

## LEGISLATIVE COUNCIL

Thursday 11 September 2008

The **PRESIDENT (Hon. R.K. Sneath)** took the chair at 14:20 and read prayers.

### RENMARK/PARINGA HOSPITAL

**The Hon. J.M. GAZZOLA:** Presented a petition signed by 3,093 residents of South Australia, concerning the Renmark/Paringa Hospital. The petitioners pray that the council will urgently reconsider the decision to downgrade the Renmark/Paringa Hospital.

### PAPERS

The following paper was laid on the table:

By the Minister for State/Local Government Relations (Hon. G.E. Gago)—

Leases of Properties held by the Commissioner for Highways—Report, 2007-08

### SELECT COMMITTEE ON PROPOSED SALE AND REDEVELOPMENT OF THE GLENSIDE HOSPITAL SITE

**The Hon. J.S.L. DAWKINS (14:21):** I lay upon the table the interim report of the select committee.

Report received and ordered to be published.

### NATURAL RESOURCES COMMITTEE

**The Hon. R.P. WORTLEY (14:23):** I bring up the report of the committee on Deep Creek revisited: a search for straight answers.

Report received.

### CARBON POLLUTION REDUCTION SCHEME

**The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:24):** I table a copy of a ministerial statement relating to the Carbon Pollution Reduction Scheme made today in another place by the Premier.

### RECREATIONAL SERVICES

**The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (14:24):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. G.E. GAGO:** I rise to inform the council about proposed changes to public liability provisions for recreational services in South Australia. Recreational service providers have argued that they are having difficulty complying with the current Recreational Services (Limitation of Liability) Act 2002 due to the complexity of some of the provisions. The act came into effect at a time when individuals, small businesses and not-for-profit organisations were having difficulty in obtaining affordable liability insurance. The state government developed a package of measures to provide consumer protection and help recreational service providers obtain public liability insurance, including the development of this legislation.

The current act allows organisers of sporting and other recreational activities to register a safety code. A safety code is a list of things that the service provider will do to make the recreational activity reasonably safe for its customers. If a person provides horse riding services, for example, a safety code may require the provider to check that all riders are wearing helmets. As long as the service provider registers an undertaking to comply with the registered safety code and notifies consumers about the registered safety code, the provider will not be liable then for any injury sustained by a person who participates in that particular recreational activity if the service provider complied with the terms of the code.

Section 9 of the Recreational Services (Limitation of Liability) Act 2002 makes it clear that a recreational service provider can modify their duty of care only by using a safety code. To date, only one provider—the Australian Miniature Pony Society Inc.—has registered a safety code, which indicates that the act has not achieved its intended purpose.

Sport and recreational groups have expressed concerns about the operation of the current act. While I am advised that the legislation may have helped ease the insurance costs to industry, the main concern of service providers is that it is difficult, costly and time-consuming to develop and then register the safety codes. The state government has listened to the concerns from recreational services providers that the current law does not adequately support the industry; however, we need to ensure that consumers are not exposed to unnecessary risks when enjoying sporting and recreational activities.

Today, a discussion paper has been released proposing new statutory provisions to limit death and personal injury liability for providers of recreational services. It is proposed to repeal the Recreational Services (Limitation of Liability) Act 2002 and the Consumer Transactions Act 1972 and to incorporate the implied conditions and warranties, and other necessary provisions of the Consumer Transactions Act 1972, into the Fair Trading Act 1987. This will consolidate the rights and obligations of consumers and suppliers arising from implied conditions and warranties into the South Australian Fair Trading Act.

Currently, the implied conditions and warranties provided in the Consumer Transaction Act apply to a list of prescribed services incorporating implied conditions and warranties under the Fair Trading Act. This will bring South Australia's legislation in line with the general implied warranties provisions in the Commonwealth Trade Practices Act and the fair trading acts in other states.

The proposed new provision of our Fair Trading Act will allow recreational services providers to exclude, restrict or modify certain statutory implied conditions and warranties. This will extend only to the providers of liability for death or personal injury; however, under the proposal, a recreational services provider will not be allowed to restrict liability in this way if the service provider is grossly negligent.

The method for a provider to restrict liability under the proposal would be to have the consumer actually sign a waiver. It is important to balance the interests of service providers with the safety of the community. Consumers need to be assured that sporting, leisure and recreational services will be provided in a way that does not expose them to unnecessary risks.

The discussion paper is available from the Office of Consumer and Business Affairs ([www.ocba.sa.gov.au](http://www.ocba.sa.gov.au)), and recreational service providers, consumers and other interested persons are invited to make comments on the proposed model.

#### **NOARLUNGA RAILWAY LINE**

**The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (14:28):** I table a ministerial statement on the Noarlunga railway line made in another place by the Hon. John Hill.

#### **BURTON, MRS M.**

**The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (14:28):** I table a ministerial statement on the passing of Mrs Burton made in another other place by the Minister for Aboriginal Affairs and Reconciliation.

#### **RANKINE, MR H.**

**The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (14:29):** I table a ministerial statement on the passing of Mr Henry Rankine made in the other place by the Minister for Aboriginal Affairs and Reconciliation.

**QUESTION TIME**  
**POLICE RESOURCES**

**The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:33):** I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about police resources.

Leave granted.

**The Hon. D.W. RIDGWAY:** As members are aware, the minister is no longer the police minister. He was sacked in the last reshuffle. However, the question relates to a period of—

*Members interjecting:*

**The PRESIDENT:** Order!

*Members interjecting:*

**The PRESIDENT:** Order! We know the Leader of the Opposition sometimes gets tangled up.

**The Hon. D.W. RIDGWAY:** Thank you, Mr President. I am a little confused. He was the police minister and now he is no longer the police minister—that was sacking in my day but perhaps it is something different in this government's day.

**The PRESIDENT:** Order!

*Members interjecting:*

**The PRESIDENT:** Order! The council will come to order. I think all members know that there was a promotion.

**The Hon. D.W. RIDGWAY:** A demotion, did you say?

**The PRESIDENT:** A promotion.

**The Hon. D.W. RIDGWAY:** This particular event relates to the time when the minister was Minister for Police. It relates in particular to the services that metropolitan police stations and their staff offer. The police, as sworn officers, serve summonses on members of the public. Under this minister's watch as police minister, it became apparent that some metropolitan stations were up to 2,000 summonses in arrears being served on the community. Can the minister explain why, if in his and the Premier's words we have the most police in the state's history, some police stations would be 2,000 summonses in arrears being served on the community; and, also, was he aware that this was the case?

*Members interjecting:*

**The Hon. D.W. Ridgway:** I knew he would be gutless and not answer it.

**The PRESIDENT:** Order!

**The Hon. D.W. Ridgway:** Well, come on, Mr President.

**The PRESIDENT:** No, you come on.

**The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (14:36):** I thank the member for his question in relation to—

*Members interjecting:*

**The PRESIDENT:** Order!

*The Hon. D.W. Ridgway interjecting:*

**The PRESIDENT:** Order! The Hon. Mr Ridgway will come to order. You are wasting a lot of your question time.

*Members interjecting:*

**The PRESIDENT:** Are we all finished?

**The Hon. CARMEL ZOLLO:** I thank the honourable member for his question in relation to police matters. I will refer his question to the police minister in the other place and ensure that he has a response.

### WOMEN IN LOCAL GOVERNMENT

**The Hon. J.M.A. LENSINK (14:38):** I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations a question about female representation in local government.

Leave granted.

**The Hon. J.M.A. LENSINK:** Many honourable members would be aware of an article in the weekend paper which castigated the State Strategic Plan's shifting of targets and its ineffectualness. Under key measure 5.3, which is a target of increasing the number of women in parliament, there is a supplementary measure which refers to the percentage of women elected to local government standing at less than the percentage of women in state parliament, which is 26 per cent and has remained static for some time. My question to the minister is: is she concerned about this level of representation, and what are her proposals to improve on it?

**The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (14:39):** I thank the honourable member for her question. Indeed, these are incredible heights of hypocrisy that I have not seen before, but nevertheless—

*Members interjecting:*

**The PRESIDENT:** Order! The Hon. Mr Wortley does not need to assist the minister.

**The Hon. G.E. GAGO:** Thank you, Mr President, for your protection. The joint state/local government Women in Local Government working group, chaired by the Local Government Association, has been established to examine issues and identify strategies to improve women's participation in local government, and this is something that I very much support. It is indeed a very difficult issue to overcome in terms of the attitude of the general population to women on boards and committees, in senior positions, and at work. Some of our attitudes are very deep and it has taken a protracted effort to change some of these practices.

The Office for State/Local Government Relations is involved in a leading practice project focused on women officers in SA councils. The project, managed by Local Government Managers Australia (SA Division), will result in a guide to assist councils to explore workforce management practices that encourage women in leadership positions. The Office for State/Local Government Relations is on the steering committee for women in local government which provides leadership for the implementation of the national framework for women in local government and which enables monitoring of progress right throughout Australia. The Australian Local Government Women's Association convenes that committee.

We know that, unfortunately, women continue to be under-represented in local government both as elected members and more starkly in executive positions in councils. Along with being representative of the population as a whole, the relatively low number of women in leadership in local government is particularly relevant given the current skills shortages that are being faced across the board. Increasingly, difficulties are being experienced in attracting and retaining skilled senior staff, particularly in those smaller rural council areas. In South Australia approximately only 16 per cent of senior managers in councils are women, and only two councils (Kangaroo Island and Walkerville) from 68 have a female chief executive officer.

At South Australia's November 2006 local government elections women held only 26.6 per cent of positions, including women in mayoral positions. In the past, the state government has undertaken a range of actions with the Local Government Association to improve women's representation and participation in local government, for example, the production of a resource kit titled 'Local Government Works' to encourage interest among women in local government as a career of their choice. Indeed, we have a long way to go. The challenges are still before us. There have been some improvements in some areas; however, we still have a long way to go.

That does not stop the state government from setting aspirational targets to try to bring focus to a very important policy area and to focus attention on the need for us to continue to

harness energy and effort to try to bring about the change that is necessary to have a truly representative local government.

### SEXUAL BEHAVIOUR CLINIC

**The Hon. S.G. WADE (14:43):** I seek leave to make a brief explanation before asking the Minister for Correctional Services a question about the Mullighan inquiry.

Leave granted.

**The Hon. S.G. WADE:** The Mullighan inquiry report recommended that the Sexual Behaviour Clinic of the Department for Correctional Services be expanded so that all child sex offenders can attend the program while in custody and at any stage of their sentence. To this point the intensive program has been available only at Port Augusta and Yatala. This is the only recommendation of the inquiry the government rejected. According to the government response to the inquiry tabled on 17 June, the government rejected the recommendation on the basis that it was not operationally feasible.

In early July the minister defended the government's decision in parliament. Again, on radio FIVEaa in August, the minister continued to justify delivering the program to some but not all prisoners. The opposition has been advised that the government is in the process of yet another backflip with plans to expand the program. Specifically, the government plans to introduce the intensive program to South Australia's regional prisons, including Mount Gambier. My questions to the minister are:

1. Will she confirm that the Sexual Behaviour Clinic programs will be expanded?
2. Will the expanded program fully implement recommendation 13 of the Mullighan inquiry?
3. What has changed since 17 June to make the recommendation operationally feasible?
4. Will she give an assurance to this council that the expanded program is fully funded from new money and that no other programs of the department are being wound back to fund the enhanced program?

**The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (14:45):** One cannot win with those opposite. We are putting in something extra to the community, and they are complaining. Isn't that just extraordinary? We are putting extra rehabilitation into our prisons, and they are complaining. I place on record again that it was this government that introduced the sex offenders rehabilitation program, a world renowned program. We used the Canadian model and had a budget when it was introduced over three or four years, and it is now part of our recurrent budget of about \$1.5 million per year.

The program, as the honourable member would know, was first piloted at Yatala Labour Prison and in the community in 2005. Last year an additional prison-based program—a core program, as we call it—was run at Port Augusta prison, and an additional program will commence. It was going to be my good news story, but my advice is that we can commence one in October at the Mount Gambier prison. Why those opposite would not welcome the expansion of rehabilitation in our prisons is a complete mystery to everybody other than those opposite.

*An honourable member interjecting:*

**The Hon. CARMEL ZOLLO:** He says he will welcome it, so what is the issue? This extra rehabilitation in our prisons is a good thing, and I have no idea why those opposite would not welcome it. The program will expand as it is possible to do so, and that is exactly what we are doing.

### SWIMMING POOL SAFETY

**The Hon. B.V. FINNIGAN (14:46):** I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question about new pool safety rules.

Leave granted. **The Hon. B.V. FINNIGAN:** Since 1993, anyone constructing a new swimming pool or spa in South Australia has been required to ensure that safety fencing complies with the national standard. This has meant that swimming pools or spas built before 1 July 1993 have not been required to comply with these national standards for pool fencing. With drowning in

a backyard pool one of the greatest fears parents face each summer, what is the government doing to encourage owners of pools and spas built before July 1993 to install fencing and other safety measures that comply with the national standard?

**The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:47):** I thank the honourable member for his question. As the honourable member points out, South Australia has adopted the national standard for swimming pool safety for all new pools and spas, but from October this year the state government is acting to ensure that those homes with pools and spas installed before 1993 have up-to-date child safety barriers installed. To do this, any home owner wanting to sell a property with a pool or spa from 1 October this year will need to ensure that that property complies with modern pool safety requirements.

It will be the responsibility of the pool owner to ensure that the current pool requirements are met before the home is sold. This will mean that appropriate child safety barriers will need to be in place before settlement. Under the Australian standards, all swimming pools must have a continuous safety barrier which is maintained by the pool owner and which restricts access by young children to the pool and the immediate pool surrounds. The state government and the Real Estate Institute will be conducting an education campaign to ensure real estate agents are aware of the changes and can inform vendors of the new requirements.

Kidsafe SA estimates that there are about 10,000 properties across the state that fail to comply with the national standard. However, the government hopes that turnover in the property market will ensure that all of these homes will eventually be brought up to code with the installation of adequate fencing and safety barriers.

The decision to insist that pools are up to the national standard before a property can be sold should also encourage a more ordered process of upgrading homes across the state. Rather than issuing a deadline and expecting all home owners to comply, putting huge demand on tradespeople and suppliers to bring those thousands of homes up to standard in a short period of time, the government's approach will avoid a rush to ensure compliance. Pool owners may need to check with their local council regarding the need for approval of any upgrading of child safety barriers.

While these pool safety measures are extremely important, there is no substitute for supervision of children around pools. Children can move incredibly quickly and do not recognise the dangers of a pool. Close supervision of kids around pools is essential to help reduce the number of drownings in private swimming pools. The other essential element is resuscitation skills. Resuscitation skills are also crucial, because they save lives. Pool owners should make certain that someone on the property has these skills.

Finally, Planning SA will be issuing a number of brochures which can be made available to any members who want them for their constituents and which set out these new swimming pool fencing requirements.

## ROAD SAFETY

**The Hon. R.L. BROKENSHIRE (14:50):** I seek leave to make a brief explanation before asking the Minister for Road Safety a question about the state of South Australian roads.

Leave granted.

**The Hon. R.L. BROKENSHIRE:** In recent weeks, there has been a disturbing number of car accidents and fatalities in the Adelaide Hills: on the Mount Pleasant to Williamstown Road on Monday 8 September; most recently, and again sadly, a fatality on Bald Hills Road near Mount Barker; and, from my perspective, as I live on the Mount Compass to Victor Harbor Road, several serious accidents in just the past few weeks.

I acknowledge that the road toll is down and that the government is moving towards achieving its strategic plan objective to reduce the road toll. On 9 September, Joanna Vaughan, a political reporter for *The Advertiser*, wrote that the number of crashes on country roads had dropped by more than 50 over three years; however, I have serious concerns about road safety in the country. My questions are:

1. Is the lower road toll due to the proper maintenance of roads, country people driving more slowly because of the condition of their roads or an improved police presence on our country roads?

2. Does the minister believe that the budget for the repair and maintenance of South Australian roads is adequate, particularly taking into account backlog maintenance?

3. How much money has been spent on road maintenance improvement on country roads (not including new roadworks) in the years 2005-06 and 2006-07?

**The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (14:52):** I thank the honourable member for his important question in relation to road safety. Like everybody else, I am pleased that our road trauma is down this year from that of last year. Nonetheless, we all recognise that we can never be complacent. Of course, one death is one too many, as is one serious injury, which can, of course, change people's lives forever. I acknowledge the role the media play in promoting road safety in our state. Clearly, I am aware of and support *The Advertiser's Countdown 100* this year and again acknowledge its merit.

We know that there is no silver bullet to tackle road trauma in our state. Our limited success is a combination of very many factors. First, I recognise the raft of legislative changes in the state since this government came to power and the support of the opposition and other members in ensuring that legislation does get passed. Of course, with that legislation goes enforcement, and I recognise the role of SAPOL in ensuring that.

The police have their own road safety strategy, which they launched just after I became minister in 2006, part of which was to see a greater presence in South Australia. The state government also allocates specific funds to the rural saturation program. More importantly, the police made a concerted effort to have a greater presence in country South Australia and on the rural patrol highways.

I acknowledge a very important group in relation to road safety, namely, our community road safety groups, the majority of which are in country South Australia. They usually have membership from SAPOL, local councillors and those who have been affected by road trauma in their life—those who understand what it is like to lose someone. They are volunteers and very willingly give their time and talent because they know the issues that affect their communities

They are out there doing everything possible, such as ensuring that there is enough signage in the area, perhaps examining a particular small engineering issue that can be resolved, or otherwise bringing issues to me or to SAPOL. The funding for those road safety groups is now administered by the Motor Accident Commission, and none of us could have failed to notice exactly how much work and concerted effort goes into advertising, which is now signed off by me but certainly managed by the Motor Accident Commission. More and more often, we see more confronting advertising to make people stop and think about what they are doing. Again, that is another aspect. Of course, the department works incredibly hard. Quite a few programs have been undertaken, under the delegation of my portfolio, that are clearly part of my budget, and the inter-operability between the Department for Transport and road safety is obvious to everyone.

I do not have a figure in respect of the maintenance of country roads in rural South Australia with me at the moment, so I will bring back that information for the honourable member. Certainly, I believe that the concerted effort we have seen within the road safety portfolio has brought all the partners together. So, it is not one single thing. Again, I could go through them all and acknowledge the tremendous work that has been done.

In relation to policy advice, I acknowledge the work of Sir Eric Neal as chair of the Road Safety Advisory Council; he provides tremendous advice. I often refer things to that council, and it provides fearless advice to me. In relation to legislative changes, we have already announced that strengthened alcohol interlock legislation will be introduced into the chamber. I acknowledge that it was the former Liberal government, under the then minister Diana Laidlaw, that put in place the voluntary interlock system when it was in government. It has not proved to be a success because not enough people are taking it up, but we were the first state in Australia to do that. So, I acknowledge that the then minister had the initiative to explore whether something would work, and we have already announced that we will strengthen that system. Obviously, we have other legislative reviews in place.

As I have said, I will have to bring back further advice in relation to the maintenance budget for the honourable member. The honourable member has asked for information about the entire maintenance budget and, as I have said, given the inter-operability between road safety and DTEI, it is hard sometimes to break that down into its components. Last year, we commenced a new rural road safety program, and that has continued this year. We recognise that, particularly in country

South Australia, shoulder sealing is very important, and that program is also continuing. I will bring back that further advice but, no, there is no one silver bullet at all.

### COUNCIL CONSOLIDATION AND BETTER DEVELOPMENT PLAN

**The Hon. C.V. SCHAEFER (14:58):** I seek leave to make a brief explanation before asking the Minister for Planning about out-of-council areas on land not within a council consolidation and better development plan.

Leave granted.

**The Hon. C.V. SCHAEFER:** On 29 April, I asked a question with regard to a specific area of land affected by this BPD, and I understand that that particular piece of land has now been annexed off into a separate BPD, part 2. I further understand that part 1 was gazetted on 3 July. The 28-day period for perusal by the ERD Committee lapsed, so it will not appear before that committee.

Part 1 has the effect of a massive grab of coastal land along the perimeter of the West Coast. Much of this land was only recently resurveyed and freeholded at the expense of landholders. It also introduces far-reaching changes to development issues at Andamooka. My questions are:

1. Can the minister assure this council that all relevant members of parliament were consulted on this BDP and, if so, when and how?
2. Were adjoining local councils consulted or informed?
3. Were all affected landowners informed and consulted?
4. What method did this consultation take?
5. How many attended the public consultations and where and when were they held?
6. Why was this land gazetted on a date that made it unlikely, if not impossible, that it would be scrutinised by the ERD Committee of the parliament?
7. This BDP establishes a coastal conservation zone and a coastal settlement zone. What percentage of the affected area is now deemed suitable for settlement?

**The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:00):** The honourable member has raised a number of issues. This issue began when the Eyre Peninsula councils developed their own coastal strategy for Eyre Peninsula because of concerns about some of the developments on some of the most prominent coastal areas within our state.

I think the view was taken that just a few of these developments—in most cases, individual houses—could have a significant impact on the coastal amenity of that region. Whereas that was done for the Eyre Peninsula coastal areas, I point out that the adjoining areas, extending from not far out of Ceduna to the west right out to the border of Western Australia, are outside council areas.

It was my concern, consistent with the coastal strategy we intend to implement right cross the state, to protect our coastal areas. Incidentally, given concerns about climate change impacts, the honourable member is probably well aware that there is significant interest in what might happen in terms of zoning these areas. If the predictions in relation to climate change—even the more modest ones—are correct that sea levels will be rising, obviously it would be unwise of governments to support development on any low-lying coastal land.

What I said we would do is rezone the coastal area. The honourable member talked about a massive grab for land. That is just pure nonsense. No-one is grabbing land. What we are doing is rezoning land along the coast to ensure that it is not inappropriately developed. If there is land now used for agricultural purposes, it can continue to be used for that. What we were seeking to do was to get some zoning control over that area to prevent inappropriate development.

Indeed, just in the last day or two, I have taken action in refusing a statement of intent for a proposal by the Streaky Bay council at Cape Bauer. That proposal talks about tourism development, but it is also about land division. I have had the good fortune to visit Cape Bauer, which has some of the most attractive coastal scenery that we have in this state.

To allow a subdivision—which would just be simply setting aside a whole strip of blocks, rather like we have had in the past—right in front of that area would, I think, be inappropriate. I



wrote back to the District Council of Streaky Bay and said, 'You signed up as a council to the Eyre Coastal Strategy. That coastal strategy says that any tourism development should be of medium scale and also that it should be cognisant of the environmental and social conditions in the area.' I would suggest that it was totally incompatible with that strategy to suggest that we should have a whole lot of blocks created right in front of a significant area like this. That is not to say that we might never have some appropriate tourism development, but it would have to be appropriate given the principles set out in the coastal strategy for the state which we are adopting. Essentially, that is what was behind the strategy that we applied to the areas out of council area.

Returning to the case of the out-of-council districts near Fowler's Bay, I was surprised when I saw the maps that, in one place, the zoning for this coastal strip went eight kilometres inland. That was the issue. It is Mr and Mrs Smith's property, and the Hon. Caroline Schaefer raised this question some time ago. Because there had been very little opposition to the other parts of the coastal strategy that was implemented, I split off this property near Fowler's Bay so that it could be further examined. DPAC had a look at it and, basically, it said that much of this land that was recommended to be in the coastal zone was in fact low-lying. In fact, it was at or below zero AHD. Basically, it is either at or below sea level.

It was separated from the sea only by a rather low, and I am informed, unstable sand dune. I would have thought that it would be totally irresponsible of me as the minister to allow that land to be rezoned in the future for residential use if it is at or below sea level.

I should point out to the council that this is not just an issue for flooding in the future but, even now, it has a big impact in terms of sewerage. If you want to deal with sewerage in a subdivision, it is very hard to do it if it is at or below zero AHD. Quite obviously, it creates all sorts of problems. As it is, Mr and Mrs Smith had applied for rezoning of their land for residential purposes prior to the introduction of the development plan that I put in, so it would still be considered under the previous development plan. However, any new application under the confirmed development plan for this section of land would not be allowed. The landowners can still use their property for traditional uses, in terms of agriculture and so on; it just means that, for any change in use that was incompatible with the new zoning, it would not be permitted.

I have acted in good faith in having that considered. I am acting on the advice of the Development Policy Advisory Committee, as it looks at all zoning amendments. Its advice was entirely in line with the action I have taken. As far as I am concerned, if the ERD Committee comes up with a different view and it wants to have a look at this again, I am quite happy. If it makes a different recommendation and says, 'Yes, you should build on this land even though it is below sea level,' I am happy to look at it again. However, on the advice that was available to me, I believe it was the only logical solution.

That is not to say that it applies to all of this land. Obviously, the zoning follows boundaries and there may be some of it which is above sea level, although my advice was that a significant proportion of it was below sea level and it just would not be appropriate to have it zoned for residential purposes. Of course, the landowners have the right to test that under the old development plan, given that they had their application lodged before August or September last year, or whenever the deadline was.

If the ERD Committee wishes to examine it, I am quite happy to hear its view. I was under the impression that the ERD Committee's time lines for these matters was based on sitting days rather than actual calendar days. I stand to be corrected if that is not the case, but I am certainly quite relaxed if the ERD Committee wants to have a look at the decision I have made. Further, if it thinks there is an issue to look at, I am happy to look at it also. Certainly, on the evidence presented to me, I believe I have acted in the only proper way that I could.

#### **COUNCIL CONSOLIDATION AND BETTER DEVELOPMENT PLAN**

**The Hon. C.V. SCHAEFER (15:08):** I have a supplementary question. Is the minister giving me an assurance that he is willing to have the ERD Committee look at part 1 of this as well as part 2?

**The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:09):** Part 1, as I understood it, was there and I assumed that, if the committee wanted to have a look at it, it would have done so. I do not know whether or not the honourable member is suggesting that there was some reason why the committee could not look at part 1. Part 2, it appeared to me, was the more

contentious part. However, if the ERD Committee wants to look at any particular zoning and make recommendations, I will consider it.

We have a procedure in place but, given the fact that these are in remote areas of the state and it is a comprehensive area, if the ERD Committee wants to have a look at zoning in those areas I am always happy to listen to any advice that it can provide.

### **COUNCIL CONSOLIDATION AND BETTER DEVELOPMENT PLAN**

**The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:09):** I have a supplementary question. Given the minister's concern about development on or below zero AHD, is the government considering rezoning a portion of the Penrice salt pans?

**The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:10):** I certainly have no proposal to do it. The Penrice salt pans are subject to a mineral lease which is issued by me, not as Minister for Urban Development and Planning but as Minister for Mineral Resources Development. There has been no suggestion (that I am aware of) that that mineral lease should be resumed, which would obviously have to be the first step in any change to that area.

### **BICYCLE SAFETY INITIATIVES**

**The Hon. R.P. WORTLEY (15:10):** I seek leave to make a brief explanation before asking the Minister for Road Safety a question about improving cycling safety in South Australia.

Leave granted.

**The Hon. R.P. WORTLEY:** Cycling is an ideal form of exercise which should be encouraged at every opportunity, particularly taking into account rising fuel costs and the high rate of obesity in Australia. Will the Minister for Road Safety outline how the state government is improving cycling safety through the State Black Spot and State Bicycle Fund programs this financial year?

**The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (15:11):** I thank the honourable member for his important question. Along with other programs that I mentioned earlier in response to the Hon. Robert Brokenshire, this is another important initiative. Cycling is an excellent mode of transport. This government is continuing in 2008-09 to fund metropolitan and regional initiatives in order to improve the state's cycling network.

I am pleased to inform the chamber that final approval has been reached between the state government and councils regarding location and funding of metropolitan and regional cycling improvement projects. The sum of \$1.1 million will be spent, adding an extra 53 kilometres to Adelaide's cycling network and an extra 13 kilometres in the regions over the next 12 months. The funding, which fosters the working relationship the state government has with local councils, will be disbursed over a total of 50 projects. Using funds from the State Bicycle Fund and the State Black Spot program, there will be a host of infrastructure improvements to the cycling network, including the installation of new bicycle lanes, further development of shared use paths, access improvements and minor intersection upgrades. Funds will be allocated to more than 40 initiatives in metropolitan Adelaide, including the creation of:

- a shared use path between Morphett Road and Cross Road following the Glenelg tramway (\$100,000);
- a bicycle lane on Regency Road from Torrens Road to Hampstead Road (\$60,000); and
- a bicycle lane on Port Road from South Road to Cheltenham Road (\$52,000).

The 10 initiatives funded in regional South Australia include:

- the widening of roads in Murray Bridge to incorporate bike lanes; and
- the creation of shared use paths on Hindmarsh Island and in Wallaroo.

Since 2002-03 these two funds have invested more than \$5.4 million to improve cycling infrastructure and safety in South Australia. This government takes cycling safety seriously and has a number of approaches for improving cycling safety on top of improving cycling infrastructure. These approaches include conducting awareness campaigns on how cyclists and drivers can

share the road, providing bicycle information for schoolchildren (BikeEd), and improving cycling safety on arterial roads through the Arterial Road and Bicycle Facilities Program.

As you may remember, Mr President, on 23 July I announced, with my colleague the Minister for Transport, that this government would design a bicycle overpass for the northern side of the Glenelg tramway overpass project. The pathway forms another part of the state government's commitment to improving safety and convenience for cyclists, expanding opportunities to comfortably make use of sustainable transport alternatives.

We all know that the benefits from cycling are far-ranging, from health and economic to general enjoyment. These benefits are by no means just restricted to personal wellbeing. More cyclists also means a reduction in traffic congestion (that follows) and greenhouse gas emissions. That is an ideal outcome for South Australians.

### **PUBLIC TRANSPORT**

**The Hon. SANDRA KANCK (15:14):** I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations, representing the Minister for Transport, a question about a reliable public transport service.

Leave granted.

**The Hon. SANDRA KANCK:** I have been contacted by passengers who travel on bus services along Goodwood Road and who are increasingly frustrated at the service they are getting. Lately, they tell me that several older model buses have been put into service and that breakdowns are becoming more frequent.

The Adelaide Metro complaints process requires that customers who make a complaint will be contacted within 10 days, but there is no active resolution of problems and concerns. If your bus does not come, if it arrives late or if your driver gets off the bus and has a cigarette (and this particular instance has happened) even though the bus is behind schedule, you can ring and report it, but when you get a call back in 10 days it does nothing to deal with the incident or improve overall service delivery. This week I have heard of tack welds sticking up through bus upholstery on bus No. 880, of buses described as 'something from a transport museum' and of buses breaking down, doors being shut on passengers and late-running services.

Occasionally, I am told, passengers are surveyed during their journey. However, the tone of these surveys is very much based on how satisfied the customers are and not about the problems they are experiencing. My questions to the minister are:

1. Are all incidents where passengers are required to get off one bus and onto another due to mechanical failure reported by service providers to the government? Are incidents where no back-up bus is arranged but passengers are required to get off, anyway, also reported?

2. In relation to break downs, first, how many bus break downs are occurring; secondly, how many break downs are caused by poor maintenance; thirdly, has the operational life of some of the bus fleet been extended; and, fourthly, have any buses which have previously been taken out of service been returned to service and, if so, how many?

3. How many compressed natural gas buses are currently in service?

4. How much money has been spent on market research with Adelaide metro bus passengers for each of the past five years, what recommendations have been made as a result and have any of them been implemented?

**The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (15:17):** I will refer those questions to the Minister for Transport in another place and bring back a response.

### **POLICE, INDIGENOUS STAFF**

**The Hon. T.J. STEPHENS (15:17):** I seek leave to make a brief explanation before asking the Minister for Correctional Services, representing the Minister for Police, a question about the number of indigenous staff employed by SAPOL.

Leave granted.

**The Hon. T.J. STEPHENS:** In 2006-07, there were 62 full-time employed indigenous staff, which represented 1.2 per cent of total FTE staff employed by SAPOL. In 2007-08, the number of

indigenous staff is listed as 63, and indigenous staff still represent just 1.2 per cent of SAPOL's FTE staff. The strategic benchmark currently stands at 2 per cent. What is the police minister doing to address the situation to see that recruitment of indigenous staff is improved to at least the benchmark of 2 per cent?

**The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (15:18):** I thank the honourable member for his question relating to indigenous staff employed by SAPOL. I will refer his question to the Minister for Police in the other place and bring back a response. Of course, the honourable member would know that the employment of SAPOL staff is the responsibility of the Police Commissioner but, nonetheless, I will refer that question to the minister in the other place and bring back a response.

### CONSUMER RIGHTS

**The Hon. I.K. HUNTER (15:18):** I seek leave to make a brief explanation before asking the Minister for Consumer Affairs a question about consumer rights.

Leave granted.

**The Hon. I.K. HUNTER:** I have observed that, inexplicably, many people find shopping a pleasurable experience. Indeed, I know that some members of this chamber—past and present—greatly enjoy shopping. It is important therefore—

**The Hon. J.M. Gazzola:** Name them!

**The Hon. I.K. HUNTER:** I could but I will refrain. You can put your hand down now, Caroline! It is important therefore that shoppers are aware of their consumer rights so that their shopping excursions do not lead to distress and continue to provide them with a pleasure that is alas not one that I can derive from the experience. Will the minister advise the council on what is being done to provide consumers with information about their rights in relation to shopping?

**The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (15:19):** I thank the honourable member for his most important question and his ongoing interest in this very important policy area. I am pleased to announce the release of three new publications that will assist consumers in their purchasing decisions. Each year the Office of Consumer and Business Affairs receives around 175,000 calls from consumers wanting to find out their rights in relation to a range of issues, including purchasing goods and services and renting property. Often the information provided will help to resolve the issue, but there are many cases where it is evident that consumers are either not well informed about their basic consumer rights or are not confident in asserting their rights. Knowledge is such an empowerment tool, and it is important that consumers are well equipped with sound information to make decisions before they arise.

In an effort to reach consumers who are particularly at risk of not knowing or understanding their rights, OCBA has produced a new suite of publications which provide basic information on topical consumer issues. There are three versions: one for indigenous consumers, one for people with low literacy level and the third version for people from non-English speaking backgrounds, including migrants and refugees. The information in each of these booklets is presented in a simple format, with illustrations to help convey the message.

The booklets address a range of issues, including refunds, lay-bys, warranties, buying a mobile phone, scams, renting, getting a loan and buying a car. The state government is committed to protecting those in our community who are vulnerable due to a range of factors, including literacy and language barriers. A fourth version of the booklet is being tailored for indigenous consumers in remote areas, and it is planned that some sections of the booklet will be translated for people on the lands. This version will be accompanied by an audio CD with the text spoken by a translator.

OCBA recognises that there are also many indigenous consumers who live in the metropolitan area or regional towns and who would benefit from information about their consumer rights. By making this new resource directly available to indigenous consumers it is hoped that it will increase the communities' level of awareness of their rights and what to do if they feel their consumer rights are not being honoured.

The booklets will be distributed to a number of outlets, including information centres, government agencies, community organisations and schools with high numbers of students of non-

English speaking backgrounds. A series of posters highlighting key messages has also been produced for display at locations where the brochures are available. When consumers are well informed of their rights they are more likely to make sensible purchasing decisions. The booklets encourage consumers to plan their purchases, to shop around, to compare prices and quality and to use credit wisely. If things do go wrong, it is important that consumers know where they can turn for help.

### WATER HEATERS

**The Hon. D.G.E. HOOD (15:23):** I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations, representing the Minister for Energy, a question regarding water heater standards in South Australia.

Leave granted.

**The Hon. D.G.E. HOOD:** Since 1 July 2008 electric hot water heaters have been banned in the construction of most new homes—that is, excluding remote areas and in flats and apartments and the like—in the name of reducing greenhouse gas emissions in South Australia. Unfortunately for many home builders, the new regulation even applies in cases where there is no gas available to the house that is being constructed. One home builder who recently contacted my office is currently building a home at Elizabeth Downs. He was recently advised by his gas company that there is no gas in his street and no plans to install it. On contacting his builder, Fairmont Homes, to request a switch to an electric hot water system for his new home, he was told this was no longer an option due to the new regulations.

The constituent cannot afford a solar powered or pump hot water system, so he is facing a very difficult situation indeed. The only affordable option for this constituent and any others in the development (and there are several) is to install a gas heater and have bottled gas trucked in on a very regular basis. My questions are:

1. Did the minister take account of South Australia's very poor gas infrastructure availability when it banned electric hot water systems for new developments?

2. Does the minister agree that not only is bottled gas inconvenient for people who are building new homes but also the need to truck it around the state to all the new housing developments without pipeline gas will actually result in an increase in greenhouse gas emissions?

**The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (15:24):** I thank the honourable member for his questions and will refer them to the minister in another place and bring back a response.

### WATER HEATERS

**The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:25):** Will the minister also bring back a reply as to why government-owned housing in South Australia is exempt from this new regulation?

**The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (15:25):** I will refer that supplementary question to the minister in another place and bring back a reply.

### GUARDIANSHIP

**The Hon. R.D. LAWSON (15:25):** I seek leave to make a brief explanation before asking the Leader of the Government representing the Attorney-General a question on the subject of the Guardianship and Administration Act.

Leave granted.

**The Hon. R.D. LAWSON:** The latest annual report of the Public Advocate highlights difficulties that have arisen because of the passage of the Statutes Amendment (Domestic Partners) Act 2006. This act alters the expression 'spouse, including a legal de facto spouse' to 'spouse, including domestic partner'.

In the latest annual report of the Public Advocate, certain difficulties have been highlighted in relation to that change in definition. In particular, the Public Advocate points out that, under

section 59 of the Guardianship and Administration Act, certain consent to a medical or dental treatment can be made only by a person who is a guardian or a relative, and a relative is defined as a spouse or domestic partner.

The Public Advocate points out that, in considering whether a person is a domestic partner, one is required to have regard to a series of factors, including how long the persons have lived together, whether they share their home in common, whether they financially support each other, whether they own property separately, whether they are committed to a shared life and other considerations.

The Public Advocate states that one must have some sympathy for health providers when seeking a valid and effective medical consent to treatment from someone who claims to be a domestic partner of the patient, and he is highlighting that there would have to be a great deal of interrogation to determine these matters. He continues:

I can only assume that our legislators did not apply their minds to the precarious position in which this amendment places our clinicians. If the consent they obtain is from someone who does not satisfy the definition of a domestic partner...they could be guilty of assault and battery. If it is an end-of-life decision, it can amount to manslaughter or murder.

My questions are:

1. Is the Attorney-General aware of the difficulties highlighted by the Public Advocate?
2. Does he agree that the concerns are legitimate; if so, what does the government intend to do about this important issue?

**The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:28):** I thank the honourable member for his questions, and I will draw them to the Attorney's attention. The answer to the first question is: yes, he will be aware of it; even if he was not before, I will make sure that he is aware of it. It certainly seems to me that the comments made are addressed to all of us as parliamentarians. I think it was a fair while ago that we had the debate in relation to the legislation, but I will make sure that the Attorney has a look at it and bring back a reply.

#### **WOMEN'S INFORMATION SERVICE**

**The Hon. J.M. GAZZOLA (15:28):** I seek leave to make a brief explanation before asking the Minister for the Status of Women a question.

Leave granted.

**The Hon. J.M. GAZZOLA:** This year, the iconic Women's Information Service in South Australia is having a significant anniversary. Over the past 30 years, this service has been recognised as providing valuable information to women on a range of services. Will the minister advise the council about the work being done by the Women's Information Service to build the skills of women in South Australia?

**The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (15:29):** I thank the honourable member for his question and his ongoing interest in this policy area. The Women's Information Service is a key agency for the provision of high-quality information, referral advice and support for the women of South Australia. In addition, it strives to empower women to assist them to develop skills and competencies in a variety of areas. The Women's Information Service outreach program actively engages with women in children's centres located across Adelaide and country South Australia. This is a strong example of the broad reach of this service.

As part of the commitment to assist and support women in these settings, the Women's Information Service facilitated a series of first aid training sessions at several centres in Adelaide. The first aid training provided the mothers of children between zero and eight years of age with the knowledge and skills to respond appropriately and immediately to their children and other injured people.

Continuing to develop the skills of women is a key focus of the Women's Information Service. The Office for Women has begun a program of resumé writing workshops for Aboriginal and Torres Strait Islander women. These workshops assist women to document their skills and achievements, with the intention that a professional resumé will enhance employment

opportunities, as well as enable Aboriginal women to submit applications for a range of things, including joining boards, committees and such like.

WIS community information officers have also participated in a two-day community education visit to Ceduna with members of staff from the Office of Consumer and Business Affairs and the Australian Competition and Consumer Commission. As the Minister for the Status of Women and the Minister for Consumer Affairs, I am pleased that a collaborative working relationship has been established between WIS outreach workers and members of staff from the Office of Consumer and Business Affairs.

A number of product safety information sessions have been held at several children's centres across the metropolitan region. These sessions provided information on purchasing products appropriate for children, as well as appropriate action to take if they recognise goods that are faulty or unsafe.

Another important skill development project currently run through the Women's Information Service is the English conversation group. This began last year and is organised and facilitated by a longstanding volunteer at the Women's Information Service. The group was originally set up to assist women who may be isolated and lonely due to language barriers. Women are able to practise their English language skills, receive information on services and agencies able to assist them, and to also undertake occasional field trips to places such as the Central Market.

The English conversation group is another outstanding example of the significant contribution made by volunteers at the Women's Information Service, and I take this opportunity to acknowledge the important role they play in delivering important and practical programs for the women of South Australia.

#### POINT LOWLY

**The Hon. M. PARNELL (15:33):** I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about Point Lowly.

Leave granted.

**The Hon. M. PARNELL:** Members would be aware of proposals for the industrialisation of the Point Lowly peninsula, including the development of port facilities, a refinery and a desalination plant. I had the pleasure of visiting Point Lowly during the winter break to have a look at the natural environment there, in the company of local residents. Indeed, it is a special part of South Australia.

The main concern of local residents is the impact on the marine environment of industrialisation of the peninsula. My question is: if scientific evidence shows that further industrial development of the Point Lowly peninsula would be harmful to the giant cuttlefish, which breed just off shore, will the government scrap plans for an expanded industrial precinct in that location?

**The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:34):** Point Lowly is already an industrial site. It is, of course, the site of the Santos liquids plant, which in recent days has caused some trouble for taxi owners because water was leaked into the LPG system—but that is another story.

It is, of course, a very strategic location because it is really the closest point to the northern regions of our state at which there is reasonable access to deep water. The jetty currently used by Santos for the loading of liquids goes down, I think, to about 18 or so metres, so that it will take large ships. The honourable member mentioned the giant cuttlefish, and I know they are a very important part of the biosphere of the region. In fact, one of the first things I did when I became the minister was to extend the area in question. Originally, I am not sure whether it was the Hon. Caroline Schaefer or the Hon. Rob Kerin who put a temporary closure on that area of the bay near Point Lowly to protect the cuttlefish.

That is one of the issues I dealt with—to put that on a more permanent basis to protect those cuttlefish. This government certainly recognises the importance of those cuttlefish. Certainly, there have been a number of proposals for activities there, and the government will obviously be considering all those issues in relation to any further development of that site in relation to the desalination plant that is proposed.

The honourable member will be well aware that there will be an environmental impact study that will specifically look at that issue. Indeed, BHP has already had a trial plant, looking at gathering information in relation to the impact of the desalination plant at that site. The government

is well aware of the importance of cuttlefish in that area and, as I have said, I remember taking action to further extend the protection of cuttlefish. Obviously, we will continue to act to protect those cuttlefish but, clearly, we need further information in relation to the environmental impact statement on the entire area before the government makes a decision on this matter.

## ANSWERS TO QUESTIONS

### CANNABIS CROPS

In reply to the **Hon. A.L. EVANS** (18 June 2008).

**The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business):** Historically, ETSA Utilities was the single entity in the supply of electricity and as a government agency/instrumentality relevant information was provided in accord with Section 4 (10) Cabinet Administrative Instruction No. 1 of 1989 otherwise referred to as Information Privacy Principles Instruction.

This facilitated SAPOL in requesting electricity supply information from a central repository within a recognised state government information release framework. However, when the deregulation (privatisation) of the electricity industry occurred the instruction became less relevant.

The National Privacy Principles, Schedule 3, Privacy Act 1988 (Cth) permits the disclosure of personal information to a relevant organisation on the condition the organisation has reason to suspect that unlawful activity has or is being engaged in and the information is required as a necessary part of the investigation.

Whilst legislation permits the provision of personal information, there is no legal requirement for them to do so and there is no penalty for failure to do so.

Requests to suppliers of electricity are assessed on an individual basis and in requesting the information the investigating officer would be in possession of information to indicate the premises (occupied or otherwise) are being utilised for the cultivation of cannabis.

SAPOL maintains a working relationship with electricity suppliers and despite no legal requirement to do so, information is provided to SAPOL upon request for the purposes of investigating criminal activity.

### KANGAROOS

In reply to the **Hon. SANDRA KANCK** (3 April 2008).

**The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy):** The Minister for Environment and Conservation advised:

1. In 2007, approximately 40 per cent of the South Australian commercial kangaroo harvest was female.

2. In relation to the consideration of young at foot, the National Code of Practice for the Humane Shooting of Kangaroos sets an achievable standard of humane conduct and is the minimum required of persons shooting kangaroos. The new draft National Code of Practice for the Humane Shooting of Kangaroos and Wallabies provides specific direction to ensure that no dependent young are left to die of starvation, dehydration or predation.

3. Compliance with the Code of Practice for the Humane Shooting of Kangaroos is a condition of permit for commercial kangaroo field processors (harvesters). The commercial industry in South Australia is highly regulated, and all kangaroo field processors are required to meet firearms accuracy standards to ensure that they are capable of meeting the standards outlined in the code of practice. Breach of the code of practice can result in the issue of an expiation notice, prosecution or revocation of permit.

4. I am advised that appropriate policy is in place for the humane commercial harvest of kangaroos.

### POLICE PRISONS

In reply to the **Hon. S.G. WADE** (10 April 2008).



**The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs):** Prior to November 2007, and pursuant to the provisions of the Correctional Services Act 1982, SAPOL had eleven police stations declared as police prisons. These were:

- Streaky Bay (proclaimed 18 April 1906);
- Kingscote (proclaimed 27 June 1906);
- Ceduna (proclaimed 15 June 1927);
- Port Pirie (proclaimed 14 September 1939);
- Leigh Creek (proclaimed 3 March 1960);
- Oodnadatta (proclaimed 23 November 1967);
- Woomera (proclaimed 4 September 1969);
- Kadina (proclaimed 24 August 1972);
- Coober Pedy (proclaimed 10 January 1974);
- Marla (proclaimed 13 September 1984); and
- City Watch House (proclaimed 8 January 1987).

Advances in transport have reduced the need for some of these stations to remain as declared police prisons. It has become preferable and more economically viable to have sentenced prisoners transferred promptly to other correctional services' prisons. This is particularly the case where the police prison is not staffed on a 24-hour basis.

I am advised that at that time, five of the police stations mentioned were identified as being no longer necessary or appropriate to continue as declared police prisons.

The five police stations were:

- Streaky Bay;
- Leigh Creek;
- Oodnadatta;
- Woomera; and
- Kadina.

As a result, by the way of the notice that appeared in the *Gazette* on 29 November 2007, while not naming the particular police prisons, the proclamation for each of these was revoked with the following:

'Revocation of the proclamation declaring police prisons before the commencement of the Act. Any proclamation (howsoever worded) made before the commencement of the Correctional Services Act 1982 declaring premises to be police prisons is revoked.'

Also, in the *Gazette* notice of 29 November 2007, a further 13 police prisons were added to the list of declared police prisons as follows:

- Berri;
- Christies Beach;
- Elizabeth;
- Holden Hill;
- Mount Barker;
- Mount Gambier;
- Nuriootpa;
- Port Augusta;
- Port Adelaide;

- Port Lincoln;
- Sturt;
- Victor Harbor; and
- Whyalla.

#### DESALINATION PLANTS

In reply to the **Hon. M. PARNELL** (6 June 2007).

**The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy):** The Minister for Environment and Conservation is advised:

1. The EPA is the appropriate authority to licence desalination plants. However these are only captured for licensing purposes if the discharges to receiving waters:

- raise the temperature of the receiving waters by more than 2 degrees Celsius at any time at a distance of 10 metres or more from the point of discharge: or
- contain chemical or antibiotic water treatments; and
- the total volume of the discharge exceeds 50 kilolitres per day

2. The EPA is developing new legislation to amend Schedule 1 of the Environment Protection Act 1993 so it has a specific, targeted head power to appropriately regulate desalination activities of a specific threshold which pose a significant risk to the environment.

#### THE WOOLSHED

In reply to the **Hon. J.M.A. LENSINK** (1 April 2008).

**The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy):** The Minister for Mental Health and Substance Abuse has advised:

1. Drug and Alcohol Services South Australia was not instructed to dispose of cattle at The Woolshed site.

I am advised by DASSA that cattle are sold when it is the appropriate time for them to go to the market, taking into consideration their age and market prices.

It is my understanding that calves will be purchased to replace the sold cattle to maintain the pastures at The Woolshed.

2. I am advised by DASSA that there is no extra fire risk at The Woolshed site.

#### ADELAIDE COASTAL WATERS STUDY

In reply to the **Hon. J.M.A. LENSINK** (5 March 2008).

**The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy):** The Minister for Environment and Conservation is advised:

The EPA is currently reviewing the Environment Protection (Water Quality) Policy 2003, with an expected completion date for any subsequent changes to the policy of June 2009. As part of this review, the water quality triggers are being considered.

#### CENTRAL VIOLENCE INTERVENTION PROGRAM

In reply to the **Hon. A.L. EVANS** (19 September 2006).

**The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business):** The Attorney-General has been provided this advice:

The Central Violence Intervention Program operates from the Adelaide Magistrates Court. It is an inter-agency initiative aimed at reducing domestic violence. This is a collaborative program involving the Attorney-General's Department, the Courts Administration Authority, the Department for Correctional Services, the Department of Health, Salvation Army and the South Australia Police. The program is based on overseas models from the US, Canada and New Zealand and builds on the Violence Intervention Project operating from the Elizabeth Magistrates Court since April 1997. These models bring together victim perspectives, programs for perpetrators and responses from the criminal justice system. Specialist services are provided for men, women and children.

The Central Violence Intervention Program (CVIP) commenced operations in October 1999. The CVIP team includes a co-ordinator, women's worker, men's worker and children's worker employed through the Salvation Army, plus a court worker and men's worker employed by the Department for Correctional Services.

The information provided on the Courts Administration Authority (CAA) website is accurate, in that the CVIP does not provide services for men who have been affected by domestic violence and abusive relationships. The website however refers to the Department of Human Services which no longer exists. The Attorney-General advises me that the Courts Administration Authority has been informed of this and will update the information on the website.

The wording of the website reflects the view that most domestic or family violence is perpetrated by men toward women. The World Health Organisation found that although women can be violent towards their male partners and violence occurs also between partners of the same sex, the overwhelming burden of partner violence is borne by women at the hands of men (WHO 2002:15).

The most recent figures from the Personal Safety Survey, which were released in August 2006 from the Australian Bureau of Statistics indicate:

- 4 per cent of all males physically assaulted in the last 12 months were assaulted by a current or previous female partner in the most recent incident.
- 31 per cent of females were physically assaulted by a current or previous male partner.

This would suggest that, although some adult men in Australia are subject to physical assault, only a small proportion of this violence is perpetrated by female partners or former partners, and most is perpetrated by other men.

Research has also indicated that violence toward men by women is different in extent and nature in these ways:

- There is a far lower reporting rate of men as victims,
- Violence against women perpetrated by men is more severe and more likely to inflict severe injury,
- Male victims of violence did not report living in continuing state of fear about their partner.

The government provides a range of services to men affected by violence through health services, such as Community Health services, where men may access counselling and other support for relationship difficulties. The Domestic Violence Helpline (Uniting Care Wesley) and Mensline Australia (an initiative of the Commonwealth Department of Family and Community Services and Indigenous Affairs) both offer support and referral for men affected by domestic violence or abusive relationships. Centacare, Relationships Australia and Anglicare also offer support and counselling to men who are affected by violence or abusive relationships.

#### **MANOCK, DR C.**

In reply to the **Hon. A. BRESSINGTON** (1 April 2008).

**The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business):** The Attorney-General has provided the following information:

Petitions have already been considered for the cases of Henry Keogh, David Szach and Derek Bromley and, on advice from the Solicitor-General, these petitions have been dismissed. Any Attorney-General who referred these cases to the Court of Criminal Appeal against advice,

and owing to his being menaced by a reporter on the Today Tonight program, would be acting unlawfully and in breach of his oath of office.

#### LEGISLATION

In reply to the **Hon. A. BRESSINGTON** (8 May 2008).

**The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business):** The Attorney-General has provided this information:

Firstly, the ban on the sale of drug paraphernalia in the Summary Offences Act 1953 came into operation on Sunday 8 June 2008.

Secondly, it would appear that the Honourable Member has made a mistake about this matter. There is no Fair Trade Act, either on this state's books or at commonwealth level. I suspect that she is referring to section 92 of the Commonwealth Constitution, which states that trade and commerce among the states shall be absolutely free.

But that is not the actual reason for her concern about this legislation. As with the ban on the sale of fruit-flavoured cigarettes, the government was aware that the ban on the sale of drug paraphernalia could infringe mutual recognition principles. These principles, which have force under both the Mutual Recognition (South Australia) Act 1993 and the Trans-Tasman Recognition (South Australia) Act 1999, provide that goods produced in or imported into the first state that may lawfully be sold in that state, may be sold in the second state without the necessity for compliance with certain further requirements such as meeting quality standards or inspection requirements. Any other requirement relating to sale that would prevent or restrict, or would have the effect of preventing or restricting, the sale of the goods in the second state need not be complied with – including an outright ban imposed by parliament. So, without more, any charges for selling the prohibited paraphernalia could be defended with the help of a competent lawyer.

That is why the government requested that the Governor, with the advice and consent of Executive Council, make regulations under those acts to exempt this ban temporarily from the mutual recognition principles. This will allow time for the matter to be referred to the appropriate ministerial council to see if a permanent exemption is supported by the other states and territories. The council in question would be the Ministerial Council on Drugs Strategy, and South Australia's representative is the Minister for Mental Health and Substance Abuse.

I would hope that this parliament will support the minister in seeking a permanent ban so that its intentions are not frustrated.

#### STAMP DUTY

In reply to the **Hon. D.G.E. HOOD** (3 June 2008).

**The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business):** The Treasurer has provided the following information:

As announced in the 2008-09 Budget, the first homebuyer stamp duty concession scheme has been replaced with a first home bonus grant of up to \$4,000.

The first home bonus grant is available to first homebuyers who have entered into a first home contract on or after 5 June 2008, subject to applicants meeting the eligibility criteria for the First Home Owner's Grant.

A \$4,000 first home bonus grant is provided for first homes with a market value up to \$400,000. The \$4,000 bonus will phase out for first homes with a market value between \$400,000 and \$450,000 at a rate of \$8 for every \$100 in excess of \$400,000.

The additional assistance provided to first homebuyers is in recognition of recent increases in housing prices in South Australia.

#### SEXUAL OFFENCES

In reply to the **Hon. D.G.E. HOOD** (3 July 2008).

**The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business):** The Attorney-General has provided the following advice:

Further to the response given by the Leader of the Government in the Legislative Council the Office of Crime Statistics and Research have provided these statistics on the impact of the Bill by Hon. Andrew Evans, MLC, to remove all time limitations for the prosecution of sexual offences.

Since the Bill became law and came into operation on 17 June 2003 and up to 31 December 2007, the number of defendants in a finalised court case involving a historical sexual offence was 69. Of these 69 defendants, 29 were found guilty on at least one historical sexual offence charge, with 23 of these offenders being sentenced to an immediate period of imprisonment. The remaining six offenders were sentenced to a suspended imprisonment.

Amongst the 23 convicted offenders who received a term of imprisonment 13 involved an imprisonment for a historical sexual offence only and 10 received a sentence of imprisonment for both a historical and a more recent sexual offence.

#### **ENVIRONMENT PROTECTION AUTHORITY**

In reply to the **Hon. J.M.A. LENSINK** (6 March 2008).

**The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business):** The Minister for Environment and Conservation has provided the following information to Question 1:

1. There is no statutory obligation for industry and developers to comply with the Environment Protection Authority's 2007 Guidelines for Separation Distances. However, if industry and developers are looking for sites to locate new industries that have the potential to cause noise and/or air pollution complaints, they are encouraged to use these guidelines as a means of reviewing the suitability of potential sites. Sites that have separation distances less than those recommended in the guidelines may be suitable but are likely to require higher levels of technology, design measures and ongoing management practices to avoid causing public complaints.

2. The EPA's Guidelines for Separation Distances released in December 2007 are, according to the document, intended for the use of the EPA, planning authorities, developers, planning consultants and the community as a tool in the development application process for new and expanding development.

Better Development Plan (BDP) modules and other planning policies provide general objectives and principles that seek to minimise impacts between incompatible land uses and activities. While the document states that Planning Authorities are encouraged to use the guidelines when preparing Development Plan Amendments (DPAs) as one method of addressing potential conflicts between incompatible land uses, it recognises that separation buffers are only one method of addressing potential land use conflicts.

I note that the EPA separation guidelines are advisory only and are not intended to be mandatory. They are also not retrospective and can not be used to force existing industries to relocate.

I consider the EPA's separation guidelines to be a useful reference tool and am advised that Planning SA continues to discuss with the EPA the application of the separation distances as part of the ongoing process of updating the BDP Planning Policy Library.

#### **PUBLIC-PRIVATE PARTNERSHIPS**

In reply to the **Hon. D.W. RIDGWAY (Leader of the Opposition)** (20 November 2007).

**The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business):** The Treasurer has provided the following information:

The amount referred to by the Hon. D.W. Ridgway refers to the annual service charge component of the PPP for the police stations. The service fee covers accommodation, building and grounds maintenance, and other services including waste disposal, cleaning, management of utilities and rates and the provision and maintenance of furniture and equipment.

The contract between the Minister for Infrastructure and Plenary Justice has been published on the SA Contracts and Tenders website since mid December 2005. Some schedules that form attachments to the main body of the contract contain commercially sensitive information that were approved by the relevant delegates for exclusion, and have not been disclosed publicly. The Government has agreed to keep this information confidential and will therefore not be

releasing this information to Parliament. Members of the opposition are welcome to download the publicly available version of the contract from the SA Contracts and Tenders website.

#### MARATHON RESOURCES

In reply to the **Hon. D.W. RIDGWAY (Leader of the Opposition)** (26 February 2008).

**The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business):** Marathon Resources was successful in Round 4 (2007) with their project DPY4-63 Mongolata, a gold exploration project on Exploration Licence 3164 located approximately 15km northeast of Burra. Drilling was completed in March 2007.

The grant is for \$80,000.

#### POLICE HEADQUARTERS

In reply to the **Hon. D.W. RIDGWAY (Leader of the Opposition)** (4 June 2008).

**The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business):** The lease of the current Police Headquarters is set to expire on 1 February 2012. A Registration of Interest for office accommodation has been released to the market. The cost of rent will not be known until the Registration of Interest process has been completed.

#### OPEL BROADBAND NETWORK

In reply to the **Hon. C.V. SCHAEFER** (3 April 2008).

**The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business):** The Minister for Science and Information Economy has provided the following information:

In the case of the OPEL project, for reasons of probity, the Commonwealth did not consult or convey information to the State Government. The Commonwealth provided information about its decision by way of a public media release which explained that a condition precedent of the funding agreement was the requirement to provide a specified level of coverage. The Commonwealth Department of Broadband, Communications and the Digital Economy assessed OPEL's Implementation Plan and determined that the Plan would not achieve the required coverage.

Telecommunications matters are generally the responsibility of the Commonwealth Government. The State Government, however, is committed to providing assistance, wherever possible, with the rollout of broadband services to South Australia.

The State Government's approach to broadband services in regional areas has been focused on region-wide plans jointly developed through the cooperation of regional community organisations, telecommunications providers and all levels of government. The recent success of the Yorke Peninsula broadband project is a prime example of this collaborative model delivering much-needed broadband services.

The recently announced Commonwealth Government fibre-to-the-node project has a requirement to provide coverage of 98 per cent of Australian homes and businesses. It is not possible to comment on the service provided by this project because the Request for Proposals was released on 11 April 2008 and, due to issues regarding access to network information, the closing date has not yet been determined.

#### RACING INDUSTRY

In reply to the **Hon. T.J. STEPHENS** (25 October 2007).

**The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business):** The Minister for Recreation, Sport and Racing has provided the following information:

On 28 November 2007 I announced that the South Australian racing industry would benefit from millions of dollars in racing wagering tax reform measures after adopting recommendations contained in the Bentley Report.

The initial phase of the tax reform will see \$3.5 million allocated to the racing industry from July 1, 2008. This represents 50 per cent of forecast TAB tax receipts in the first year.

It is estimated that total tax receipts payable to the industry will be \$8.4 million annually from 2012-13.

The additional revenue to be made available per financial year includes:

2008-09: (\$3.5m)

2009-10: (\$5.0m)

2010-11: (\$6.3m)

2011-12: (\$7.4m)

2012-13: (\$8.4m)

2013-14 onwards: (\$8.4m)

I am looking forward to seeing the racing industry move forward.

SA is the first state in Australia to abolish taxation revenue from racing wagering activity on bookmakers, on-course totalisator, and now TAB operations.

In 2007, the Rann Government offered the racing industry wagering tax reform if it could get its house in order.

I am pleased to say the necessary steps have been taken towards meeting that challenge.

As a result of these tax reform measures, the racing industry will be in a position to boost prize money on offer for racing participants in South Australia and I expect the flow on effects to be substantial. There is no doubt that more prize money leads to a better class of horse and greyhound racing. This in turn creates increased investment activity, which generates a larger amount of funds for the racing industry.

The Rann Government wants a healthy and self-sufficient racing industry in South Australia. If the codes continue to work in the right direction, I am confident the benefits will flow in the future.

### CITIZEN'S RIGHT OF REPLY

**The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:37):** I move:

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

1. Any person who has been referred to in the Legislative Council by name, or in another way so as to be readily identified, may make a submission in writing to the President—
  - (a) claiming that he or she has been adversely affected in reputation or in respect of dealings or associations with others, or injured in profession, occupation or trade or in the holding of an office, or in respect of any financial credit or other status or that his or her privacy has been unreasonably invaded; and
  - (b) requesting that his or her response be incorporated into *Hansard*.
2. The President shall consider the submission as soon as practicable.
3. The President shall reject any submission that is not made within a reasonable time.
4. If the President has not rejected the submission under clause III, the President shall give notice of the submission to the member who referred in the council to the person who has made the submission.
5. In considering the submission, the President—
  - (a) may confer with the person who made the submission;
  - (b) may confer with any member;
  - (c) must confer with the member who referred in the council to the person who has made the submission at least one clear sitting day prior to the publication of the response;

but

  - (d) may not take any evidence;

- (e) may not judge the truth of any statement made in the council or the submission.
6. If the President is of the opinion that—
- (a) the submission is trivial, frivolous, vexatious or offensive in character; or
- (b) the submission is not made in good faith; or
- (c) the submission has not been made within a reasonable time; or
- (d) the submission misrepresents the statements made by the member; or
- (e) there is some other good reason not to grant the request to incorporate a response into

*Hansard*,

the President shall refuse the request and inform the person who made it of the President's decision.

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

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

9. A response—
- (a) must be succinct and strictly relevant to the question in issue;
- (b) must not contain anything offensive in character;
- (c) must not contain any matter the publication of which would have the effect of—
- (i) unreasonably adversely affecting or injuring a person, or unreasonably invading a person's privacy in the manner referred to in paragraph 1 of this resolution, or
- (ii) unreasonably aggravating any adverse effect, injury or invasion of privacy suffered by any person, or
- (iii) unreasonably aggravating any situation or circumstance,
- and
- (d) must not contain any matter the publication of which might prejudice—
- (i) the investigation of any alleged criminal offence,
- (ii) the fair trial of any current or pending criminal proceedings, or
- (iii) any civil proceedings in any court or tribunal.
10. In this resolution—
- (a) 'person' includes a corporation of any type and an unincorporated association;
- (b) 'member' includes a former member of the Legislative Council.

This is the normal sessional order providing for a citizen's right of reply, and I ask that members support the motion so that we will continue to have the protection that we have had in previous sessions of this parliament, and certainly through the life of this parliament. I believe it was first introduced about 10 years ago when Trevor Griffin was the attorney-general.

Motion carried.

#### **CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (CLASSIFICATION PROCESS) AMENDMENT BILL**

**The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:38):** I move:

That the bill be restored to the *Notice Paper* as a lapsed bill, pursuant to section 57 of the Constitution Act 1934.

Motion carried.

#### **CIVIL LIABILITY (FOOD DONORS AND DISTRIBUTORS) AMENDMENT BILL**

**The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:39):** I move:



That the bill be restored to the *Notice Paper* as a lapsed bill, pursuant to section 57 of the Constitution Act 1934.

Motion carried.

#### **STATUTES AMENDMENT AND REPEAL (TAXATION ADMINISTRATION) BILL**

**The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:39):** I move:

That the bill be restored to the *Notice Paper* as a lapsed bill, pursuant to section 57 of the Constitution Act 1934.

Motion carried.

#### **SUMMARY OFFENCES (INDECENT FILMING) AMENDMENT BILL**

**The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:40):** I move:

That the bill be restored to the *Notice Paper* as a lapsed bill, pursuant to section 57 of the Constitution Act 1934.

Motion carried.

#### **ADDRESS IN REPLY**

**The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:40)** brought up the following report of the committee appointed to prepare the draft Address in Reply to His Excellency the Governor's speech:

1. We, the members of the Legislative Council, thank Your Excellency for the speech with which you have been pleased to open parliament.
2. We assure Your Excellency that we will give our best attention to all matters placed before us.
3. We earnestly pray for the Divine blessing on the proceedings of the session.

**The Hon. R.P. WORTLEY (15:41):** I move:

That the Address in Reply as read be adopted.

I am very proud to rise today to reinforce the significance of the Address in Reply and to express the appreciation of all in this place to our Governor, His Excellency Rear Admiral Kevin Scarce, for his gracious remarks in support of the government's program both now and into the future.

I note that this is the first time that His Excellency has summoned the parliament, and I take the opportunity to welcome him in that particular role. The office of Governor has changed enormously over the past 160 years. Where once the Governor of our state made laws and policy and managed the colony on behalf of the government of the United Kingdom, or was subject to the direction of the Queen or the British government, today the vice-regal powers are exercised on the advice of the Premier or Executive Council. It is worth reminding ourselves of this progression because, as a result, the Governor is now responsible to the people of South Australia.

It is in this capacity that we welcome him and congratulate this son of our great state on his distinguished contributions to the welfare of our polity. We wish him well for his term of office. The Governor called us together 'for the dispatch of business'. Let us now take a look at that business. This is the seventh year of the Rann government, and the plans for the future outlined by His Excellency characterise the agenda going forward as, undoubtedly, a Labor agenda.

With reference to the 2008 budget, this agenda is focused upon providing the elements that form the foundation for an inclusive society; a society which makes it possible for its citizens to achieve their best in an environment of harmony, growth and prosperity; a society that extends its protection to its vulnerable members; a society that acknowledges the enormous opportunities and challenges that await us, as we move with confidence further into the 21st century. This agenda epitomises the government's commitment to action now for the future.

Labor will keep the faith with those who have elected it, unlike members opposite who have turned their backs on those who have traditionally been their supporters in rural areas. In my Address in Reply speech in 2007, I expressed with pride my passion for working people, the education system and the health system. It is with that passion in mind that I turn to the major themes outlined by His Excellency. These include health, transport, growth and development—both

private and public—water security, education, social inclusion, and the new initiatives related to crime and policing. Of these, one of the paramount concerns is water security.

All members present in this place know only too well that water levels along the Murray-Darling system and in Lake Albert and Lake Alexandrina, near the Murray Mouth, are at historically low levels. The factors behind this enormous challenge for government and the community are now converging in an all too real social, ecological and economic tragedy. This has not been helped by 12 years of neglect from the Howard government in regard to these issues.

Earlier this year an agreement was reached at COAG whereby reform of the governance of the Murray-Darling Basin will commence. The river system will be managed as a national asset. In addition, River Murray states have submitted funding proposals for projects intended not only to safeguard the river but also to look towards prospective community transition and renewal options.

This government has been successful in obtaining commonwealth funding for a number of infrastructure projects, known collectively as Murray Futures. The \$610 million allocated to South Australia will go towards:

- a Lower Lakes pipeline to provide a potable water supply and some irrigation water supply;
- management towards better ecological outcomes along the Coorong;
- industry transition programs (including relocation of people, retirement of land and supporting changing crop choices); and
- a new pump relocation and flood plain management from the South Australian border to Wellington, relocating more than 360 pumps over 10 years from wetlands and backwaters to the main stem of the river.

Consultations on these projects are starting this month. Meanwhile, a pilot desalination plant is undergoing testing at Port Stanvac. The results will ensure that the desalination plant to be established by this government will use the best possible filtration, pre-treatment and related technologies. Augmentation of reservoir capacity is under investigation in the Mount Lofty Ranges.

Again, in His Excellency's words, Labor aims to improve the lives of South Australians today, and to position us to take advantage of the opportunities offered tomorrow.

Another focus for modernisation and upgrading in the program His Excellency has outlined is that of health infrastructure, so long neglected (some might say criminally neglected) by our predecessors. Planning is well under way for the new Marjorie Jackson-Nelson hospital, and the Flinders Medical Centre, the Women's and Children's, the Lyell McEwin, Noarlunga and the Queen Elizabeth hospitals are benefiting from major redevelopment. GP clinics at Aldinga and Woodville will be augmented by the new centres at Elizabeth and Marion, helping to reduce the pressure on our busy emergency departments. As you will notice, Mr Acting President, 'augmented' and 'augment' are words that can be used only for Labor budgets.

Public transport is essential to the lives of working people across the state. Members in this place are aware of the projected improvements to our present system which have been so welcomed by our community. Extension of the tram network, the electrification of the major northern and southern rail lines, and the new and converted or refurbished rolling stock will furnish ample proof of Labor's commitment to upgrading transport infrastructure. Record investment in new, upgraded and improved roads will enhance both access and efficiency.

I turn finally to education and, in particular, vocational and related skills education. Many of those in opposition federally, and in the states, have attempted to play down the fact that Australia is experiencing severe skills shortages. As His Excellency pointed out, however, it is estimated that South Australia will need an extra 133,000 workers in the next 10 years to carry out long-term projects in the defence and mining sectors, as well as another 206,000 to replace those expected to leave their workplaces.

It is clear that the skills crisis is hitting home and hitting hard. In response, the government has developed a visionary strategy which includes an enhanced legislative base for skills and workforce development and a stronger Industry and Skills Board, intended to identify and respond to changing workforce needs.

In line with its focus on economic development, the Rann Labor government will continue to invest in education and its partners, science and innovation, in the context of environmental sustainability and increased employment opportunities. I think most of us in this council would be

pleased to note that there has been no recent drop in the unemployment rate in this state, which shows that our strategic plan and the efforts put in by this government are working. The government is determined to promote better opportunities and outcomes for young people through education and schooling, from which come the workforce of the future.

His Excellency stated very clearly:

My government proposes to continue its program to foster economic growth, prosperity and opportunity for South Australia. It is committed to prudent financial management, a strong budget position and the retention of South Australia's AAA credit rating. The goals and targets that are contained in the government's policy blueprint, South Australia's Strategic Plan, underpin its legislative program.

And underpin it they do. Those opposite should listen closely. The days when South Australia was run for the benefit of the occupants of this place and the denizens of the Adelaide Club are over. Labor presides over a modern, inclusive economy that has achieved a momentum never generated during our predecessors' watch. They need to wake up to themselves and have a look around. I note that the sole Liberal Party pre-selected rural candidate for this place has been put at No. 7 on its ticket. We will be pushing this—

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

**The Hon. R.P. WORTLEY:** Because you have turned your back on your constituents. In this chamber the Liberal Party once had a number of proud representatives of country people, but it will have none after the next election—none, Mr President. Let us look at its role for women as members of this parliament: in the upper house it has two and in the lower house it has three. Compare that to Labor, which has 13 in the lower house and two in the upper house. Nearly 40 per cent of our elected representatives are women. Our party reflects society. The party of members opposite does not reflect society: it reflects the privileged few in the eastern suburbs, and it ought to be ashamed.

*Members interjecting:*

**The Hon. R.P. WORTLEY:** They can laugh all they want, but the proof will be in the pudding.

**The ACTING PRESIDENT (Hon. I.K. Hunter):** Order! The Hon. Mr Wortley should return to his speech.

**The Hon. R.P. WORTLEY:** I will, Mr Acting President, but I think this is a very important issue. In its recent preselections the Liberal Party has shown that it is here only to represent a privileged few in the eastern suburbs. Members opposite have criticised Labor for its affirmative action policy. They have criticised—

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

**The Hon. R.P. WORTLEY:** Which you played a part in. The difference between us is that the Liberal Party has men in the top four positions and a woman in fifth position.

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

**The Hon. R.P. WORTLEY:** You won only three spots in the last Legislative Council election.

**The Hon. J.M.A. Lensink:** You are embarrassing yourself, Russell.

**The Hon. R.P. WORTLEY:** No, I am not embarrassing myself. I think it is quite funny.

**The ACTING PRESIDENT:** Order! Interjections are out of order.

**The Hon. R.P. WORTLEY:** After the next election I will be looking across and you will be the only woman sitting there. Now, that might suit you because it suits your career prospects, but you have let down the women in this state. Labor has grasped the nettle for the women of this state.

**The Hon. J.M.A. LENSINK:** Mr Acting President, I find that comment offensive and I ask the honourable member to withdraw.

**The ACTING PRESIDENT:** Is the Hon. Ms Lensink rising on a point of order?

**The Hon. J.M.A. LENSINK:** The claim that I do not support women in the Liberal Party is absolute rubbish.

**The ACTING PRESIDENT:** There is no point of order.

**The Hon. R.P. WORTLEY:** Thank you, Mr Acting President, for your protection. You are an absolute disgrace. Your party has neglected women. You have turned your back not only on women but also on your rural electorates, and this party will take up the task. We will take up the task.

*Members interjecting:*

**The ACTING PRESIDENT:** Order! Interjections are out of order. The Hon. Mr Wortley will come back to his speech.

**The Hon. R.P. WORTLEY:** Thank you, Mr Acting President. The only rural representative in this council will be the Hon. Mr Bernie Finnegan, and I reckon that is disgraceful.

*An honourable member interjecting:*

**The Hon. R.P. WORTLEY:** He lives in Gawler. Look at the UBD map and you will find that Adelaide has actually caught up and overtaken Gawler. People in Kimba would be insulted to think that you look at Gawler as a rural area. However, I should not be side-tracked by the rudeness of the opposition. As I said, I suggest that members opposite take a good look at themselves and determine whom they aspire to govern. Women and those who remain in the bush in the face of the most shocking adversity do not appear to be on their radar to any significant extent. Undoubtedly, it has been up to Labor to do the hard yards to repair the years of neglect, to evolve a vision for the coming years and to plan not just for the expectations but also for the hopes and dreams of South Australians—for themselves and for their children.

Our Governor, himself a fine example of a person of service in a variety of arenas, expressed his trust in all of us that we would serve the advancement of the people of this state in our deliberations during this session. I add my trust to his. I commend the government's strategic plan and the remarks so kindly offered by His Excellency in its support. I wish all members of this parliament a positive and productive time, and I indicate my readiness to work with all in making good laws for the benefit of our state.

**The ACTING PRESIDENT:** I call the seconder of the motion, the Hon. Mr Finnigan.

**The Hon. J.M.A. Lensink:** Here we go. He's going to make some comments about being the only country member!

**The ACTING PRESIDENT:** Order! I called the Hon. Mr Finnigan, not the Hon. Ms Lensink.

**The Hon. B.V. FINNIGAN (15:54):** Thank you, Mr Acting President. I have pleasure in seconding the motion that the Address in Reply as read be adopted. I thank His Excellency the Governor of South Australia, Rear Admiral Kevin Scarce (Companion of the Order of Australia, Conspicuous Service Cross, Royal Australian Navy Reserve), for his first address to the parliament. I think we all agree that His Excellency is serving the state with distinction.

I begin today by speaking of something which was not particularly canvassed by His Excellency (but it is convention or tradition that the Address in Reply can be fairly wide ranging), and that is to commemorate on the record the 40th anniversary of the death of Lt Anthony Casadio of the Royal Australian Navy. I am sure those members who have any connection to Mount Gambier will be familiar with the life and death of Lt Casadio.

Anthony Austin Casadio was killed in action in the Republic of South Vietnam on 21 August 1968 so, as I said, recently it was the 40th anniversary of his death. He was a member of the Royal Australian Navy Helicopter Flight Vietnam, a unit specially formed for service in support of allied forces during the Vietnam War. This unit was integrated with the US Army 135th Assault Helicopter Company, flying Iroquois helicopters in both utility and gunship configurations. Those helicopters, otherwise known as Hueys, became emblematic of the conflict in Vietnam.

The role of the 135th Assault Helicopter Company based at Vung Tau in South Vietnam was to provide tactical air movement of combat troops, supplies and equipment in air mobile operations. This included acquisition of army medical services, search and rescue and the provision of a command and control aircraft capability to supported units. In the first month of operation of this unit, the company had flown 3,182 hours in support of the US Army 9<sup>th</sup> Infantry and the 1<sup>st</sup> Australian Task Force based at Nui Dat.

Lt Casadio piloted gunships with the Royal Australian Navy Helicopter Flight Vietnam from early November 1967 until his tragic death in August 1968. He participated in many hazardous

operations, including combat assaults, naval gunfire, fire support, medevac and cargo uplift. The unit's first major operation, Operation Santa Fe, was a lift of 9th Infantry Division troops and involved more than 80 helicopters from a number of companies. It was one of the largest operations that the Royal Australian Navy Helicopter Flight Vietnam participated in.

Operation Tiger Coronado followed, during which helicopters of the Assault Helicopter Company were first hit by enemy fire. It was also the first with an Australian pilot to be hit. Lt Casadio was piloting a gunship during an attack on Viet Cong positions in the Rung Sat Special Zone near Saigon. After his gunship was hit by ground fire several times, Lt Casadio force landed near the enemy.

Once the helicopter was on the ground, the Viet Cong immediately attacked the helicopter crew. Despite their relative inexperience, the young American soldiers and their Australian Navy captain maintained control of the situation and set up a defensive perimeter using the helicopter's door-mounted M60 guns. An accompanying helicopter circled overhead until the dangerously low level of fuel forced it to leave the scene. Before they were rescued by another EMU helicopter, Lt Casadio and his men successfully drove off an unknown number of Viet Cong, killing two of the enemy in the process.

In December of that year, Lt Casadio's company moved from the secure base at Vung Tau to Camp Blackhorse, committing the 135th to the support of more units over a greater area. In the ensuing months, increasing Viet Cong activity in the area, including the widespread Tet Offensive, caused many Royal Australian Navy and US personnel casualties, the deaths of a US Army crew and the first Australian helicopter pilot to be killed in action.

In August 1969 Camp Blackhorse came under increased enemy mortar attacks as a Viet Cong tactic to keep helicopter gunships grounded while they attacked our posts, 10 miles away. On 21 August 1968, a light fire team was engaged by enemy troops equipped with rocket propelled grenades. The lead gunship, captained by Lt Anthony Casadio and flying at treetop level, was hit by one of these grenades and exploded in flames, crashing through the trees and exploding. All on board were killed.

Lt Casadio is named on the Royal Australian Navy Helicopter Flight Vietnam Roll of Honour at the Australian War Memorial and on the Royal Australian Navy in Vietnam Memorial in Fremantle in Western Australia. He was awarded a mention in despatches for his gallantry and commendable service. On 27 May this year, Lt Casadio was one of five Royal Australian Navy pilots who had died serving in Vietnam who were remembered in a special service in the United States, which 40 Australians attended.

As I said, Lt Casadio's contribution to the service of our country is well known in Mount Gambier and is commemorated by the naming of the Italo Australian Club facility at Casadio Park, which I am sure many members would have been to over the years. There is also the Anthony Casadio Memorial Trophy for character and leadership in a senior boy, which is awarded at Tenison Woods College (which was Tenison College), and I am proud to say that I was the recipient of that award in 1989. Lt Casadio is buried in Carinya Gardens in Mount Gambier, as are my parents.

I place on record the occasion of the 40th anniversary of the death of Lieutenant Casadio and record my appreciation, and I am sure that of all honourable members, for his meritorious service to his nation. May he have eternal rest.

The Governor's speech dealt in some detail with the program of the state government, which is very much centred on taking action now to provide for the future, and we see that in a whole range of areas, such as in health, with the building of the Marjorie Jackson-Nelson hospital, which will be a state-of-the-art facility on North Terrace, to provide for the health needs of South Australians for many years into the future.

In education, we see the development of our super schools and trade schools initiatives, which again are laying the foundations for our education in future years. In the field of law and order and community safety, the Rann Labor government continues its dedication to training and deploying new police officers, and His Excellency mentioned the number (close to 200) who will graduate over the next 12 months.

Also in the area of law and order, the government is committed to the greatest investment in prison infrastructure we have seen for some time. We know that this project has come in for a lot of scrutiny from members opposite. I do not know whether that is simply because it is in a country

area at Mobilong, which means that they have contempt for it, or because they are concerned about the people who have to travel there

*The Hon. Carmel Zollo interjecting:*

**The Hon. B.V. FINNIGAN:** I am sure that, as my colleague the Minister for Correctional Services says, it is welcomed very much by the people in Murray Bridge and that community because it will be a source of considerable employment in the building and ongoing prison infrastructure.

The Hon. Mr Lawson and the Hon. Mr Stephens have referred to me a few times as being from the Mingbool Marshes. I am happy to be of assistance in providing them with some geography. Mingbool is about 10 miles or so from Mount Gambier. I am not quite sure what distance that is from Eight Mile Creek, where I grew up. To be honest, I have never paced it out, but I am sure that it would be about 30 or 40 miles between Eight Mile Creek and Mingbool.

What members opposite have against Mingbool escapes me, but it is south of Adelaide, which means that it is probably not likely to warrant their attention. However, there is nothing wrong with Mingbool or Eight Mile Creek. Indeed, I am very proud of both places. Eight Mile Creek was indeed a swamp until it was drained and turned into cultivated land.

The Rann Labor government has continued its work in building the economic foundations for future growth in a lower tax regime and putting in place the infrastructure to facilitate growth and the boom in the mining industry. The government has also committed to provide the infrastructure for the future of water security. We all know what a growing problem this is, and the Labor government has taken steps to ensure that we have that infrastructure for the future in a desalination plant and the work, involving the development of the national Murray-Darling Basin Authority, on which the Premier is to be congratulated for his leadership.

This government has continued to play a leading role in combating climate change, which includes a very high level of wind and solar power being used in this state. When we compare the program outlined by His Excellency to that which the Liberal Party wish to put in place in our state, we see a stadium-led recovery centred on Commonwealth Games that will be decided long before the opposition could possibly take office in this state.

This shows the lack of foresight and the 'shoot from the hip' attitude of the opposition when it announces that South Australia should bid for a significant large international sporting event without doing any costings or preliminary work. It simply thought, 'Well, here's a good press release. Let's go for the Commonwealth Games,' and did not even take the trouble to find out that the bidding process would be well and truly over before it could hope to assume office.

We know that the Liberal Party wants to underground powerlines and to build a big stadium. It wants to do a lot of things in the city because it knows that the election, like all elections in South Australia, will be decided in metropolitan seats. The opposition believes that it has the seats of Mount Gambier and Chaffey very much in the bag. Certainly, the opinion often expressed in the Adelaide media is that Mount Gambier is a lay-down misère for the Liberal Party.

I can certainly assure everybody that the people of Mount Gambier view themselves as the arbiters of who will represent them in state parliament. They do not believe that the seat belongs to the Liberal Party, and they do not automatically support the Liberal Party candidate. In the past three elections, the people of Mount Gambier have shown that they are prepared to elect an Independent and buck the trend of the swing, whatever that may be in the state, such as in the very different result from the statewide result in 1985.

In fact, in the history of the seat of Mount Gambier, Gordon, and Mount Gambier again, of the five members there has been only one who has been a member of the Liberal Party—Mr Allison. If the Liberal Party thinks it can take for granted the support of the people of Mount Gambier, I believe that the people in that area would have quite a different message for it.

The Liberal Party has shown that it takes a very reckless approach to balancing the books and to the fiscal management of the state—one of the most fundamental responsibilities of any government. I am sure that, if we tote up the promises that have been made by the Leader of the Opposition in another place and his shadow cabinet, we will find the fiscal position of the state would be under considerable threat.

We know, of course, that a big problem for the Liberal opposition is that its Legislative Council team is pretty much out of control and is not in sync with what is happening in the lower

house. The classic example of that is that the Leader of the Opposition wants to build a \$1 billion stadium on North Terrace instead of a hospital, and the members in this place continually complain about our government's commitment to invest \$100 million in the existing AAMI Football Stadium at West Lakes. So, on the one hand, we have the Leader of the Opposition out there saying, 'We're going to build a \$1 billion stadium on North Terrace' and, on the other hand, the members in this place are saying, 'Oh, no; we don't think you should spend any money on the existing stadium, let alone invest in a new one altogether'.

We are continually seeing the Leader of the Opposition and the Liberal Party in the lower house trying to push the message that the Liberal Party is open for business and representing itself as being like the Liberal Party has traditionally considered itself to be, that is, a friend of economic growth; whereas, in this place, all we get is obfuscation, delay and obstruction from members opposite.

We also know that there is considerable tension within the Liberal Party, particularly in this chamber, in relation to its leadership. If one were to count up the number of references to the Hon. Mr Lucas in *The Advertiser*, I think he gets more mentions than Mr Hamilton-Smith in another place—and certainly far more mentions than the Hon. Mr Ridgway, the Leader of the Opposition, or the deputy leader of the opposition in this place. In fact, I suspect that the Hon. Mr Lucas would get more press coverage for the Liberal Party in this place than the entire frontbench of this chamber put together.

*Members interjecting:*

**The Hon. B.V. FINNIGAN:** Honourable members opposite interject that it is all media profile. I assume that means that they think the Hon. Mr Lucas should not be briefing *The Advertiser* on stories at every opportunity in the way he does. So, here they are confirming the very point I am making, that is, that the Hon. Mr Lucas is out of control and that they are not able, as the leadership of the Liberal Party in this chamber, to control their former leader. They are indeed confirming that fact by pointing out that they place no worth on press coverage, therefore condemning the Hon. Mr Lucas for his efforts in that regard.

Finally, I will talk a little about the Legislative Council. I suppose I should begin by acknowledging that I am indeed a person who was appointed to a casual vacancy; I was not elected directly by the people. Obviously, I do not have any problem with the constitutional provisions that enable people to be appointed to casual vacancies. If I did have a problem with it, I would not have put myself forward. If the Hon. Mr Lawson or the Hon. Mrs Schaefer or the Hon. Mr Lucas decide that their contribution is over in this place, unlikely though that may seem, I certainly would not have any objection to the Liberal Party filling that vacancy, as I have no objection to the Hon. Mr Brokenshire filling the vacancy for the Hon. Mr Evans or, heaven forbid, should the Hon. Mr Parnell be required to resign, I would have no problem with such a casual vacancy being filled.

What I do have a difficulty with is the attitude of members opposite, where they continually talk about themselves as the great protectors of democracy by their being members of this council and that the Legislative Council is somehow the brake on executive government. I think it is important that we have a rational debate about the position of the Legislative Council: how it is elected, what powers it should have, what length its term should be, and those sorts of matters. What we see at the moment is a slightly hysterical response to any suggestion that the Legislative Council should be reformed.

I think that one of the clearest problems at this stage is that, with eight year terms, the composition of the chamber would not generally reflect the will of the people expressed at the most recent election. The obvious examples I could point to are the Hon. Mr Cameron and the Hon. Ms Kanck. Without reflecting on them as individuals or on their service, it is clear that the Hon. Mr Cameron was elected as a Labor Party member, left the Labor Party soon after but continued to serve for well over six years. The Hon. Ms Kanck has been in this place for the past two years and is here for another two years, long after it is clear that the Australian Democrats have lost their electoral support.

If we look at the actual voting for the Legislative Council at the 2006 election, I think we would see the vagaries of the proportional representation system. The flow of preferences has as much to do with who is elected to this place as it does with people expressing some great desire to keep the executive government in check.

The Hon. Mr Hood was elected with less than 5 per cent of the primary vote, which is about 0.6 of a quota. The Hon. Mr Parnell was elected with considerably less than that—just under 4.3 per cent; so roughly just over half a quota. So, the Hon. Mr Hood and the Hon. Mr Parnell did not receive anywhere near their quotas to be elected to this place; they got here on the back of preferences from either the Labor Party or from the Hon. Mr Xenophon (after the Hon. Mr Darley was excluded from the count) or the Australian Democrats or One Nation, or whatever it may be.

I am not disputing that those members were validly elected, and I am not reflecting on their contribution as members. However, I think it is important to remember that the proportional representation system and the flow of preferences can be a fairly odd beast on occasion. The election of Senator Fielding is often pointed to as an example of where someone received a fairly low primary vote but was then elected nonetheless to the Senate on the back of Labor preferences.

As I have said, I am not reflecting on any of the members or the preferences that were agreed between any of the parties. I am just pointing out that, when people get hot under the collar and start wanting to man the barricades to defend the upper house, saying that they are the true guardians of democracy and that they are the bulwark against the executive government, it is important to remember that 60 per cent or more of the electorate did indeed vote for the Labor Party or the Liberal Party.

Similarly, with the Hon. Mr Xenophon's vote, I am not quite sure whether the people who voted for him were aware that they would end up with the Hon. Ms Bressington and the Hon. Mr Darley representing him. I suppose that is something members would have to ask them.

Again, I think the Hon. Ms Bressington and the Hon. Mr Darley are doing a good job. I have no complaint with how they are going. The fact that they are here means that they were legitimately elected. However, I think it is important to remember that, when people cast their vote for the upper house, not everybody who votes—as, similarly, not everyone who votes in the lower house—is necessarily going to be fully cognisant of where their preferences are going. They are not necessarily going to make a decision that they do not like the Labor government; they want to put a brake on the Labor government and frustrate it by voting for someone else in the upper house. So, it is important to remember that and to approach this issue rationally.

Aware of the weaknesses of the current system, we have a good system in the Westminster system of government. We all know that there are many different formulas for electoral systems and we see it around Australia. We have multimember electorates; we have the Hare-Clark system; we have all sorts of combinations. There is no doubt that there are any number of ways in which we can approach the election of members to the lower and upper houses.

I am sure that the Hons Mr Parnell, Mr Hood and Mr Brokenshire would argue that we should have proportional representation in lower house seats, or multimember electorates down there. So, there is a whole range of ways in which we elect people to try to give the best reflection of the will of the people. I think it is important that we approach that debate rationally, looking at the facts and looking at exactly how it is that the Legislative Council as it stands is constituted.

We should also be mindful of the fact that there does not appear to be significant evidence that people are voting in the upper house in an attempt to frustrate the will of the government in the lower house. If they felt that way, if they felt that Labor was unfit to govern and should not be in government, and if they did not want the Hon. Mr Rann as Premier, one assumes that they would not vote for us at well over 50 per cent of the two-candidate preferred vote in the lower house.

When we talk about the future of the Legislative Council and the options for reform or abolition—what ought to happen to this chamber—I think it is important to approach that debate carefully, sensibly and cognisant of the facts.

I conclude by thanking His Excellency the Governor, Rear Admiral Kevin Scarce, for his address to parliament. I extend my thanks to him for his work on behalf of the state, and to the Lieutenant-Governor. I join in the spirit of the motion in wishing God's continued benediction upon our great state.

**The Hon. R.D. LAWSON (16:18):** I commence what I imagine will be my final speech on the Address in Reply in this parliament with my expression of thanks to the Governor for the speech which he delivered on behalf of the government. I also record my gratitude to Admiral and Mrs Scarce for the excellent manner in which they are fulfilling their vice-regal responsibilities and duties.



Every Governor brings to the position a particular style. Admiral and Mrs Scarce have been very active in the community, and the Governor has continued to show his keen interest in promoting the defence industry of this state. That is commendable. My only hope is that other equally important sectors of the economy do not develop the feeling that the Governor was neglecting them. I do not believe that he is, but I believe that it is important that our head of state is seen as inclusive, and not exclusive, in all that he does.

I regret the fact that the Governor's decision to undertake a role in relation to the Adelaide branch of the Carnegie Mellon University was given great publicity with the result that other competing institutions do not appear to enjoy the same patronage. I am sure that His Excellency had no intention or desire to play favourites, but it is important that that perception not be allowed to develop.

Incidentally, I should state my own position in relation to South Australia's connection with the crown. I favour Australia severing its remaining constitutional tie with the British monarchy and, at the conclusion of the reign of Queen Elizabeth II, I believe that an Australian head of state should be appointed. The Australia Acts of 1986 severed legislative and legal links between Australia and the United Kingdom. The Governor may now exercise all of the powers of the Queen in South Australia with very few limitations, and they relate to the personal prerogatives of the monarch in relation to honours. Of course, Her Majesty the Queen presently retains the right to exercise all her powers in respect of this state when she is physically present here.

The Rudd Labor government has announced that it intends to revisit the question of the continued role of the monarch in Australia in due course. I hope that it does so and I hope that, once again, there is vigorous debate and that the true issues are not disguised, as I think they were on a previous occasion.

I commend to members the reports of the South Australian Constitution Advisory Council, which was established by premier Dean Brown upon his coming to office. Those reports were published in September and December of 1996, and they are both excellent documents. The first report indicates that, even if the Commonwealth of Australia severs its constitutional link with the monarch, there will remain the necessity of having in this state some office which fulfils the important roles presently filled by the Governor. In my view, that is constitutionally correct. However, I also believe that it is highly desirable for the person to fill the important community role as a non-political, non-partisan leader within the state. To dismiss that role as merely ceremonial or symbolic is misguided. The ceremonial and the symbolic are important elements in human life. They are important elements in social cohesion and community building. Accordingly, whilst I favour an Australian head of state, both for the commonwealth and for the state, I do not favour throwing out the baby with the bathwater. We should build on our traditions, not destroy them and seek to start again. My prescription is evolution not revolution.

On that particular topic I can say this: the Rann government's program outlined in the Governor's speech was certainly not revolutionary; it is not even evolutionary—it is simply more of the same. I thought the lack of new vision and new directions contained in the government's program was appalling. We are experiencing glacial progress on the ground in this state and all we are hearing are talks of infrastructure development in the future, and public/private partnerships not yet costed, not yet organised, still over the electoral horizon. The fact is that, in so many respects in this state, we are barely keeping our head above water.

Whilst on the topic of constitutional change, I should address the important issue of judicial appointments. There has been a number of recent suggestions that we in Australia, both federally and in the states, establish a judicial appointments commission with responsibility for making formal input to the appointment process for the various courts in the land. The Canadian provinces and many states in the USA already have such commissions, and they have had them for years. More recently, in the United Kingdom, a Judicial Appointments Commission was established. That occurred in 2006 and it has responsibility to make the selection of judges, taking over that responsibility from the Lord Chancellor. The chairman of the Judicial Appointments Commission in the United Kingdom, Baroness Usha Prashar, said:

These appointments to the High Court will be the first to be made on the recommendation of the JAC, using our new systems. The days of 'secret soundings' and 'taps on the shoulder' are long gone. Today's judicial applicants will be assessed on who they are, not who they know.

I think there is a suspicion that some judicial appointments are still being made in this country on the basis of secret soundings and taps on the shoulder, and an assessment of who they know and not who they are.

There have been suggestions that we follow the United Kingdom model. I have had quite a longstanding interest in this particular subject. I have usually been against the creation of judicial appointment commissions or boards. I have felt that they unnecessarily limit the capacity of a government to make innovative and inspired selections to the judiciary and that the effect of such commissions is to limit rather than expand the available talent for appointment to the bench.

Some years ago I spoke in this parliament on that particular subject. On that occasion I noted that, as early as his 1983 Boyer Lectures, Justice Michael Kirby opposed the establishment of such a commission. He said:

The call for the establishment of...a Judicial Commission has been made in Britain, New Zealand and Canada. So far, nothing has come of it and I hope nothing will.

He was speaking, as I said, in 1983. He continues:

It has all the hallmarks of an institutional arrangement that would deprive our judiciary of the light and shade that tends to come from the present system. In our judges we need a mixture of traditionalist and the reformist. Institutionalising orthodoxy, or worse still, judges choosing judges, is quite the wrong way to procure a Bench more reflective of the diversity of our country.

Justice Kirby was not alone in that view: Justice Brennan expressed similar views. The Advisory Committee on the Australian Judicial System, which was one of five committees established to advise the Constitutional Commission, examined ways in which the Australian Constitution might be changed and, in 1997, its views were expressed. Lord Hailsham, a Conservative Lord Chancellor, described his policy for selecting judges in the following terms—which most might agree with—when he said:

My first and fundamental policy is to appoint solely on merit the best potential candidate ready and willing to accept the post. No considerations of party politics, sex, religion, or race must enter into my calculations and they do not. Personality, integrity, professional ability, experience, standing and capacity are the only criteria, coupled of course with the requirement that the candidate must be physically capable of carrying out the duties of the post, and not disqualified by any personal unsuitability. My overriding consideration is always the public interest in maintaining the quality of the bench and confidence in its competence and integrity.

That was from an article published in the *Law Society Gazette* of the United Kingdom in August 1985. Times, however, have moved on and I think Lord Hailsham was looking through rather rose-tinted glasses if he thought that every person responsible for judicial appointments was adopting so high a standard. I think there is no doubt these days, for example, that governments do seek to make appointments to redress what are seen as imbalances in relation to gender, ethnic diversity and the like.

There has in this state been a convention that the Attorney-General consults with members of parliament, the judges, the Law Society, the Bar Association and others, when making appointments. This informal arrangement has not always worked terribly satisfactorily. Under the Fair Work Act the appointment of industrial commissioners can be made only after the minister consults with a committee which is established under that legislation, and I do not believe that the consultation process in relation to that has worked satisfactorily. Recent appointments have been made really on a take-it-or-leave-it basis and the consultation has been perfunctory, at best—and that is in a case where there is a statutory obligation to consult. The Attorney-General's consultation really is merely a matter of convention, excepting in connection with certain appointments to the workplace relations court.

I am not critical of all, or even many, of this government's appointments but there have been some of which I am critical. In July 2005 there was an appointment of a judge to the Industrial Relations Court. Not only did no consultation take place with external parties, but also the Attorney-General failed to comply with the legislation which required consultation with the Chief Justice of the District Court before a judge could be assigned to the workplace relations court. The fact that the appointee was the sister of the convenor of the right faction of the Australian Labor Party indicates that there are grounds for concern. I believe that that and other instances mean that we should be revisiting the institutional arrangements relating to the consultation that should take place before these important appointments are made.

The Governor's speech reveals that the Rann government will continue to squeeze the law and order lemon in an effort to extract more juice from it. The government claims that its policies have led to a reduction in the crime rate in South Australia. This claim has been frequently made by the Premier. It has also been made by the Deputy Premier and the Attorney-General. Actually, the Attorney-General, on one occasion, did let the cat out of the bag by acknowledging on public media

that, in fact, the government's policies had little to do with the reducing crime rate. On 1 July 2005 on Channel 10 the Attorney-General said:

Yes, there have been reductions in the crime rate in South Australia since our government came to office, but my suspicion is that it doesn't have much to do with our policy.

He went on to say:

One of the big influences on the crime rate anywhere in the world is the number of young men from disadvantaged backgrounds as a proportion of the total population.

But that burst of truth and reality is rare in the rhetoric on law and order in this state. The government continues to claim, and we see it again in the Governor's speech, that its policies are leading to a safer South Australian community.

The fallacy and hypocrisy of the government's claims in relation to the effect of its law and order policies can be clearly demonstrated by examining the latest Australian Bureau of Statistics figures relating to recorded crime in Australia. The data provided by the bureau was released as recently as 26 June this year. The data shows the figures across all offence categories collected from all Australian states and territories, and also the combined Australian figures. They show the numbers of offences committed; they also make calculations about the indexed rates and rates of crime per hundred thousand population. Those figures make clear the argument that I am advancing. Mr President, I seek to have inserted in *Hansard* tables of a purely statistical nature provided by the Australian Bureau of Statistics demonstrating this point.

Leave granted.

Table 1

South Australia, recorded crime—Victims\*

Number of offences

	Highest Year**			Latest Year
Offence Category	1999	2000	2001	2007
Total Homicide and related offences	78			54
Total Robbery			1,681	1,254
Total Unlawful Entry with intent		36,302		20,357
Motor vehicle theft		13,464		7,737
Other theft			79,185	47,080

Index Rate (Base index: 2001=100)

	Highest Year**			Latest Year
Offence Category	1999	2000	2001	2007
Total Homicide and related offences	148.5		100.0	97.2
Total Robbery			100.0	71.2
Total Unlawful Entry with intent		104.0		55.4
Motor vehicle theft		106.8		58.3
Other theft			100.0	56.8

\*Extracted from Australian Bureau of Statistics, pub. 4510.0—Recorded Crime—Victims p. 21. Released 26 June 2008.

\*\*Highest year between 1998 and 2007 (incl.).

Table 2

Australia, recorded crime—Victims\*  
(All states and territories, including SA)

Number of offences

	Highest Year**			Latest Year
Offence Category	1999	2000	2001	2007

		Highest Year**		Latest Year
Offence Category	1999	2000	2001	2007
Homicide and related offences			806	527
Robbery			26,591	17,988
Unlawful Entry with intent		436,968		248,423
Motor vehicle theft			139,844	70,650
Other theft			700,137	492,222

Rate per 100,000

		Highest Year**		Latest Year
Offence Category	1999	2000	2001	2007
Homicide and related offences			4.2	2.5
Robbery			137.0	85.6
Unlawful Entry with intent		2,281.7		1,182.1
Motor vehicle theft		725.4		336.2
Other theft			3,607.0	2,342.2

Index Rate (Base index: 2001=100)

		Highest Year**		Latest Year
Offence Category	1999	2000	2001	2007
Homicide and related offences		103.3		60.4
Robbery			100.0	np
Unlawful Entry with intent	101.6			np
Motor vehicle theft	100.6			np
Other theft			100.0	64.9

\*Extracted from Australian Bureau of Statistics, pub. 4510.0—Recorded Crime—Victims p. 21. Released 26 June 2008.

\*\*Highest year between 1998 and 2007 (incl.).

Table 3

Reduction in recorded crime\*

A. Percentage reduction in number of offences between highest year and 2007

Offence Category	SA	Australia
Total Homicide and related offences	-30.8%	-34.6
Total Robbery	-25.4	-32.4
Total unlawful Entry with intent	-43.9	-43.1
Motor Vehicle theft	-42.5	-49.5
Other theft	-40.5	-29.7

B. Percentage reduction in indexed rate between 2001 and 2007

Offence Category	SA	Vic.	Australia
Total Homicide and related offences	-2.8%	-19.8	-39.6
Total Robbery	-28.8	-45.2	np
Total unlawful Entry with intent	-44.6	-43.7	np
Motor Vehicle theft	-41.7	-61.9	-53.4
Other theft	-43.2	-31.0	-35.1

\*Calculated from Australian Bureau of Statistics pub. 4510.0—Recorded Crime—Victims, pp. 9, 18, 20. Released 26 June 2008.

**The Hon. R.D. LAWSON:** Table 1 shows each of the five main categories of crime, and for South Australia it shows that the highest number of offences occurred in various years but

around 2000 or 2001. The important point here is that the figures show that the high point was reached and the rate of crime started to come down before the Rann government came to office, and, more particularly, before the raft of measures which took effect. That trend has continued not only in South Australia but also across the whole of Australia. If one looks, for example, at table 1, and one takes, say, the offence of unlawful entry with intent, one can see that in South Australia we reached a peak of 36,302 for such offences in the year 2000.

Since that time it has fallen. It has fallen down to 20,357, and that is in pure terms. One would have expected the number of offences to rise because the population has increased. The ABS does the signal service of providing an indexed rate. The base index is 100 at 2001. Taking that offence category of unlawful entry with intent, one can see that the high point was reached in the year 2000. It was then (on the index) 104 per cent. It has now fallen to 55.4 per cent. Motor vehicle theft is another for which the Attorney-General is keen to claim some credit. The indexed rate reached its highest level in 2000 at 106.8 per cent. That has now fallen quite dramatically to 58.3 per cent.

Table 2 shows these figures in relation to the whole of Australia, including South Australia, and they demonstrate clearly that not only has the number of offences fallen but also that the rate per 100,000 of population has fallen, and so has the indexed rate. Table 3 contains calculations which most dramatically illustrate the point I am making. For example, the number of offences of unlawful entry with intent in South Australia has decreased by 43.9 per cent, and overall it is 43.1 per cent across the whole of the country. That is the one category in which we have done just a little better than the national average.

However, in relation to homicide-related offences, total robbery, motor vehicle and other theft, our figures are not as good as the national figures. In terms of the number of offences of motor vehicle theft in South Australia, we have gone down by 42.5 per cent, but across the whole of Australia generally it has reduced by 49.5 per cent. The percentage of the reduction in the indexed rate between 2001 and 2007 is shown in the second part of table 3. Our indexed rate for motor vehicle theft has gone down by some 41.7 per cent, but the national reduction is down by 53.4 per cent. I have included in part B of table 3 figures also for Victoria because, in relation to two categories, the Australian figures were not published in the record.

I do commend members to those figures. I think they are worth studying, because they demonstrate three points: first, that the trend of downward crime in South Australia and in Australia generally began before the Rann government came to office. The reason why it declined will always be a matter of debate. I believe, as do many commentators (and I believe that the Attorney-General believes this from the remarks that I quoted earlier), that the improving economic conditions as a result of the Howard government's economic policies have led to a reduction in crime.

Secondly, the figures show that, notwithstanding all the Premier's rhetoric, in states such as Victoria and other places in Australia where there has not been this chest-beating emphasis on law and order rhetoric, crime rates have increased by the same or more than in South Australia. The Rann government beating its chest in the Governor's speech about continuing the law and order policies is claiming credit for which it is not due.

A couple of issues were not mentioned in the Governor's speech which I believe ought to have been. We have heard a lot about federalism in recent times, and for a state such as South Australia the principles of federalism are indeed important. We are a part of a federation, and the federation ought to work effectively.

One of the advantages of Federation is that different states can try different policies, have different regimes and seek to attract investment and the like in a competitive sense. What we have now is the Rudd government, followed by the Premier here, extolling the virtue of the fact that, with Labor Party governments in office in all states and the commonwealth, there is a greater degree of cooperation. Well, cooperation does not necessarily lead to an improvement. Cooperation can lead to nothing at all being done and the lowest common denominator being adopted.

Prime Minister Rudd is fond of saying that we now have a more cooperative system and that there is no blame game, so nobody is blaming anybody else across the states. In fact, the reason why nobody is blaming anybody else is that if there is any disagreement they decide that it will be swept under the carpet and no action be taken at all. In order to create action, very often you need to tread on some toes. We find, for example, with water policy, where the Victorian government is thumbing its nose at the rest of the states which are interested in that matter and the

commonwealth, well, we have a cosy little agreement which is based upon the lowest common denominator rather than what is the best solution for the country.

I believe that federalism will fail us unless we are able to be more progressive and more competitive and not simply seek to be cooperative. If one said the Olympic Games was a great event because we now have cooperative sportsmanship rather than competitive sportsmanship we would be laughed out of court, so I believe there should be some competitive tension to make our federal system work.

There is no mention in the Governor's speech of any proposals in relation to an independent commission against corruption in South Australia. That is lamentable. Time and again we hear the government, in particular the Attorney-General, claiming that we do not need an anti-corruption commission in South Australia because we already have adequate mechanisms to cover investigations into corrupt and like conduct. I simply do not agree that our mechanisms are satisfactory. I do not agree that South Australia is immune from the sort of corruption that occurs in other places. We know already of examples in this state which should have warranted investigations by an independent commission against corruption.

At the moment what we have is an ad hoc system where the government of the day decides that if it is politically convenient it will establish a royal commission, as it did in relation to the Kapunda Road affair concerning the solicitor, Mr Eugene McGee. There was a result and an expensive inquiry. So, an ad hoc inquiry was called on that occasion because the government did not feel it was in any political difficulty but, in relation to the matters like the Atkinson, Ashbourne and Clarke affair and the 'stashed cash' affair, certainly in relation to Ashbourne, the government promised an inquiry, did not provide an inquiry and then was keen to close down the select committee that was investigating that.

I believe we do need an independent commission against corruption, and the Liberal Party will pursue that issue into the next election. We simply do not accept the rather lame suggestion that it is not warranted in this state. The government said it was not warranted on the ground of expense; it said it might cost \$30 million, but the government was very keen to ingratiate itself with the football community by making available \$100 million for the improvement of a football stadium. A government of which integrity is a hallmark is something that is worth more and is more important in the true nature of things than sporting stadia.

It is also a matter a matter for regret that the government has not decided to commit funds nor to announce any programs in relation to improving the physical environment at the Supreme Court. The judges have been asking for this for a number of years. They have received nothing but abuse and the suggestion that they are merely seeking a Taj Mahal for their own comfort. That is an unworthy response by the government. There does not appear to be any acknowledgement by this government of the need to improve efficiency in the courts and, notwithstanding the appointment of a task force to reduce the waiting lists in our courts, they have not yet been significantly reduced.

Finally, I note the accusation the Hon. Bernie Finnigan made in the previous contribution that I and my colleague the Hon. Terry Stevens are geographically challenged by occasionally referring to the murmurings from Mingbool Marsh. I do know the location of that delightful feature, and I am appalled that the Hon. Bernie Finnigan would spend the time of parliament seeking to dissociate himself from this delightful grotto. I support the motion for the adoption of the Address in Reply.

**The Hon. R.L. BROKENSHIRE (16:52):** This is my first opportunity in the parliament to acknowledge and congratulate His Excellency the Governor, Rear Admiral Kevin Scarce, on his appointment. I also congratulate the government on this appointment and note the bipartisan support for the Governor. It is a wonderful appointment for South Australia, and this Governor follows on from several with whom I had the privilege of working when I was previously in parliament and who were very focused on the best interests of South Australia. I wish the Governor and his wife every success in their most important position.

However, I was disappointed with the lack of vision, strategies and new initiatives I expected to see introduced yesterday in the new session of parliament. In fact, I expected to pick up *The Advertiser* yesterday morning and read a front page talking about the great new initiatives of the Rann government because, effectively, I saw the Governor's address as the start of an 18-month election campaign.

Traditionally, this government has been notorious for leaking key initiatives to start a good media day. However, I think that that went down like a lead balloon yesterday; in fact, most of the members of the media I spoke to said that they were surprised that there was nothing new at all. Apart from the announcement of a couple of small pieces of legislation on law and order, yesterday's speech offered nothing other than the recycling of what all South Australians had already been told.

I want to start by talking about the AAA credit rating, and in my maiden speech I said that I was concerned that this government was rewriting history. Whilst, technically, the AAA rating was returned to South Australians under the watch of the current government, history will show that the hard work on getting back the AAA rating was actually done by the former government. I think it is important to put that on the public record because I like history to be written correctly and it ties in with what I will have to say about finances in a short while.

Let us for a minute remember that in the budget papers billions of dollars have been recently committed to be borrowed for South Australia. The Treasurer himself is on the public record as saying that these borrowings are at the upper limit and that the fact of the matter is that there is probably not much room to move now in relation to further borrowings for South Australians, through the government, before the AAA credit rating is at risk.

I note in the Governor's speech that the government says that it believes that the biggest challenge facing South Australia is the issue of water security. There is no 'believe': it is a statement of fact. Nothing is more important at the moment for South Australia than securing a permanent water supply and, to that end, I was disappointed that there was no commitment in the Governor's speech to go forward with a proper plan for stormwater harvesting.

When you see Adelaide receiving 21 inches of rain a year on average (with our having a pretty handy winter for the first time in three years), and you see the amount of water running out to sea, damaging the gulf and being absolutely wasted, it is almost beyond belief that the government does not realise that one of the key ways of addressing a permanent water supply for South Australia is stormwater harvesting.

In the 1990s, I spent quite a lot of time in Texas, California and Israel looking at how they manage recycled water and stormwater. They do not waste a drop. I do not understand why we are just focusing on a desalination plant (which seemed to come in late on the government's agenda) and not focusing more on trying to wean us as much as possible off the River Murray.

The fact of the matter is that we will always have to rely on the River Murray for some of Adelaide's water, but it could be only a small amount if we harvested stormwater. From what I am told (and I understand a reasonable amount about the hydrology behind the Adelaide Plains), whilst there are several aquifers, most of them should easily take up aquifer storage. Effectively, there is a mass of natural reservoirs under the metropolitan area, yet we hear talk about expanding Mount Bold, which will have a significant environmental impact on that precious part of the Adelaide Hills and the Mount Lofty Ranges, and I know that area like the back of my hand. Of course, there is no funding in the budget papers for that initiative, anyway.

I put on the public record a plea to the Premier to go to the Prime Minister and negotiate additional money from the commonwealth government to assist the state with stormwater harvesting. Billions of dollars have been allocated for water initiatives through the commonwealth by both the previous Howard government and now the Rudd government but, at \$600 million or thereabouts, we have nowhere near our share. Victoria has received \$1 billion, but we should receive far more because we have to work harder to ensure that we have a guaranteed water supply.

With respect to the historic agreement earlier this year, the sweeping reforms to the management of the Murray-Darling Basin system will occur only if the relevant legislation is passed through all houses of parliament in Australia. Whilst I understand and congratulate the state government on indicating its will (and it will certainly have the support of Family First in handing over powers from our state to the commonwealth), I am still concerned about what will happen in Victoria.

There needs to be no backdoor deals done as this legislation is framed because Victoria, New South Wales and Queensland must give total powers to the commonwealth government as well. It is the only way we are going to get a fair outcome for the Murray-Darling system, particularly for South Australia.

In relation to the \$3.1 billion the commonwealth has allocated to purchase over-allocated water licences, it disappoints and frustrates me that, whether it is a Liberal or Labor government, simply because it is someone who is not from within their immediate team or their bureaucracy who comes up with ideas, they are totally discounted. The Wentworth group of scientists were not engaged by the Howard government, nor have they been engaged by the Rudd government or by the Rann government. When there are brilliant people such as Professor Mike Young, a South Australian who is passionate about helping to fix the river system and coming up with other initiatives for a permanent water supply for Adelaide, it amazes me that governments are turning their back on opportunities, instead of embracing those people and saying, 'We have a major problem here; can you help?' I still believe that those people would come in and assist.

However, when it comes to the \$3.1 billion allocated for the buy-back of over-allocated water, there is still only about \$130 million to \$150 million being put on the table. Obviously, buying back over-allocated water at this time will not fix the problem we have in the Lower Lakes. There is another initiative, which I have already talked about in this chamber, that could fix that problem, if the will was there between our Premier and the Prime Minister.

It is paramount that we buy back that over-allocated water now with the \$3.1 billion package. In buying back that water, we should also be advocating some sort of a rescue package for irrigators, particularly in the Riverland area of South Australia, the Lower Lakes, and the lower areas of the river, below lock 1. It has been done in other agricultural and manufacturing industries. If it is done properly, I am advised that the buy-back of all the over-allocated water would occur within a very short time. I encourage the government to immediately put further pressure on the Rudd government to set up a better structure going forward so that we can buy back over-allocated water licences.

As I mentioned earlier, the Governor's speech talks about investigations into doubling the capacity of reservoirs in the Mount Lofty Ranges. Well, I live in the Mount Lofty Ranges, and I can tell members that climate change and drought are having the same effect there as they are having everywhere else. Rainfall has dropped by a great percentage in the past 10 or 15 years. In my own town, we used to have as high as 36 inches (in the old language) of rainfall in a year, year in and year out. However, we have had nowhere near that for many years now. So, that tells me that, if you are going to double the capacity of reservoirs such as Mount Bold, you will still have to rely on filling them by pulling water out of the River Murray. Again, that shows the importance of taking a much more visionary approach and looking at stormwater harvesting.

Further into the Governor's speech yesterday, the government talks about health, in particular, country hospitals, as follows:

The government has also committed to capital works at country hospitals, including redevelopments for Berri, Whyalla and Ceduna.

There was no mention of the Country Health Plan yesterday—the failed Country Health Plan that was going to close up to 43 hospitals in rural and regional South Australia. It was only the power of the people and assistance from some sectors of both houses of the parliament that stopped the government from permanently damaging fair and reasonable health services and facilities in country South Australia.

I now move on to the Glenside campus. The Governor's speech states that a significant part of the government's reform and investment includes a \$130 million redevelopment of the Glenside campus, with work expected to commence in 2009. I am very concerned that the Glenside campus is being interfered with in the wrong way when it comes to what they are going to do with the real estate there. Shopping centres and other commercial facilities are not the way to go with the land out there at Glenside. As far as a new \$43 million film studio goes, that should never be built on such an important piece of land. We need specialist mental health facilities. We need them to be improved and upgraded and brought into this century, and the place to do that is clearly at Glenside, where there is a good transport system, close access to our tertiary hospitals, and easy access for families to visit patients. We should be modelling a state of the art centre of excellence for mental health at Glenside, not flogging off land to try to reduce debt and not setting up a film studio there.

If there is a need for a new film studio, I would like to see it set up in the south (and I have written to the Premier in this regard) in the new precinct being developed along the rail corridor at Noarlunga Centre. It was always the plan to have accommodation and new industries and new opportunities for jobs desperately needed in the south. Put the \$43 million into a film studio there,



and build supported accommodation for transitional mental health patients at Glenside. That would be good government, and I would commend the government if it were to do that. However, at the moment it is an ad hoc plan. In fact, it is the wrong plan, and it will not work in the long-term best interests of rehabilitating mental health patients. Remember that one in five South Australians will have short or long-term mental health problems, and it is a growing problem that needs to be addressed and not swept under the carpet.

I hope that the Premier will see some wisdom in the letter I have sent to him and that he will help create a new industry opportunity with that money he is allocating by setting it up in the south. I see that the Premier allocated \$2 million, I think it was, to Scott Hicks to do a film down there. That in itself is an acknowledgment of the importance of the Fleurieu Peninsula. Many great films have already been made down there. It has a fantastic landscape, with a lot of different terrain and topography. There are art centres down there and some of our great artists and musicians live down there. The culture is already there, and it sets the scene for developing a film studio there.

The paper also talks about public transport, about the \$2 billion debt that has been incurred for the electrification of the train lines in the Adelaide metropolitan area, the extension of the tram line and some upgrades of tram facilities right through into the deeper part of the western suburbs. Whilst the western suburbs still need improvement in public transport, compared to the south, the north and the east, they have much better public transport now.

We have a situation where we have a deplorable road network from Victor Harbor in the south right through to Gawler in the north. If \$2 billion was borrowed, I think an upgrade of public transport could have been achieved, perhaps not quite as grand as is proposed in the western suburbs, but still an upgrade for the western suburbs, the southern suburbs and the northern suburbs. A staged plan on building a proper north-south motorway could have been started. It is a significant amount of money. It was not actually spelt out before the last election that this government was going to borrow \$2 billion or \$3 billion.

I will have more to say about this, but I firmly believe that, if the government is going to put the state into debt to the tune of billions of dollars—I am not talking tens of millions here; I am talking thousands of millions—I believe it should tell the public about that with its policies before an election. Therefore, if people then go and support that particular party—in this case the Labor government—there is a proper mandate to go out and borrow that money. There is no mandate at the moment as far as I am concerned for the government to be putting our future generations back into debt, particularly at a time when we have had record revenue. We should be in better shape than we are. Again, on this point about transport, in the address yesterday the Governor said:

It includes further upgrades of Adelaide's north-south transport corridor.

Well, I am not quite sure what a north-south transport corridor is at the moment. I know about a couple of underpasses and an upgrade at Laffers Triangle. It goes on to say that there will be new projects at Oaklands Park and on Fleurieu Peninsula. I hope that includes some work on the Victor Harbor Road, because whoever manages the engineering at Transport SA needs to be spoken to pretty sternly by the minister. I do not blame this government alone. In fact, I was a member of a government that was involved in the same process for some dual lane work done on Fleurieu Peninsula over the past 10 years. There have been some over-passing lanes created here and there.

The engineers at Transport SA need to do a lot better when they do their design and tender. If you drive down along the Victor Harbor road at the moment, you will actually see holes in the road with these double passing lanes that are probably up to 150 millimetres in depth, and the membrane underneath the bitumen is now exposed. That is a major tourism and commuter road. If you go along South Road down to Yankalilla (in the member for Kaurana's electorate), you will actually see that the double passing lanes there have not only broken up but it is now like a rollercoaster. So, money not being managed properly is not delivering good value for South Australians. In fact, those particular roads down there, and many others in this state, need urgent attention.

One thing that really annoyed me in the address was this particular sentence, which I will quote from page 4:

It continues to work towards reforming WorkCover in order to deliver a worker's compensation scheme that provides injured workers with fair and equitable financial and other support that reduces the average levy rate for employers and is fully funded as soon as practicable.

I disagree with the government on that. In fact, as an employer myself, only a couple of days ago I received quite a bit of propaganda that is sent out all the time in a publication called *Newslink*. It refers to WorkCover legislative changes being passed, and it has the CEO espousing the virtues of the former chairman of the board and how great he was and what a wonderful job he did in getting WorkCover back into shape. The bottom line is that all that has happened with WorkCover so far is that it has done over legitimate injured workers.

I have started to meet with some of these groups since I have come back into the parliament. It is very sad when one talks to these people who have been injured, and their families, and you see the lack of case management and the lack of real support to get them back into the workforce, and now this government is cutting their entitlements. Of course, if you are a rorter, you should be hit hard.

The legislation was already there for that, but the government has done irreparable damage to workers by reducing worker entitlements. So I, in fact, condemn that paragraph, because it is not about fair and equitable opportunities for workers; it is about unfair and inequitable opportunities now put before them. In fact, they do not have an opportunity because the law now says, 'No matter what happens, after a certain period of time your entitlements are cut.'

I want to finish on a couple of points. The address also refers to education, as follows:

The 2009 school year will see compulsory age education legislation come into effect. That will ensure that all young people are in school or training until they are aged 17 or achieve their SACE or equivalent qualification.

I have serious concerns about this. It might sound good on paper to say that you are keeping students at school longer, but one size does not fit all, and some of the behaviour problems that we see coming out into the community now—and particularly in secondary school—I believe are a direct result of what we have already seen in the past few years when the school age was extended to 16.

I happen to have personal knowledge of a great young person working for us on our farm. He is 17 now and he left school well over a year ago. He has improved immensely in his learning capacity and in his enthusiasm, all because we gave him a traineeship through the school (and I commend the school for assisting us with that) and now we have him on a full apprenticeship. He is doing Certificate II in agriculture and I hope he will end up doing Certificate III. He is a fantastic worker, he is generating money, he has empathy and he is also helping us to grow food along with other farmers around this state.

However, if he was forced to stay at school until he was 17, because he was not able to opt into the type of opportunity that we have given him now, he would be the worse off for that, and the school might have found that some of its resources would have gone into assisting him in his general management rather than into curriculum development. If we are going to leave these people there for a longer time, we have to ensure that there are opportunities and flexibility in the education system or we will have problems with these people and will need many more student counsellors and SSOs.

Turning now to the final part of the Governor's speech, it states that the Social Inclusion Unit will continue to implement strategies designed to make reductions in the number of homeless people. Before 2002, the Rann government promised to halve homelessness during the government's lifetime. I was interested in that promise because it reminded me of a promise that Prime Minister Hawke made back in the early 90s or late 80s, when he said that no Australian child would live in poverty after a certain date. Sadly, there are more Australian children living in poverty now than there were back then.

I commend the government for having a strategy to reduce homelessness and to address the problems of people who are sleeping rough on our streets. However, I know that some members of the Social Inclusion Unit are still very concerned about whether it will meet the overall targets. I am hoping that the government will accelerate its efforts to assist these most disadvantaged people. After not coming into Adelaide much at all for two years and now coming in virtually every day, I can very easily see, when driving down different roads into the city proper, that there are still a lot of homeless people out there, a lot of people doing it tough, and a lot of people who are sleeping rough.

Towards the end, the Governor's speech talks about a ministry for the northern suburbs. There is no doubt that the north and south need services but, if the ministers of the government are absolutely focused on needs, one would have to question whether or not there is a need for an

office and a specific minister for the north and the south. I intend to do an audit of achievements of what has happened with the first office that was set up, the Office for the Southern Suburbs. I suggest that, with the amount of money spent on that as against the programs that have been delivered, it may well be that an allocation of money for education specifically going to additional SSO areas in the south and the north, with money also being allocated to economic development opportunities in the south and the north, and further money being allocated to more hospital beds in the south and the north (as three examples) would have been a much better investment than has been the case.

I am concerned that much of the attention of these offices is focused on peripheral areas and the warm and fuzzy matters, rather than on actual delivery of better services. In the south you can see that the focus for the City of Onkaparinga (that I commend) was to take the bull by the horns and generate a lot of the economic development down there, a role that really should be very secondary for local government but, in this instance, it became a primary role because it was not delivered by the Office for the Southern Suburbs.

I now want to turn to policing. I note with interest that the address stated that the government will continue to recruit more police (which is good) with a further 165 cadets in training at the Fort Largs Police Academy who will graduate by the end of this year. I intend to drill further into this matter in the near future. The government made a commitment (and so did the opposition at the last election) that whoever won government would deliver 400 additional police officers by the end of this term of office. On average, that is 100 police officers a year. Attrition sits between 125 and 150 police officers a year. Like most departments in South Australia, because of our ageing population, there is the potential over this term for attrition to accelerate, particularly because there has just been another enterprise agreement which helps police officers to maximise their superannuation.

I am concerned about the total number of cadets going through the academy this year if it is that 165 cadets. If that is the case, then I think it will be incredibly difficult for the government to get anywhere near the 400 additional police that it needs. If there are between 125 and 150 a year just for replacement and another 100 on top of that, it is close to 250 police officers a year, if we are going to keep up with attrition and if we are going to keep up with the new numbers.

The only point I make about that is that police officers working in the local service areas are telling me that they are not seeing these additional police, by and large, out in the local service areas yet. Here we are, only 18 months from the next state election, and they are telling me that they are often short on patrols and they are either going solo or, at times, not able to roll out the number of cars allocated on a particular shift. There is a new Minister for Police and it will take him a little while to get his head around the portfolio but I will be watching closely and trusting that the government honours its commitment to ensure that the 400 police are out there on the beat by the second Saturday in March 2010.

I will complete my remarks by saying that I was hoping for some vision, a new direction, new energy and fire in the belly from the government, and I thought it would have to start yesterday with the Governor's address on behalf of the government. But, if you read this document in detail, there is very little new initiative to inspire you. There is a lot of recycling, and it scares me that a government that is still 18 months out and starting to plan towards the next election is not coming in with a lot more vibrancy, energy, initiative and strategy than we heard in the address yesterday.

In conclusion, I hope the government has quite a bit more up its sleeve and we start to see it rolled out, because the South Australian community, by and large, is hurting at the moment; and the social dividend that was spoken about in this document yesterday certainly has not been delivered in the past couple of years. In fact, it has been a social tax hike. That is what it has been, and that is part of what is hurting people, together with fuel prices and interest rates.

I note that the government is saying that there will be a social dividend as well as an economic dividend. I will support the government if it delivers those, otherwise we will be doing whatever we can to expose the government for its weaknesses and to get it focused on giving a true economic dividend and a true social dividend for the South Australian community.

**The Hon. C.V. SCHAEFER (17:25):** I rise to support the address by the Governor and thank him for the work he is doing within South Australia. In particular, he and his wife have, very early in their time, visited much of regional and rural South Australia. Their visits are always very informal and very much appreciated by the people in the areas that they visit.

The reason for an Address in Reply speech is to respond to the Governor's speech which, of course, is written for him by the government of the day to outline its plans for the next session of parliament. I agree with the Hon. Robert Brokenshire in that I think we all expected that, this being probably the last opening of parliament before the next election, the government would have some new plans, some vision, or something that it was actually going to do for the people of South Australia. We have been bitterly disappointed by the fact that there is so little. This has caused me to look at previous governors' speeches—again, to announce the policies of the government—since 2002, and the sameness and the recycling is quite remarkable. I will draw attention to some of the statements that have been made at the various openings of parliament.

In May 2002 the new government said that South Australia would be a place 'with a healthy and vital River Murray, flowing to the sea'. We are still waiting, and it has become worse. It also said that it would introduce the River Murray Act—which indeed it did—and that it would give the government clear powers over the way in which the river is used and control planning, irrigation practices, pollution and rehabilitation programs. However, we continue to see the river dry up and die. In 2003 the then governor said:

My government has made an historic breakthrough on rescuing the River Murray.

Well, we are still waiting. She went on to say in 2003, which is five years ago:

The recent Council of Australian Governments meeting in Canberra determined to return water to the Murray-Darling Basin system over the next five years. This \$500 million agreement is crucial to restoring the health of the river. South Australia's environment, economy and communities all depend on the way the state manages its natural resources.

We are still waiting, five years down the track, for any of that to be introduced and any of that action to save the now desperately ill River Murray. In 2004, the then governor said:

Preventing the further decline—

remember it has now gone from preserving the healthy to preventing the further decline—

of the ailing River Murray remains one of our highest priorities.

That was four years ago. The then governor also said:

The government believes that additional flows on their own will not be enough to save the river. What is really important is how these flows are used.

Well, there have been virtually no additional flows. The speech continues:

To this end, the government will be doing much work over the coming year to determine how best to manage the additional water—

what additional water?—

available for priority sites located wholly or partly in South Australia.

In 2006, the then governor said:

In order to help save the River Murray, my government will continue to work with other Murray-Darling Basin governments to return 500 gigalitres of water to the river.

Well, it is still coming. We hope. In 2007, the then governor said:

We 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.

Yesterday, the Governor stated:

The Council of Australian Governments reached a historic agreement earlier this year [so, what happened to the agreement it reached in 2007?] that will allow for sweeping reforms to the management of the Murray-Darling Basin.

Again, what happened to the agreement 12 months ago? The Governor continued:

Under that agreement, South Australia will refer its constitutional responsibility for water management in the River Murray to the commonwealth.

I am not sure whether the government simply lifted the same speech or whether there is something different. The Governor continued:

Amendments to the Murray-Darling Basin Act will be required to enable the management of the River Murray in South Australia by the Murray-Darling Basin Authority.

I refer to the previous quotes and wonder just what has happened over the long and tedious six years of this government's control over South Australia. The speech continues to say that the government will improve water efficiency 'through upgraded infrastructure and other projects'. It does not tell us what the 'other projects' are or what the infrastructure upgrades will be, but whatever they are they will 'return much-needed water in the medium to long term to the ailing river system to improve environmental flows, including to the Lower Lakes and Coorong'. I tell members that that was said in 2002, 2003, 2004, 2005, 2006 and 2007. The Governor further stated:

The \$610 million that the government secured from the commonwealth's [so, it is not South Australian money] Water for the Future package will be used for a program of infrastructure projects known as 'Murray Futures'.

Well, while this government fiddles the Murray has no future. The speech continued:

That program will include the complete re-engineering of water infrastructure affecting the townships, communities and irrigators that draw water from the Lower Lakes.

For that members can read 'the engineering will be put in place for the Lower Lakes to be salt'. The speech further states:

And \$200 million has been allocated for longer-term environmental improvements to the Lower Lakes to help secure their future.

It does not say what those environmental improvements will be, however. And our government in its generosity will also include \$80 million (so that is from the \$200 million) 'that is available for the purchase of water entitlements from willing sellers'. I did the maths on that and, as I understand it, at \$1,200 per megalitre (which is about the current market price of purchasing water), that would be 66 gigalitres of water when South Australia needs 1,000 gigalitres overnight. This government has known and talked about this now for six years.

We have the upper reaches of the River Murray in South Australia desperate. We have the irrigators collapsing. We have the spectre of not only South Australia but also Australia having to import its citrus and almonds and the collapse of the irrigated-grape industry in the Riverland. They are around the corner, without even mentioning the parlous state of the Lower Lakes, where, without local rains a couple of months ago, much of the water in Lake Albert was of a higher salinity than sea water. For six years this government has made promises and announcements which it has recycled and recycled. A couple of other issues were not mentioned, strangely enough, in this year's speech that I found interesting going back. In May 2002 the then governor said:

The EDB will achieve some vital real benefits to South Australia, such as:

- a massive new investment at Mitsubishi;
- two new car models;
- doubling of output;
- 1,000 new direct jobs created;
- major commitment to expand exports; and
- research and development.

We all know what has happened to Mitsubishi under the watch of this government. Similarly, the government in 2003 and again in 2004 (and I notice that it has now dropped off the page altogether) announced that it would triple exports to reach \$25 billion by 2013. That was its announcement in 2003. In 2004 it said exactly the same thing—it was to treble the value of our export income to \$25 billion a year by 2013.

My understanding is that our exports from South Australia currently sit at about \$9 billion. They have slowly and gradually reached the level they were at when we lost government. They have climbed back up to \$9 billion. I notice, as I say, that there is no further mention of the expansion of exports or \$25 billion by 2013 in any of the Governor's speeches. In 2004 the then governor announced that this government would undertake an initiative to accelerate the growth of the food sector in South Australia. She said:

Food industry development officers will be employed to provide services and develop capabilities at a local level that underpin long-term sustainable growth in food industries.

That was in 2004 and, indeed, the government reinstated, I think, nine regional food officers, colloquially known as FIDOs (Food Industry Development Officers) in, I think, late 2004. However, it has since sacked five of those officers. We have only four across South Australia now. One is in

Adelaide. They have such a large territory to cover with no extra salary from what they had when there were nine of them that their job is nigh on impossible

That should not surprise any of us, because the only mention at all of agriculture in the Governor's speech yesterday was that Adelaide would become home to a new super greenhouse, the plant accelerator (whatever that is), and that is the only mention of agriculture at all in the Governor's speech.

One of the many other things that the government has stopped mentioning is that it 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. I do not know what happened to that, but yesterday's speech mentioned a desalination plant of 50 gegalitres in Adelaide, but there was nothing about working with BHP for a desalination plant, which was going to be one of the biggest in the world. It was going to provide potable water for all of Eyre Peninsula; it was going to create massive economic development in that region, but somehow it has just slipped quietly off the page.

Further to that, the Governor yesterday announced that projects are also under way to meet the government's target of increasing the percentage of waste water and stormwater that is used in South Australia. My question is: what projects; where are they, and when are they going to start? I say that, because I sit on a standing committee which had the person involved in stormwater in South Australia before us, and they were unable to point to any projects within South Australia that are currently under way or even announced, so I am very interested to find out where these projects are and when they will get under way.

Other than that, the Governor's speech yesterday—and therefore the government's speech—was that of a tired, old government which is recycling announcements because it has nothing new to tell the people of South Australia. I thought I would mention some of these recycled announcements. The first one is that, to further protect our environment, the government will introduce legislation to ban the supply of lightweight shopping bags. How many times have we heard that? How many times have we got ready to debate that issue? It is now to come into effect in May 2009. Let us hope it does.

The next recycled announcement is that outer boundaries of 19 marine parks will be announced. That is great, because we have been talking about them for the past six years. More regional women in South Australia will have access to updated breast screening technology—a recycled announcement. The government will continue to fight childhood obesity; we know that, because it tells us about once a month. A significant part of the government's reform and investment includes a \$130 million redevelopment of Glenside campus. Yep; we know that, because again, the government tells us whenever it is short of news, and that is becoming increasingly frequent.

The government has also undertaken to overhaul the state's planning system. Yep; we know that too, because again, that is a recycled announcement. It is going to continue to work towards reforming WorkCover, yet it told us and everyone else that it had reformed WorkCover. It has also announced in this speech that its projects will include the Air Warfare Destroyer project and the relocation of the 1,200-strong Mechanised Battalion Group to Edinburgh. I could not count the number of times that has been announced. It will work towards a stronger and more flexible public sector. That was announced in 2002 and has come up very frequently since.

In addition, the government goes on to tell us, we are also now home to branches of international universities, including Carnegie Mellon. Yep; we know that too, because it tells us, more or less every six months. It announced six or nine months ago that Britain's Cranfield University will be offering defence related courses here. Yes; we know that, too. We also know, because it has been announced on a number of occasions, that the University College of London will also establish a presence in Adelaide.

It has also recycled and actually altered the retention age for young people at school. It will now be 17, when it was going to be 16. It has recycled the announcement of the construction of six new schools. One wonders whether it will ever build them. It has talked again about the Social Inclusion Unit and the wonderful things it is going to do to help the homeless who sleep rough. It has had six years and there is little reduction.

I also query whom the Social Inclusion Unit actually includes. It certainly does not include remote and isolated children. When I was in Port Augusta recently I visited the School of the Air, where state funding has been cut to such an extent that children are unable to access many of their

lessons because of the cost of connection to broadband. I may add that in every other state that is subsidised to socially isolated children but, obviously, social inclusion does not include people like that.

The government has again announced that it will strengthen the authority of police and prosecutors and that it will again fight to outlaw motorcycle gangs. I am sure that, if I look hard enough, it will have also announced that it will crack down on the gang of 49. It fascinates me that, after six years, it is still a gang of 49—it has not even reached a gang of 48 or 47, and it has not been reduced by even two members.

I see this as a sorry, sad and boring indictment of a government that has run out of ideas and has, indeed, failed to implement many of the ideas it claimed it would bring to South Australia when it was first elected. The only infrastructure monument any of us can see is a tram—a tram after six years.

There are abandoned roads, abandoned rural health programs and abandoned children who happen to have to do distance education. If the government had introduced the number of additional police it claimed every year, we would be one of the most highly policed states in Australia, if not the world, but we all know that recruitment is barely keeping up with attrition. Indeed, a great shame this government must live with is its total lack of any ability to work towards saving the River Murray or the people who depend on it.

Debate adjourned on motion of Hon. J.S.L. Dawkins.

#### **SESSIONAL COMMITTEES**

The House of Assembly notified its appointment of sessional committees.

At 17:48 the council adjourned until Tuesday 23 September 2008 at 14:15.