, once again, like to express my deep sympathy to Mrs Ferris's family, friends and staff.

The Hon. A.M. BRESSINGTON: I rise to support the condolence motion for Senator Jeannie Ferris. I can probably shed another aspect on her life that some may or may not be familiar with in this place. Jeannie Ferris was the first to be

appointed chairperson of Drug Beat of South Australia in 1999, and she attended our open day with the Hon. Dean Brown. Jeannie was also instrumental in helping to establish Drug Beat as a residential program and made donations to that particular facility to make sure that it could be kick-started as a residential facility. She provided furniture, air-conditioners and microwave ovens to give us a bit of a start.

Jeannie dedicated a lot of her spare time when she was in Adelaide to come out to Shaye Louise House and sit with those addicted to drugs going through the recovery program. She spent many hours talking with those young people and offering them viable alternatives to a life of drug addiction. In her office in South Australia she employed one of our successful clients for a period of 18 months as a part-time trainee. This gave this young girl (a mother of one) a new direction in life and new hope. She learnt a great number of skills working in Jeannie's office, and it set her life in a totally different direction—and she has asked me to say a sincere thank you today from her as well.

Jeannie had to deal with a number of difficult times in her life. It was my privilege to observe how she coped with hard times and reconciled with those times and continued to move forward in her life in a positive way. Jeannie was there for me when my own daughter died from a heroin addiction. She spent a great deal of time with me, helping me to see the positives that could come out of this. She actually directed me on many occasions just to take a deep breath and continue to take one step forward, which I did, and I am eternally grateful to her for her guidance. She also assisted me to prepare a submission for the inquiry into heroin trials and shooting galleries that the Hon. Martin Hamilton-Smith chaired.

Jeannie was supportive of my views. She certainly helped me to recognise the flaws in our current drug policy and pointed me in the direction of people like Dr John Herron, who had been to Switzerland and seen the results of those trials himself and was not in favour of that action for Australia. She also pointed out flaws in legislation of which I was unaware as a grassroots worker. Jeannie was instrumental in working behind the scenes, I believe, in securing state funding for our program through the Hon. Dean Brown and also at a federal level. When Drug Beat received funding from the federal government for its family program, I know that Jeannie was working behind the scenes to secure that, as she had done for many years.

I regret that I did not appreciate the extent of her illness and missed probably three opportunities to have lunch with her when she was in South Australia after my election to this place. I express my absolute and sincere condolences to her two sons. She was a dedicated mother. She was an example to me of how to balance family and working life. I do not know many people who have done it as successfully as Jeannie Ferris. I offer my condolences to her family.

The Hon. J.S.L. DAWKINS: I rise briefly to support the motion. I knew Senator Jeannie Ferris for many years; indeed, I briefly worked with her when we were both on the staff of Senator Nick Minchin, as alluded to by my leader earlier. Obviously, I am also aware of the work she did with the National Farmers Federation when on the staff of the Hon. Ian McLachlan, the Hon. Dale Baker and the Hon. Rob Kerin. I also remember being in a discussion when her name was first mentioned as a possible Liberal candidate for the Senate. Of course, she was well regarded for her work with a wide range of rural industries and communities.

I admired her strength as she struggled with ovarian cancer and noted her work towards advancing the awareness and treatment of that form of cancer. Indeed, when I was travelling in the country one day, I heard her speech in the Senate noting the report of the Senate inquiry into gynaecological cancers (which was referred to earlier) of which she was one of the prime movers. I support the motion.

The Hon. J.M.A. LENSINK: I rise with sadness to support this motion. Jeannie Ferris had a distinguished career in journalism, public relations and also as an adviser and chief of staff to many ministers at both state and federal level. Drawing from her experience in those areas before she went into the Senate in 1996, she lent her expertise to advancing the cause of rural welfare, primary producers' concerns and agribusiness. She was described by the Prime Minister as 'a feisty lady'. Indeed, fairly recently I was discussing Jeannie's passing with a party member who comes from the Barossa, and she recounted the same anecdote referred to by our leader when she went to work for the National Farmers Federation in a public relations position. I am told that she was interviewed by Ian McLachlan, who is a formidable character and who could intimidate some if he tried. When he was talking about the job description and what was required of the position, Jeannie said, 'Now, let me tell you what you need.' So, she was never backward in coming forward in expressing her views, and for that we should all be thankful.

Following the diagnosis of ovarian cancer in 2005, she became much more active in advocating for women's issues, particularly in relation to reproductive health and family planning. One of her pleas was that both men and women should challenge their doctor, which is something we should all adhere to. She felt there was something wrong, and it was through her own persistence that she was diagnosed. She fought very hard against the disease, and a number of us thought that she had beaten it. In her parliamentary career following her diagnosis, she pursued a number of issues, which other people have also outlined. She joined with a number of female senators from other parties to ensure that things female politicians believed in were brought to the fore and their passage ensured. That can sometimes be a difficult thing to do, but I think she was absolutely determined to get those things through.

It is quite well documented that Jeannie was very keen on ensuring that she would be replaced by a female representative on the Liberal Party Senate ticket. I endorse her comments that we in the Liberal Party—and all parties—need to ensure that we strive to have diverse representation.

The fact that Jeannie went to Baghdad after she had undergone chemotherapy (which, for anyone who has undergone it or knows anyone who has undergone it, is quite a traumatic process on the body) highlights the fact that she was a feisty and very determined lady to undertake something that was probably very physically demanding while she was probably feeling quite unwell, or not as well as she should have been.

The reaction of a number of non-Liberal female politicians has been overwhelming. I think they are going to genuinely miss Jeannie Ferris. She passed away too young. However, because of her actions, she leaves a legacy for future generations in preventing some of the disease for which she was an advocate. I also add my condolences to her friends and family.

The Hon. T.J. STEPHENS: I rise to speak to this condolence motion for Senator Jeannie Ferris, who was a great senator and a good friend to many of us. I very much appreciated the contributions of both the leaders and other members; their obvious sincerity is quite touching and very respectful.

I was fortunate to attend the service for Senator Ferris in the Great Hall of federal parliament, along with the Hon. Ann Bressington and the Hon. Caroline Schaefer, both of whom were good friends of Senator Ferris. The Prime Minister made a tremendous speech under difficult circumstances, paying tribute to obviously a good friend and colleague and, in his own words, a truly great Australian. The respect shown by members of parliament of all political persuasions was very much appreciated by Senator Ferris' family and friends.

Senator Ferris was a true friend of the people of rural and regional Australia, and in particular rural and regional South Australia. Her understanding of the key issues affecting their lives meant that they always had a champion in their corner. It is true to say that Jeannie was no shrinking violet. She was a very straightforward lady, who was very direct and who would leave you with no illusions as to how she viewed any particular situation. She certainly did not suffer fools lightly. I pass on my condolences to family and friends and to her work colleagues. She was a great mother, a great senator, a great Liberal, a great friend and, indeed, a great Australian. Rest in peace Jeannie.

The Hon. R.D. LAWSON: I wish to make a brief reference to another aspect of Jeannie Ferris' life. Jeannie was president of the Bennelong Society, an organisation established to promote debate and analysis of Aboriginal policy in Australia, both contemporary and historical, to inquire into the causes of the present appalling plight of many contemporary Aboriginal people, to seek to influence public opinion so that the prospects for amelioration of the condition of Aboriginal people is improved, and other matters. Jeannie was a great supporter of the Bennelong Society.

She took over the presidency of that society from a former federal minister of Aboriginal affairs, the Hon. John Herron, and held the office with great distinction. She was succeeded by the Hon. Gary Johns, a former Labor federal minister. The Bennelong Society is an active group and Jeannie Ferris was committed to its principles, and dedicated to spreading the message about Aboriginal disadvantage in Australia and proposing ways of improvement. This aspect of her very busy political life has not been much mentioned in recent times but, as a member of the society and one who has participated in its deliberations from time to time, I wish to have this placed on the record. I support all other comments made by my colleagues about the personal qualities of Jeannie Ferris and the great contribution she made to Australian public life.

Motion carried by members standing in their places in silence.

[Sitting suspended from 4.50 to 5.05 p.m.]

PAPERS TABLED

The following papers were laid on the table:
By the Minister for Police (Hon. P. Holloway)—

Architects Board of South Australia—Report 2006
Regulations under the following Acts—
Electricity Act 1996—Installations
Electricity Act 1996—Vegetation Clearance
Evidence Act 1929—Prescribed Courts

Southern State Superannuation Act 1994—Death Insurance
 Statutes Amendment (Public Sector Employment) Act 2006—Awards
 Workers Rehabilitation and Compensation Act 1986—Thoroughbred Riding
 Rule of Court—
 District Court—District Court Act 1991—Search Orders

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

Southern Adelaide Health Service—Report, 2005-06
 Upper South East Dryland Salinity and Flood Management Act 2002—Quarterly Report—1 January 2007—31 March 2007
 Regulations under the following Acts—
 Environment Protection Act 1993—Environment Protection Fund
 Liquor Licensing Act 1997—Dry Areas—
 Bordertown
 Henley Beach
 Millicent
 Murray Bridge
 Native Vegetation Act 1991—Clearance Exemptions
 Natural Resources Management Act 2004—Levy Exemption.

STANDING ORDER 14

The Hon. P. HOLLOWAY (Minister for Police): I seek leave to move a motion without notice concerning the suspension of standing order 14.

Leave granted.

The Hon. P. HOLLOWAY: I move:

That standing order 14 be suspended.

This procedure has been adopted in recent times to allow the consideration of other business before the Address in Reply has been adopted.

Motion carried.

QUESTION TIME

KUDLA-GAWLER URBAN BOUNDARY

The Hon. D.W. RIDGWAY (Leader of the Opposition): I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question about the Kudla-Gawler urban boundary.

Leave granted.

The Hon. D.W. RIDGWAY: A recent meeting of the ERD Committee heard evidence from witnesses in relation to the Kudla-Gawler urban boundary. Witnesses were from local government, the community and Planning SA. Of particular interest to the witnesses was the area of Kudla that was the subject of a ministerial PAR which was initiated on 31 October 2005—4½ months before the last state election—and which was concluded four weeks prior to the election. I remind members that the mayor of Gawler at the time was Tony Piccolo, who is now the member for Light.

One of the issues addressed by the PAR was the review of the minimum allotment size to 0.9 of a hectare for 113 landowners, as clearly defined in a map that was provided to the ERD Committee. Some evidence from the local government representatives states:

However, this part of Kudla was subdivided before that policy had been introduced. It was probably divided in the 1950s before there were planning controls. There was always a mismatch between the pattern of settlement in this locality (being that part of Kudla) and the rural zone elsewhere. The submissions were made that additional

development would no make difference to the character because it is already defined by pattern of development. The council investigated that question.

It found that, in general terms, where people had 10 acres and they lived on 10 acres, they tended to utilise only between half and one hectare around their dwelling. Beyond that, it became difficult to manage for reasons of cost of water and things such as that. It was a footprint of development which was landscaped areas and such like around dwellings of that order. Taking that into account, as well as looking at the services and the average size (which was 1.8 hectares), the balance was struck in terms of advice to council that if there was some additional potential for development 0.9 of a hectare would allow (on average) one allotment to be divided into two, and that the prevailing character of the area would not change as a consequence of that. It was able to offer something that was being looked at by the residents without compromising some of the questions that the wider community has about this area between Munno Para and Gawler. The investigations analysing the pattern of settlement were documented in a report to the council and that formed the basis of the decision the council made and then the basis of the submission to the advisory committee.

Incidentally, the family of the member for Light (Tony Piccolo) has land within that boundary clearly defined in that map provided to the committee, and all this land is in a rural zone. The witnesses raised a number of concerns in relation to the PAR, including inadequate consultation (only landowners within the area on the map detailed above were notified), inconsistent policy across the rural zone in relation to allotment sizes and a lack of infrastructure, especially mains water, where this subdivision was allowed.

One of the Kudla residents went on, 'There is even a letter from the former mayor addressed to Mr Mario Barone at Planning SA pointing out the council has not conducted proper consultation, yet the Gawler council has chosen to take no notice to improve the situation.' The CEO of the Gawler council has also admitted to me as late as three weeks ago that the deal was done by the former mayor jumping through a window of opportunity to further his political aspirations. He points out that there has been no public consultation. My questions to the minister are:

1. Did he as minister have any discussions with mayor Piccolo in relation to this PAR prior to the 2006 state election?
2. Why were only 113 allotments rezoned?
3. Does the state government own any land in this rural zone?
4. Will he conduct an immediate inquiry into the process and consultation?
4. Can he assure the people of South Australia that the former mayor and now member for Light, Tony Piccolo, did not gain any financial or political benefit from his ministerial PAR?

The Hon. P. HOLLOWAY (Minister for Urban Development and Planning): I congratulate the new Leader of the Opposition on his elevation to the position, although it is a rather bad start that his first question should be seeking to malign a member of parliament. He has already asked this question. He asked it some time ago. In relation to the last question, it is my understanding that, yes, Tony Piccolo does have some land in the Kudla area, but the decision made meant that his property would not be affected by that decision. That is my understanding of the position, and that has been made clear on a number of occasions. In relation to this particular PAR, there are some residents of Kudla who would like the whole area as greenbelt. It is government policy to have a greenbelt in relation to the area south of Gawler. Some residents there would like the area subdivided. This government has a plan as part of its planning strategy to

support transit oriented development, which includes a reasonable density around transport features.

As the leader himself said, it was Gawler council that initiated this particular plan amendment report, but the member for Light was not the mayor and was not involved with the council at the time that report was finalised. I checked with the then current council that it was its view before I supported the report that came from the council. It said there was a new council that supported this going forward, and I was certainly informed that it was its view to support this particular PAR. That was done, but the Leader of the Opposition has already made the accusation previously in this place. I invited him to go outside and make that accusation.

It appears that these residents have made this allegation through the ERD Committee, which I suppose will go on the record. Now that he has raised the matter I will certainly ask the member for Light to place the information on the record, which should finally clarify it, but any suggestion that he had a conflict of interest or at least benefited in some way from this decision is entirely incorrect. He did not have a position on Gawler council when the PAR was finally approved. It was supported by the new council at the time, and it is my understanding that his property is such a size that it would not be affected, and I am happy to have that confirmed.

The Hon. D.W. RIDGWAY: By way of a supplementary question, why were only 113 allotments considered in that PAR?

The Hon. P. HOLLOWAY: That was first what the council put up. It would not have been supported by Planning SA if the subdivision had been of such a size that it would have put undue pressure on the infrastructure—the electricity, water, drainage and so on—within the area. It makes sense to have a higher density near that railway station, but in broader policy terms it is government policy that the area between Gawler and Munno Para should remain a greenbelt so that Gawler is not absorbed into the metropolitan area. It also makes sense, where it is possible to do so, to increase urban density around transport facilities such as railway stations.

The Hon. D.W. RIDGWAY: By way of supplementary question, will the land owned by the Land Management Corporation in the rural zone not be subject to any development?

The Hon. P. Holloway: What particular land is the leader referring to?

The Hon. D.W. RIDGWAY: By way of supplementary question, I asked whether any land was owned by the government in that area. There is land; is it to be subject to development in relation to transport orientated development?

The Hon. P. HOLLOWAY: The Land Management Corporation comes under the control of my colleague the Minister for Infrastructure, but it has the purpose of holding land to make it available. Many people in this community, supporters of the Leader of the Opposition, are saying that the government should be releasing a lot more land through the LMC, but that is a matter for my colleague, and I will refer the question to him. It is not a consideration of urban development planning what the LMC might do with its holdings, but we all know why the LMC buys land.

MENTAL HEALTH FUNDING

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

Leave granted.

The Hon. J.M.A. LENSINK: On 11 January the Mental Health Coalition of South Australia issued a press release entitled 'Mental health peak body pleads for urgent action', in which the Executive Director, Geoff Harris, says:

A serious ongoing financial commitment to non-government providers of support services for mental health patients is desperately needed to balance the system and to relieve the crippling load on the acute care end.

The day after the release of the Cappo report on 21 February this year Jonathan Phillips, the former director of mental health in South Australia, stated:

It is imperative to get the rest of the money, and particularly out there to the NGOs or we will not have the building blocks in place, a bit like a jigsaw with pieces missing—it will never look proper.

In the latest edition of *SACOSS News*, a bi-monthly publication, the editorial states, under the title 'Reform of the mental health sector', in relation to the Cappo report:

... what it does not do is cost the plan or deal in any meaningful way with the complications or implementation challenges of such reform.

Further, it says:

... the plan, if executed poorly will only serve to rearrange the deck chairs, rename acute beds to be called intermediate beds, talk up intervention and fail to deliver.

In relation to the issue of support for non-government services, the last couple of paragraphs state in relation to the \$43.6 million investment:

... does nothing to ensure the sustainability of non-government community based mental health services. The non-government community mental health sector plays a vital role in supporting people in the community and is perhaps the most critical link in transferring the focus from crisis care to preventative and early intervention care.

Well, we are told that we should wait until the state budget is released on June 7th. We are told the relevant ministers and senior bureaucrats are doing everything they can and the final decision will be in the number crunching of what the government thinks it can afford.

It then goes on to ask a couple of rhetorical questions, as follows:

Will the funding required for the full implementation of the plan be forthcoming? Will the community based supports get over the line? Substantial recurrent funding must be guaranteed to ensure that the sector—

that is, the non-government sector—

a core component of a recovery-oriented mental health system in South Australia, can properly contribute to the reform process.

My questions are:

1. Has the minister read these comments?
2. Has she been approached by SACOSS or any non-government organisation and, if so, what is her response to them?

The Hon. G.E. GAGO (Minister for Mental Health and Substance Abuse): I thank the honourable member for her important questions. I also congratulate her on her elevation in terms of her promotion to deputy leader and also with the increased responsibilities of environment, along with mental health and substance abuse. It gives me great pleasure to answer this question because it does, in fact, point to the enormous amount of work that the Rann Labor government

has been doing to reform the mental health system; a system which was left in absolute chaos. It was left very poorly degraded and had been in a very poor state for a long period of time.

This government has spent a number of years putting together strategies to ensure a complete overhaul and reform of our mental health system. Recently the Social Inclusion Board handed down its report 'Stepping Up: a Social Inclusion Action Plan for Mental Health Reform 2007 to 2012'. It made 41 recommendations, all of which the government has agreed to in principle. Already it has signed off on 33 of those 41 recommendations.

The system involves implementing a stepped system of care, with mental health teams at the centre and other community health services tackling the crisis of acute psychosis by targeting a response to 800 chronically ill and complex needs people, and aligning the South Australian mental health system nationally and, as reported in this place before, redeveloping the Glenside campus as a centre of specialist mental health services. Some of the things within our reform agenda include funding for an increase in 24-hour supported accommodation, community rehabilitation centres, intermediate care beds and also secure beds. I have talked about the step design, so that people are able to step up to services as they become more ill and need them, and step down as they recover.

What the state government has already committed to in terms of cold, hard cash up-front is a \$43.6 million funding package; a funding package that involves \$18.2 million for 90 new intermediate care beds; \$20.46 million for the 73 extra 24-hour supported accommodation; \$1.8 million for transition funding; \$1.6 million for eight new mental health nurse practitioner positions across regional areas; and, of course, \$1.47 million for 800 complex chronic needs clients. These services clearly help take the pressure off not only our acute services, our acute beds (which we find are currently bottlenecked and backlogged) but it will also help to prevent people from relapsing and becoming ill and requiring services. These services will, in effect, not only take pressure off our acute end but they will take pressure off the less complex end—our community services—as well.

In terms of NGO funding, this government demonstrated its commitment in the last funding round, with one-off funding of \$25 million for a wide range of comprehensive services. I have reported in this place, in terms of future funding for NGOs and, for that matter, any other services, that we are currently in the bilateral budget round. As the honourable member knows, we will not be discussing the details of those negotiations and those bids until the budget is announced in June.

The Hon. J.M.A. LENSINK: Will the minister advise whether any organisations have made representations to her on this issue and, if so, which ones?

The Hon. G.E. GAGO: I believe that none have approached me personally on problems in terms of recurrent funding specifically. I believe some have engaged in discussions with the agency. My advice to those people has been, in relation to any demands on their services and future funding, to submit all information and any other matters that they would like us to consider and that those matters will be considered in future budget rounds.

I meet regularly with a wide range of organisations. Some of those organisations may have mentioned these matters in general delegations; I cannot remember specifically but, as

I said, I am quite confident that my agency would be in discussions with at least some of these agencies, and they have been invited to present all matters and materials that they want us to consider for future service arrangements.

PUBLIC TRUSTEE

The Hon. P. HOLLOWAY (Minister for Police): I lay on the table a copy of a ministerial statement relating to the Public Trustee made on Tuesday 24 April in another place by the Attorney-General (Hon. M. Atkinson).

PEDESTRIAN SAFETY

The Hon. S.G. WADE: I seek leave to make a brief explanation before asking the Minister for Road Safety a question relating to pedestrian safety during this United Nations Global Road Safety Week.

Leave granted.

The Hon. S.G. WADE: On Monday last week an elderly pedestrian was killed after being hit by a car in Modbury, bringing the number of pedestrian fatalities so far this year to eight—a very high number when compared with the nine pedestrian fatalities for the whole of 2005 and 12 in 2006. Statistics released last year show that two of the state's top three locations for pedestrian casualties between 2001 and 2003 were in the Adelaide CBD; namely, King William Street and North Terrace. With the tram line being extended down both of these already high risk streets—streets through the busiest section of the CBD—there will be an increased risk to pedestrians as they get on and off the trams and attempt to navigate their way across the roads. My questions to the minister are:

1. What studies have been done to assess the increased risk to pedestrians within the already high risk pedestrian precincts on which the trams will travel?

2. What measures will be taken in the CBD to minimise risk to pedestrians as the tram line is extended, particularly to ensure access for people with a disability?

The Hon. CARMEL ZOLLO (Minister for Road Safety): I place on record my congratulations to the Hon. Mr Wade for his elevation as a spokesperson in my portfolios. I am sure he will find them both interesting and varied. In particular in relation to road safety, where we did not have a spokesperson for that area from the opposition, I am pleased that we now do. I do see road safety as not a party political portfolio, if you wish. It is policy driven and I am sure that I am joined by everybody in this chamber in aspiring to reach our target of seeing fewer than 90 deaths by the end of 2010 and fewer than 1000 serious injuries by that same date.

The honourable member mentioned that we have had, unfortunately, far too many pedestrian deaths this year, and that is correct, in particular when compared to the same time last year. From memory, the reasons why they have occurred have been varied and they have not been at any one particular place. So, to say that there is one particular reason why they have occurred would be wrong of me. Generally for pedestrians, clearly we have a taskforce that sits under the Road Safety Advisory Council, and it advises the government in relation to pedestrians and cycling. What I say—and I am sure that everybody would agree with—is that pedestrians are, of course, vulnerable, and particularly the young and the elderly. We do ask people to remember that they are vulnerable. The most important thing to remember is: if there is a

pedestrian crossing or some other form of assistance in the road, use it.

The honourable member talked about the tram line. Cross at the lights—it is as simple as that. You need to cross at the lights. You have to obey the road rules like everybody else. Make sure, if you are out at night, that you do wear clothing that drivers and riders can actually see. So, there are some things that we all have to remember. Pedestrians should also remember that, if they are taking prescription medication, their reaction time could be slower and it might be more difficult to work out the time and distance that it takes a car to travel. So, there are some very basic rules that we ask everybody to adhere to. Pedestrians should not cross between cars near a crest or a bend in heavy traffic. But, most important of all, use those facilities that are provided already on our roads, including the lights, the crossings and the islands that are sometimes provided on the roads. They are all there for a very good reason: to ensure that everybody arrives home safely.

ANZAC EVE VIGIL

The Hon. J. GAZZOLA: I ask the Minister for Emergency Services a question about the participation of Emergency Services personnel in the Anzac eve vigil. On the eve of Anzac Day, can the minister outline the involvement of Emergency Services personnel?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for his important question. As the nation prepares to pay tribute to those who made the ultimate sacrifice for their country, a group of fine young South Australians are preparing for a special event which gets underway this evening. Each year the Anzac Eve Youth Vigil brings together the youth of our community in a spirit of remembrance. Held at the State War Memorial on North Terrace and running from 6 pm this evening, on Anzac eve, until 6 am on Anzac morning, the formal 'Holding Ceremony' involves young people between the ages of 13 and 18. Hundreds of young people are expected to take part, representing a variety of service and community groups. Prior to dawn, the youth guard hands over to the Defence Force Catafalque Party and the traditional Dawn Service follows.

The youth vigil has been held since the year 2000, inspired by young people at that time, and I am proud that 10 Country Fire Service and 10 State Emergency Service cadets are taking part. They are, from the CFS: Amy Menagh, Cassie White and Samantha Lee Weeding from the Port Lincoln Brigade; Byron Hornhardt and Damon Smith from Cowell; Brent Davey and Kurt Wright from Kimba; and Bradley McKay, Lynton Rogers and Rachel Mozel from Ceduna. The SES contingent is: Rashelle Krikke and Bronwyn Knott from Northern Districts; and from the Eastern Suburbs unit, Mal Cartland, Nick Jensen, Paul Rowe, Kim Marshall, Danica Mazzeo, David Ryan, Corey Peters and Juntee Zwar-Potts.

Also deserving a special mention is Ella Kenny, winner of the ABC Radio essay competition about sacrifice and remembrance in the modern context. Ella is the daughter of the Kapinnie CFS Brigade Captain, and she has extended family connections with the CFS. Ella will speak about modern day sacrifice within the CFS. I should also make mention that the CFS cadet leaders providing supervision are David Bryant, Sharon Menagh, Ian Davey, June Young and Amanda Urbanski, and the SES cadet leaders providing supervision are David Baker, Elisabeth Krzeminski and Jana Clifford. Tomorrow, Anzac Day, is an important day on our

calendar. I thank these young people from our emergency services and all young South Australians who will take the time to remember those who served and in particular those who died to protect our nation and our way of life.

ROAD TRAFFIC, BLOOD TESTING

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Minister for Road Safety questions about blood testing of those involved in motor vehicle accidents.

Leave granted.

The Hon. NICK XENOPHON: I refer to section 47I of the Road Traffic Act, which mandates the taking of a blood sample from anyone of or above the age of 14 years who suffers injury in an accident and who attends or is admitted to hospital. The section is intended to provide permission for blood to be taken and handed on to police so that it can be tested for the presence of drugs and alcohol. The section provides offences for a failure to submit to the taking of a sample and, later in the schedule to the act, gives direction to the police and hospital staff regarding the procedures to be in place when the blood is taken in terms of labelling, quantities of blood to be taken and the issuing of information about the sample to police and the person whose sample it is. However, it seems there is no provision in the legislation that mandates the testing of blood samples taken, which seems incongruous, given that random testing for drunk driving has been in place since 1 July 2006.

Information I have received indicates a concern that many samples taken pursuant to section 47I have not been tested for drugs, and the suggestion is that there have been some budgetary constraints. Further, recently published research which was conducted by the Royal Adelaide Hospital and which was funded through the National Drug Law Enforcement Research Fund shows that alcohol was found in 22.6 per cent of injured car drivers, cannabis in 17.4 per cent, benzodiazepines in 14.7 per cent, amphetamines in 6.9 per cent, and opiates in 3.3 per cent. It also shows that the use of drugs other than alcohol is associated with an increased incidence of trauma, a greater number of injuries, more severe injuries and longer hospital stays. My questions are:

1. Can the minister confirm whether since 1 July 2006 all blood samples taken pursuant to section 47I have also been tested for the drugs that are the subject of roadside testing and, if not, why not? Is it the case that, if only a proportion of samples is tested, what proportion of blood samples has been tested for drugs?

2. Is it the government's policy that all blood taken pursuant to section 47I of the act is tested for the presence of drugs and/or alcohol in respect of that?

3. Whose responsibility is it to conduct such testing, and what are the protocols for the testing to be undertaken?

The Hon. CARMEL ZOLLO (Minister for Road Safety): Drug driving is one of a number of contributors to road deaths in South Australia. As we all now know, in 2006, 23 per cent of driver and motorcycle rider fatalities tested post-mortem had either THC (which is the active ingredient in cannabis) and/or methamphetamines in their blood at the time of the crash. Of course, these types of drugs have the potential to increase the risk of road crashes. Laboratory testing, driving simulators and on-road testing have shown that these drugs can impair the performance of driving-related tasks. In response to the growing body of evidence about the impact of drugs on road crashes, the government introduced

random roadside drug testing in South Australia on 1 July 2006. As we know, South Australia was only the third jurisdiction in Australia to implement on-road drug testing, although, if my memory serves me correctly, it was the second jurisdiction for random drug testing.

On-road random drug testing is undertaken by SAPOL and involves the collection of oral fluid samples. This is the critical first step in deterring people from driving after having taken drugs. SAPOL has advised me that approximately 8 300 drivers have been tested for drugs as a result of on-road random drug testing, and over 200 of those tests have come back positive and have been sent on to the Forensic Science Centre for confirmation of those results. This testing has been budgeted to cost just over \$170 000 this financial year. The drug driving program was established in a way which also allowed for blood taken from all drivers involved in serious injury and fatal crashes to be tested for prescribed drugs. Those drivers who have taken drugs and driven a motor vehicle and have been involved in a serious injury or fatal crash should feel the full force of the law.

Funding was provided to Forensic Science South Australia for the blood of all seriously injured drivers to be analysed, and this equated at the time to approximately 915 tests per year. I have been advised that only a small number of the total possible serious injury blood samples have been tested to date. However, my advice is that all drivers involved in a crash that is investigated by SAPOL's Major Crash Investigation Section have been tested for the presence of drugs. The Major Crash Investigation Section investigates most fatal crashes and only complex serious injury crashes.

Advice has been sought from SAPOL regarding the process that is in place with the Department of Health and the Attorney-General's Department to ensure that they are gathering evidence about drug use in serious injury or fatal crashes. A meeting has been arranged this week between the Department for Transport, Energy and Infrastructure, SAPOL, Health and the Attorney-General's Department to identify and implement any necessary changes to ensure that the blood samples of all drivers involved in a serious injury or fatal crash are tested. I should make the point that during a trial is clearly the best time to make sure that any changes are made if, indeed, they are required.

I am expecting advice by early next week, including whether the blood samples are still available for testing. Preliminary advice (and I stress that it is preliminary) is that they are available. SAPOL's top priority must be the identification of those drivers who have been seriously injured and fatalities. The government has funded drug testing of blood samples from these drivers and fatalities and will ensure that this happens.

As I have noted, this government has acted quickly by introducing drug driving legislation and enforcement programs ahead of many other states—and it is good to see the now backbencher, Mr Lucas, finally smiling and agreeing with me. We recognised this at the time and drafted into the legislation a review of the drug driving program within three months of the end of its first year of operation. This review will assess the effectiveness of the initiative and the need for any legislative changes and will be tabled in parliament.

The Hon. NICK XENOPHON: I have a supplementary question. Can the minister confirm whether all blood samples taken pursuant to section 47I of the Road Traffic Act will be the subject of testing for drugs and alcohol?

The Hon. CARMEL ZOLLO: I am not sure whether or not the Hon. Nick Xenophon was listening, but I said that at this time I have been advised that only a small number of the possible serious injury blood samples have been tested. I have also been advised that all drivers involved in a crash that is investigated by SAPOL's major crash investigation section have been tested for the presence of drugs, and I have explained that the major crash investigation section investigates most fatality crashes and only complex serious injury crashes. Given the allegations that have been made, I have already stated that a meeting will be held (later this week, I think) between all the agencies involved. After that I will receive further advice, including whether any blood samples that can be tested are still available for testing. However, my preliminary advice at this time is that they can be, because they have been funded.

The Hon. NICK XENOPHON: I have a further supplementary question. Can the minister bring back to the council how many blood samples, pursuant to section 47I, have been taken since 1 July 2006 and how many of those have been tested for drugs?

The Hon. CARMEL ZOLLO: When I receive that advice I will bring it back to the council.

QUESTIONS ON NOTICE

The Hon. R.I. LUCAS: I seek leave to make a brief explanation before asking the Leader of the Government a question about questions on notice.

Leave granted.

The Hon. R.I. LUCAS: I am advised that almost 700 questions on notice asked by members of the Legislative Council remained unanswered at the time of prorogation of the parliament; some have been unanswered for a period of up to five years. The government's position on previous occasions has been that members must resubmit their questions on notice and go through a process that is quite laborious for table and other staff of the Legislative Council. I am advised that the Legislative Council no longer produces a hard copy of all the unanswered questions (I suspect, in part, because of the sheer quantity of those questions); nevertheless, they remain on the parliamentary intranet. I am also advised that evidently some ministerial officers have indicated that they are treating them as valid questions on notice and are still preparing replies to some of those questions.

My question to the Leader of the Government is: what is the government's formal position in relation to those questions on notice? Will he refuse to have those questions answered by his office, and do ministers thereby require members to resubmit those questions and again have them formally placed on notice?

The Hon. P. HOLLOWAY (Minister for Police): First, let me say that placing questions on a *Notice Paper* is far less laborious than the task of the officers of the Public Service, who have to spend hours providing answers for them.

An honourable member interjecting:

The Hon. P. HOLLOWAY: Well, under this government additional staff members have been provided to members of parliament and there is an unprecedented number of questions being asked. At the last election the member who asked this question, the then shadow treasurer, promised to cut the number of public servants by 4 000; at the same time the implication of the question is that this government should

employ hundreds of extra public servants to provide answers to the questions on notice. I do not accept that there are as many unanswered questions as the honourable member suggests, because some of them actually have been answered or did not require any further answer. However, given that the questions on notice have already been drafted in printed form, if members wish to put them back on the *Notice Paper* it is very easy to do so. In many cases some of the answers will already be under preparation. As was obvious earlier today in relation to questions on notice, we have provided answers to some of those asked and, where we can reasonably do so, we will continue that practice.

The Hon. R.I. LUCAS: I have a supplementary question. For the benefit of members, can the minister clarify exactly what is his answer? Does he require members to resubmit those questions for them to be considered as questions on notice by ministerial officers?

The Hon. P. HOLLOWAY: As I said, I think it is good practice that, if members wish to have those questions answered, they put them back on the *Notice Paper*, because I do not accept that it is a particularly laborious exercise to do so. As I said, it is far more laborious—

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

The Hon. P. HOLLOWAY: It is not particularly inconvenient; what is inconvenient is the fact that we need dozens of public servants answering all sorts of questions.

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

The Hon. P. HOLLOWAY: Well, we know how much they do. There are still plenty of questions which go back to the eight years when the former leader of the opposition was in government and which we did not get answered. Far more questions have been asked than during the term of the previous government. For a start, this government allows more questions. We sit more often. During the five years of this government we have sat far more often. There have been many more hours of question time than in the five years of the previous government. So, over that time, dozens and perhaps hundreds more questions would have been asked, and answered, by this government than in the same period during the previous government. Notwithstanding that we have more time, this government has not abused the practice of asking longwinded Dorothy Dix questions, which was the hallmark of previous members. We have a number of new Independents in here. The Hon. Ann Bressington shakes her head but, of course—

The Hon. A.M. Bressington: Dorothy Dixers, please!

The Hon. P. HOLLOWAY: The Hon. Ann Bressington was not present in the previous parliament. If she was she would have seen Legh Davis ask longwinded questions that took five to 10 minutes to ask and then the former treasurer would have taken 10 or 15 minutes to answer them. So sometimes we had as few as half a dozen questions asked during question time. In the five years of this government there have been far more answers given to questions and supplementary questions by opposition members and Independent members than in any previous parliament. Hundreds more answers have been provided than in the equivalent five year government.

As far as the policy is concerned, we will endeavour to answer those questions that have been reasonably asked, but I think it is good practice (and, certainly, I did it when I was in opposition if I wished to get an answer), after prorogation, to put them back on the *Notice Paper*.

PENOLA PULP MILL

The Hon. M. PARNELL: I seek leave to make a very brief explanation before asking the Minister for Urban Development and Planning a question about the Penola pulp mill.

Leave granted.

The Hon. M. PARNELL: Eleven months on from the lodging of the original planning application, controversy continues to surround the building of a pulp mill at Penola. Originally, as members will recall, two mills were proposed by the proponent—one at Penola, and the other across the border at Heywood in Victoria. As predicted by many, the proponents have indicated their preferred approach is to build only one mill, a supersized mill at Penola. Yet, despite the project's size and potential impact on the local community, a proper and transparent community assessment of the project's merits through an environmental impact statement has never been undertaken. In fact, the Minister for Forests has already indicated that the government will bypass normal planning laws and introduce special legislation into parliament to fast-track the revised mill's approval.

Meanwhile, in responding to the news that the Heywood mill would no longer proceed, the Victorian Treasurer, John Brumby, has publicly questioned the honesty and financial viability of the project's proponents, Protavia, stating on ABC Radio:

To be honest, I am not sure what you'd really believe with this company.

He is also reported by Jeremy Roberts in *The Australian* as stating:

I wouldn't be confident about any investment occurring at Penola.

My questions to the minister are:

1. Is he concerned that the Victorian Labor Treasurer has publicly expressed doubts about the honesty and financial viability of the Penola pulp mill's proponents?
2. Now that there is no longer a rush to make Penola the preferred site and the proposal has been so significantly changed to the point where the project is now estimated to cost in the vicinity of \$1.2 billion to \$1.5 billion, will he now insist that a formal environmental impact study be undertaken before granting approval?

The Hon. P. HOLLOWAY (Minister for Urban Development and Planning): In relation to the first question, I can understand why the Victorian government is disappointed that such a major project is located in this state rather than in its state. Its disappointment is perhaps understandable.

In relation to the second question, I make two points. First, this development is being handled by my colleague the Minister for Forests; there is no application before me as Minister for Urban Development and Planning. As has been indicated, if legislation is put before parliament, then the honourable member, along with everyone else here, will have his say, and I would have thought that would provide the highest level of scrutiny for any project to be debated before this parliament. This matter is in the hands of my colleague the Minister for Forests and, if he can provide any more information in relation to it, I will take that part of the question on notice, but, certainly at this stage, there is no proposal before me. I think the announcement has been made that the government will examine legislation and, of course, then everyone here will get their say.

POLICE, REGIONAL STAFFING

The Hon. T.J. STEPHENS: I seek leave to make a brief explanation before asking the Minister for Police a question about regional police staffing.

Leave granted.

The Hon. T.J. STEPHENS: On a number of occasions I have raised the fact that there appears to be a police staffing crisis in regional South Australia. The Provincial Cities Association has recently launched an inquiry to determine the extent of the police staffing crisis in South Australia's regional cities. The CEO of the Port Augusta council, Mr John Stevens, has said publicly that he hopes the study will give some much-needed answers. I wholeheartedly agree with his comments made on radio, where he said:

I believe that the resources that are available to SAPOL, particularly for Port Augusta, the numbers are extremely low and, as much as the government might talk about the fact that they have increased the number of resources, that hasn't happened here, in my view.

My question is: will the minister assure the council that the Commissioner and his officers will give this inquiry full cooperation?

The Hon. P. HOLLOWAY (Minister for Police): The Police Commissioner is responsible for the allocation of resources, and he is responsible to me and I am responsible to this parliament in relation to resources. Neither of us is responsible to local government. In relation to the numbers, the honourable member has asked this question on numerous occasions and I have already informed him how this government is endeavouring to increase numbers.

Again, I make the point that the more that members opposite, the mayor and their friends outside talk about how difficult it is and how hard it is to get police to those locations, it is going to get even harder to attract police to those locations. Port Augusta is a place where it is difficult to attract police officers, but we do not force police officers to go to particular appointments—they apply for postings.

It is becoming a self-fulfilling prophecy. There are one or two locations in this state where from time to time there are vacancies. Police officers move around. They are not tied to a particular place. They apply for promotion—and they are entitled to do that—and they move around the state. From time to time there are vacancies, even in areas that are relatively easy to fill. It was the case in Barmera recently that several officers left at the same time. That does not mean that there is a crisis in policing at Barmera.

It might make a good headline or a good question here, but the fact is that those positions are advertised. At any one time there will be a number of police vacancies around the state. If one looked at the vacancies in city areas one would find exactly the same thing. At any given time there are vacancies in city areas, just as there are in country areas. In most cases these vacancies are filled. If they are not, then SAPOL has the capacity to backfill those positions with temporary officers in order to ensure there is adequate policing. It does not help anyone, particularly in relation to hard-to-fill stations such as Port Augusta, for members opposite to play up the difficulties of getting police officers there. It is self-defeating.

CHILD ABUSE

The Hon. A.M. BRESSINGTON: I seek leave to make a brief explanation before asking questions of the minister representing the Minister for Families and Communities.

Leave granted.

The Hon. A.M. BRESSINGTON: My questions are:

1. Given that there are so many notifications of child abuse and neglect, and children are removed from their parents based on these allegations, will the minister provide figures on how many allegations made between 2000 and 2006 have been referred to police for investigation?

2. How many child sex abuse cases were referred to the sex crimes investigation unit, especially allegations made against parents, between 2000 and 2006?

3. How many alleged cases of abuse and neglect have been brought before the courts between 2000 and 2006?

4. How many of those cases brought before the courts in that period have resulted in convictions against parents for child sex abuse?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I will refer those questions to the Minister for Families and Communities in the other place and bring back a response.

GOVERNMENT CONTRACTS

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Leader of the Government a question about government contracts.

Leave granted.

The Hon. R.D. LAWSON: Members with long memories will recall the promise made by the leader of the Australian Labor Party in the lead-up to the 2002 election: namely, that under Labor there would be no privatisations. Indeed, even those who might have been minded to forget Mr Rann's promise could not do so because he issued a pledge card in which he solemnly repeated his promise that there would be no privatisations. I noticed in *The Advertiser* of 11 April this year that the government is advertising a printing services contract in which it seeks to outsource the following types of work: creative graphic design, desktop publishing, arts and image library, acquisition and management, online proofing and version control; also, offset printing of various kinds and digital printing, including printing, binding and finishing; and warehousing and distribution. The government also seeks contracts for the management of the above categories and services. Successful applicants are to be appointed for two years. My questions are:

1. How does the minister reconcile his leader's solemn and oft-repeated promise that the government would not allow services to be outsourced when significant printing services previously conducted by government are obviously being outsourced?

2. Is this another case of the government promising one thing but abandoning it in the face of expediency?

The Hon. P. HOLLOWAY (Minister for Police): It is very good timing by the honourable member to ask this question within a day or so of the government announcing it is taking back Modbury Hospital into public ownership. I would think that act more than anything else underlines the government's position in relation to the privatisation of major assets. For many years all governments have outsourced work. One could go back to the beginning of this state. It is one thing to privatise a hospital or electricity utilities; it is another thing to outsource particular small services. No-one has ever pretended that all work will be done in-house of government. In the 150 years since this state first had a parliament that sort of service work or work of particular expertise or contract work has been outsourced. It is different

from privatising hospitals and electricity utilities. The government has more than honoured its promise, particularly with the taking back of Modbury Hospital.

TRAINING CENTRES, MAGILL AND CAVAN

The Hon. D.G.E. HOOD: I seek leave to make a brief explanation before asking the Minister for Correctional Services a question about serious allegations of abuse at Magill and Cavan training centres.

Leave granted.

The Hon. D.G.E. HOOD: Today's *Advertiser* has a disturbing article on page 21, which contains serious claims of allegations of abuse at the Magill and Cavan training centres. The allegations include: the supply of heroin and marijuana to some children being detained at the centres; breaking a child's arm, for example; choking one of the detainees; improper supervision on the whole; and a staff member punching one of the children in the mouth. No doubt the minister is concerned about these allegations. My questions are:

1. Has the minister conducted recent investigations or an audit into the condition of detainees at the youth training centre, and have investigations been carried out on these specific matters?

2. Is the minister aware of any other substantiated claims of drugs being smuggled into youth training centres and supplied to children by the staff of those centres?

The Hon. CARMEL ZOLLO (Minister for Correctional Services): I thank the honourable member for his important questions in relation to allegations at both the Magill and Cavan training centres, which are the responsibility of my colleague the Minister for Families and Communities. I will refer those questions to him and bring back a response for the honourable member.

PEDESTRIAN SAFETY

The Hon. J.S.L. DAWKINS: My question is directed to the Minister for Road Safety. Is the minister aware of increasing community concern about pedestrian safety on the corner of Smart and Reservoir Roads at Modbury? Is she also aware of continuing calls for the roundabout on this very busy intersection to be upgraded? What action will she take in relation to this significant pedestrian safety issue, noting the close proximity of the site to both the Modbury Hospital and the Tea Tree Plaza shopping centre?

The Hon. CARMEL ZOLLO (Minister for Road Safety): I thank the honourable member for his important question in relation to pedestrian safety. At this stage I am not certain whether my office has received representation in relation to the particular roundabout or intersection the honourable member refers to, so I will seek advice from the department (DTEI) and bring back a response for the honourable member. We have a cycling and pedestrian safety task force that sits underneath our Road Safety Advisory Council and it does tremendous work in forming policy for pedestrian safety. There is always a concern to us as a government that all road users learn to share the road and respect each other whilst on the road. In relation to those roads and the roundabout the honourable member mentioned, I will seek advice from the department and bring back a response for him.

REPLIES TO QUESTIONS

FIELD RIVER VALLEY

In reply to **Hon. S.G. WADE** (8 February).

The Hon. G.E. GAGO: I have been advised that the audit of SA Water's infrastructure and operations conducted by the Environment Protection Authority (EPA) considered only the pump stations and pumping mains in the Hallett Cove/Field River area as these were responsible for the previous large sewage spills. The audit findings showed none of the reported large sewage spill prior to the December 2006 incident were as a result of tree root blockages in sewer pipes, but, as I previously indicated, they were attributed to a number of pump stations having no back up power or insufficient storage capacity.

The EPA recently prepared in consultation with SA Water, United Water, and the Local Government Association, a draft Code of Practice for Wastewater Overflow management. This code provides guidance and in some cases instruction to assist wastewater system operators to prevent the occurrence of overflows whenever possible, and to minimise the frequency and volume of such overflows. Wastewater system operators will be obliged to comply with this code, once it is implemented. SA Water has established and begun implementing its 'Preliminary Wastewater Overflow Abatement Plan (Wastewater Networks)' in response to the draft code. Part of SA Water's Abatement Plan includes an ongoing Closed Circuit TV project to inspect gravity sewer mains at high risk. EPA is working with SA Water to ensure overflows of all types are reduced in number and severity.

E. COLI OUTBREAK

In reply to **Hon. T.J STEPHENS** (7 February).

The Hon. G.E. GAGO: I refer the honourable member to the Ministerial Statement made on this matter by the Minister for Health on 8 February 2007.

In reply to **Hon. R.I. LUCAS** (7 February).

The Hon. G.E. GAGO: I refer the honourable member to the Ministerial Statement made on this matter by the Minister for Health on 8 February 2007.

SWEDISH DRUG POLICY

In reply to **Hon. A.M. BRESSINGTON** (6 November 2006).

The Hon. G.E. GAGO: I have been advised:

1. A staff member of Drug and Alcohol Services South Australia (Associate Professor Robert Ali) met with a senior official of the National Drug Policy Coordinator (Christina Oguz, Deputy National Coordinator) on 11 October 2002. Mr Bjorn Fries was invited to attend this meeting but was unable to attend. As a result of this meeting, Associate Professor Ali was requested by Christina Oguz of the Office of the National Drug Policy Coordinator to provide specific information on programs operating in South Australia, including our methadone and buprenorphine programs. The information provided to the House on 6 November 2006 was correct.

2. As Mr Keith Evans has not been in contact with Mr Bjorn Fries, there is no documentation to table.

3. I have confidence in the existing system for receiving information and advice from my advisers.

WATERPROOFING ADELAIDE

In reply to **Mr GRIFFITHS** (25 October 2006).

The Hon. G.E. GAGO: I have been advised:

1. To provide a full detailed response on every project initiated by this government since 2002 that fits within the umbrella of the Water Proofing Adelaide strategy would be extremely time consuming, costly and impractical. Some include;

- Enactment of the *Natural Resources Management Act 2004* which provides the framework for an integrated and transparent natural resources management system.
- The Adelaide and Mount Lofty Ranges Natural Resources Management Board, has been established to deliver integrated and transparent management systems to the region.
- On 1 July 2006 it became mandatory in selected areas of South Australia to install a rainwater tank and have it plumbed into the house for new developments (and some extensions or alterations

to existing homes). The new regulatory requirements are called up under the South Australian version of the Building Code of Australia 2006.

- On 1 July 2006 the Government introduced rebates to plumb new or existing rainwater tanks into existing homes. The rebate scheme further builds on the mandatory rainwater tank requirements for new homes.
- An Urban Stormwater Policy for South Australia has been approved and the *Local Government (Stormwater Management) Amendment Bill* has been introduced into Parliament to give effect to the Policy.
- The water resources of the Western Mount Lofty Ranges were prescribed on 20 October 2005. A water allocation plan for the region will now be developed with an expected completion date of December 2008.
- A new water allocation plan is being developed for the underground water resources of the Central Northern Adelaide Plains which has involved a review of groundwater trends (water level, salinity and use). In addition, water balances for the two main aquifers have been completed and a numerical groundwater model is being developed which will be used to define a sustainable groundwater yield for the region.
- The South Australian *Water Efficiency Labelling and Standards Act 2006* came into operation on 17 July 2006. The legislation is complementary to the Australian Government's Water Efficiency Labelling and Standards. The labelling of water efficient products assists purchasers in making better, well informed choices about domestic water using fittings and appliances.
- Funding has been received from the National Water Commission and supplemented by funds from the South Australian Government for urban and treated sewage reuse projects including:
 - Water Proofing the North (Salisbury, Tea Tree Gully and Playford Councils). This project is expected to replace 12.1 gegalitres of drinking water used for urban irrigation and industrial purposes with treated stormwater drawn from the aquifer each year, reducing the region's demand on drinking water supplies by six per cent. Stressed groundwater areas, such as those in the Penrice, Virginia and Waterloo, will be returned to more sustainable levels through the return of five gegalitres a year to local aquifers. In addition, reuse of stormwater will reduce the ocean outfall at the Barker Inlet by 20 gegalitres a year, reducing the amount of pollutants entering our fragile ocean ecosystems by 40 tonnes per year;
 - Metropolitan Adelaide Recycling Project (Grange, Glenelg and Royal Adelaide golf courses). The project will demonstrate the value of water re-use and stormwater recycling through the construction of wetlands. The wetlands will act as filters for urban and polluted stormwater that would otherwise run into the Gulf St Vincent. Stormwater will be diverted to wetlands that will be developed at the Grange, Royal Adelaide and Glenelg golf clubs. This pre-treated water from the wetlands will then be pumped, through bores, back into the underground water supplies beneath Adelaide for use as needed. The reuse project will save 1000 megalitres of water a year by using stormwater to replace water drawn from underground water supplies beneath the city. The Grange Golf Club wetland reuse project was launched on Friday 2 February 2007.

In regards to the initiation of the effluent reuse schemes at Virginia and McLaren Vale and the aquifer storage and recovery project at Salisbury, it is noted that they are not initiatives of the Federal Liberal Government

2. The Government has committed to develop a broad *Water Proofing South Australia* strategy for regional and rural South Australia along the lines of the recently released Water Proofing Adelaide strategy.

As the portfolio statement indicates that the work of finalising the scope of the Water Proofing South Australia initiative and preparing an implementation program is currently being undertaken during the 2006-07 financial year.

3. The program to rehabilitate the Lower Murray Reclaimed Irrigation Area has several objectives, including improving irrigation efficiency, improving water quality in the River Murray and providing a sustainable irrigation industry.

At this stage it is expected that work required to complete the on-ground rehabilitation will be finished in the 2008-09 financial year.

McINTYRE ROAD

In reply to **Hon. J.S.L. DAWKINS** (23 November 2006).

The Hon. CARMEL ZOLLO: I am advised:

The Department for Transport, Energy and Infrastructure (DTEI) has advised that a review of the speed limit on McIntyre Road, in the vicinity of Bayview Parade, was completed on 2 May 2006.

The speed limit at this location was reduced on 2 May 2006 from 90 km/h to 80 km/h to make it consistent with other roads in the area.

At the junction there are two lanes for traffic heading in an easterly direction on McIntyre Road, with an advance street name sign to alert drivers of the approaching junction to the left. The five metre wide kerbside lane provides sufficient width for drivers to pass a vehicle entering the left turn taper area, which is approximately 35 metres in length. DTEI has advised me it does not support any modifications to this junction as it is considered that the left turn movement can be undertaken safely within the current junction layout.

DRIVER'S LICENCE DISQUALIFICATION

In reply to **Hon. D.G.E. HOOD** (28 September 2006).

The Hon. CARMEL ZOLLO: I advise:

This legal loophole was investigated by an inter-agency Task Force which provided a report on the matter in 2006.

Based on this advice, the Government is currently considering a proposal for the introduction of personal service of all disqualification notices issued by the Registrar of Motor Vehicles. At this stage, I expect the Government will introduce a Bill to Parliament this year related to this matter. In the interim, the Registrar has arranged for a process server to personally serve notices on recidivist drivers in the metropolitan area.

The Registrar of Motor Vehicles issued 8 800 notices of Disqualification for Demerit Points offences and 6 533 Notices of Disqualification for breaches of Provisional licence conditions during the 2005-06 financial year. There is no specific data which indicates the number of drivers detected driving under disqualification who claimed non-receipt of the notice as a defence to the charge during the 2005-06 financial year.

DRUG DRIVING

In reply to **Hon. NICK XENOPHON** (15 November 2006).

The Hon. CARMEL ZOLLO: I am advised:

A sentencing condition relating to drugs will be enforced by officers of the Department for Correctional Services. Tests will be carried out by taking and analysing urine samples. It is not normal practice for the victim's family to be advised of the results of individual tests.

My Department does not have records of the number of sentencing orders that have required offenders to abstain from drug use in the last three years, nor does it record separately whether or not a drug test has been carried out on suspicion, randomly, or as part of the sentencing order, or the consequence of previous positive drug tests. I have been advised, however, that over the past three years, there have been 6 958 prisoners and community correctional offenders tested for drugs. Of these, 1 913 have tested positive.

Departmental officers are required to follow strict procedures when they drug test offenders, to maintain the chain of evidence. Any diversion from that process could cause the test to be invalid.

Offenders may be tested because they have a condition on their Court Order or if the officer suspects, by their behaviour, that the offender is using illicit drugs. The tests are generally undertaken, unannounced, in one of the Department's offices. Home tests are avoided because of personal risk to staff.

The following drugs can be detected:

Amphetamines;
Benzodiazepines;
Cannabinoids;
Methadone;
Opiates; and
Tricyclic Antidepressants.

I have also been advised that there have been 2 737 Home Detention orders made in the last three financial years. In the majority of cases offenders commence their orders on electronic monitoring. If the Department is granted discretion, the equipment may be removed provided the offender has shown a substantial compliance with their conditions. At any given time across the state,

approximately 60 per cent of offenders on a Home Detention order are electronically monitored.

BHP BILLITON DESALINATION PLANT

In reply to **Hon. M. PARNELL** (20 September 2006).

The Hon. P. HOLLOWAY: The Minister for Industry and Trade has provided the following information:

1. At this stage, BHP Billiton's water demand is currently estimated to be 120ML/day. The Government's forecast water demand, to supply the Upper Spencer Gulf and Eyre Peninsula, is estimated at 60ML/day. Consequently, BHP Billiton's water demand represents approximately two thirds of the water output of the proposed desalination plant. As the project is still in the pre-feasibility stage, these figures are estimates only and should be viewed as indicative. They will ultimately be subject to due diligence and may change as a result.

2. The proposed desalination plant is critical to South Australia's future at a time when Australia is gripped by drought and inflows and total storage in the Murray-Darling Basin are the lowest in the 116 years since records began. The Government is committed to making significant investments in securing the State's long-term water supply. South Australia's dependency on the River Murray means that new sources of water supply are critical to its future. The State's involvement in the proposed desalination plant will clearly have a lasting and transformative impact on water management in South Australia. It will enable us to:

- return water to the River Murray for environmental flows;
- meet the water needs of the Upper Spencer Gulf and the Eyre Peninsula;
- ensure the long-term sustainable management of the Great Artesian Basin; and
- provide opportunity for sustained economic growth.

The State Government has made a submission to the Commonwealth Government's Australian Water Fund to jointly fund the State's participation in the plant should it proceed.

I also reiterate that the State Government and BHP Billiton have agreed that there will be no subsidies to BHP Billiton arising from Government participation in the project.

This project is, however, a unique opportunity for the Commonwealth and South Australian Governments to work in partnership with BHPB not only to help secure the expansion of Olympic Dam but also to maximise the broader economic, environmental and other benefits of the project.

3. The project is still at the pre-feasibility stage but the Government and BHPB have committed to consider renewable energy for the Desalination Plant.

SESSIONAL COMMITTEES

Sessional committees were appointed as follows:

Standing Orders: The President and the Hons J.M. Gazzola, P. Holloway, R.I. Lucas and D.W. Ridgway.

Library: For this session, a committee not appointed.

Printing: The Hons J.M. Gazzola, I.K. Hunter, C.V. Schaefer, T.J. Stevens and R.P. Wortley.

SELECT COMMITTEE ON COLLECTION OF PROPERTY TAXES BY STATE AND LOCAL GOVERNMENT, INCLUDING SEWERAGE CHARGES BY SA WATER

The Hon. I.K. HUNTER: I move:

That the committee have power to sit during the present session and that the time for bringing up the report be extended to Wednesday 21 November 2007.

Motion carried.

SELECT COMMITTEE ON PRICING, REFINING, STORAGE AND SUPPLY OF FUEL IN SOUTH AUSTRALIA

The Hon. I.K. HUNTER: I move:

That the committee have power to sit during the present session and that the time for bringing up the report be extended to Wednesday 21 November 2007.

Motion carried.

SELECT COMMITTEE ON ALLEGEDLY UNLAWFUL PRACTICES RAISED IN THE AUDITOR-GENERAL'S REPORT, 2003-04

The Hon. I.K. HUNTER: I move:

That the committee have power to sit during the present session and that the time for bringing up the report be extended to Wednesday 21 November 2007.

Motion carried.

SELECT COMMITTEE ON THE ATKINSON/ASHBOURNE/CLARKE AFFAIR

The Hon. I.K. HUNTER: I move:

That the committee have power to sit during the present session and that the time for bringing up the report be extended to Wednesday 21 November 2007.

Motion carried.

SELECT COMMITTEE ON THE SELECTION PROCESS FOR THE PRINCIPAL AT THE ELIZABETH VALE PRIMARY SCHOOL

The Hon. I.K. HUNTER: I move:

That the committee have power to sit during the present session and that the time for bringing up the report be extended to Wednesday 21 November 2007.

Motion carried.

SELECT COMMITTEE ON FAMILIES SA

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

That the committee have power to sit during the present session and that the time for bringing up the report be extended to Wednesday 21 November 2007.

Motion carried.

BUDGET AND FINANCE COMMITTEE

The Hon. R.I. LUCAS: I move:

That the committee have power to sit during the present session and that the time for bringing up the report be extended to Wednesday 21 November 2007.

Motion carried.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

The Hon. P. HOLLOWAY: I move:

That, pursuant to section 21(3) of the Parliamentary Committees Act 1991, the Hon. J.M.A. Lensink be appointed to the committee in place of the Hon. D.W. Ridgway, resigned.

Motion carried.

**STATUTORY AUTHORITIES REVIEW
COMMITTEE**

The Hon. P. HOLLOWAY (Minister for Police): I move:

That, pursuant to section 21(3) of the Parliamentary Committees Act 1991, the Hon. R.I. Lucas be appointed to the committee in place of the Hon. J.M.A. Lensink, resigned.

Motion carried.

**ABORIGINAL LANDS PARLIAMENTARY
STANDING COMMITTEE**

The Hon. P. HOLLOWAY (Minister for Police): I move:

That, pursuant to section 10(3) of the Aboriginal Lands Parliamentary Standing Committee Act 2003, the Hon. T.J. Stephens be appointed to the committee in place of the Hon. J.M.A. Lensink, resigned.

Motion carried.

**OCCUPATIONAL SAFETY, REHABILITATION
AND COMPENSATION COMMITTEE**

The Hon. P. HOLLOWAY (Minister for Police): I move:

That, pursuant to section 21(3) of the Parliamentary Committees Act 1991, the Hon. T.J. Stephens be appointed to the committee in place of the Hon. S.G. Wade, resigned.

Motion carried.

ADDRESS IN REPLY

The President having laid on the table a copy of the Lieutenant-Governor's speech, the Hon. P. Holloway moved:

That a committee consisting of the Hons P. Holloway, I.K. Hunter, R.I. Lucas, D.W. Ridgway and R.P. Wortley be appointed to prepare a draft address in reply to the speech delivered this day by his Excellency the Lieutenant-Governor and to report on the next day of sitting.

Motion carried.

ADJOURNMENT

At 6.22 p.m. the council adjourned until Tuesday 1 May at 2.15 p.m.