LEGISLATIVE COUNCIL

Wednesday 15 October 2008

The PRESIDENT (Hon. R.K. Sneath) took the chair at 14:19 and read prayers.

LEGISLATIVE REVIEW COMMITTEE

The Hon. J.M. GAZZOLA (14:20): I bring up the fourth report of the committee.

Report received.

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

Report received and read.

QUESTION TIME

POLICE PRISONS

The Hon. S.G. WADE (14:23): I seek leave to make a brief explanation before asking the Minister for Correctional Services a question about police prisons.

Leave granted.

The Hon. S.G. WADE: Since February 2007, the Adelaide City Watch House has been used to house prisoners for up to 15 days to cope with increased prisoner numbers and South Australia's drastically overcrowded prisons. In the face of Australia's most overcrowded prison system, in November 2007 the government increased the number of metropolitan police stations designated as police prisons from one to six—basically, all the metropolitan police stations with police cells. It was reported yesterday that the Sturt police prison is being prepared to take DCS prisoners. My questions are:

1. Are any DCS prisoners currently being housed in police prisons?

2. What are the government's plans for the use of police prisons in the current overcrowding crisis?

3. What additional DCS resources have been provided to the police to ensure that this expanded custodial role does not distract them from their core duties?

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (14:24): I assume that we all know now that we have a situation in our state following the major incident at Port Augusta, where we needed to find 92—

Members interjecting:

The Hon. CARMEL ZOLLO: I am saying 'a major incident'; Wayne Matthew said you only had 'an incident'. We need to find 92 extra beds. So, clearly—

Members interjecting:

The PRESIDENT: Order!

The Hon. CARMEL ZOLLO: I will start again. We had a major emergency. The department—

Members interjecting:

The PRESIDENT: Order!

The Hon. CARMEL ZOLLO: I will start again. The department is dealing effectively with a major emergency. We saw the loss of 92 beds—I think I said 90 yesterday, but I will stand corrected if I did—yet the system has been, and is, able to cope. We saw some emergency situations having to be put in place. One of the reasons for that, of course, is that on Monday we had a ban by the PSA on the movement of our prisoners. The movement of prisoners is normal within our present system; people are assessed and they are moved according to that assessment, so that is absolutely nothing new.

I can advise the chamber that seven prisoners were held in the Sturt police holding cells last night. They were on their way late last night from the North and they were held overnight at the

Sturt police holding cells and handed over to the department this morning by the GSL. They were oversighted by the GSL. I thank SAPOL for its enormous cooperation in relation to what has clearly been an emergency. I do not think any jurisdiction would have 92 spare beds just in the offing. Again, I thank SAPOL for assisting us in this particular case.

PRISONS, BEDS

The Hon. S.G. WADE (14:26): I seek leave to make a brief explanation before asking the Minister for Correctional Services a question relating to the availability of prison bed spaces.

Leave granted.

The Hon. S.G. WADE: In her statement to the council yesterday, the minister stated that prior to last week's incident at Port Augusta Prison—sometimes referred to as a riot—50 bed spaces were available across the system. Yesterday on ABC Radio the acting chief executive of the Department for Correctional Services stated that 92 beds had been taken out of the system as a result of the riot. This leaves the government with a net deficit of 42 beds.

At current growth rates, the prison population increases by about 42 prisoners every three months, which would leave the government needing to find 84 beds before Christmas. My questions to the minister are:

1. How many of the 50 available bed spaces to which she referred yesterday were available for male prisoners?

2. How many beds does the government estimate that it needs by the end of this calendar year and how many beds have been agreed with the PSA?

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (14:27): I am sure that the member is not shocked to learn that prison numbers do change on a day-to-day basis. Not only do prisoners come into our prisons but some prisoners, thankfully, leave when they reach the end of their imprisonment, so the numbers will fluctuate on a day-to-day basis.

My advice today is that, whilst we had over 50 beds when the major incident occurred last Thursday, a lot of those (I think at least 22 on the day) were in the female prison. We also had five spare beds at the Port Augusta Prison on that day.

The Hon. S.G. Wade: Doubled-up beds.

The Hon. CARMEL ZOLLO: Well, we do not know that. I am sure that the honourable member is just making that up. Indeed, I am sure he is making that up. My advice today is that, this morning, 12 male beds were available and 29 beds at the Adelaide Women's Prison. Clearly, at another time, we had problems finding enough beds for female prisoners. From memory, we had some transportables being constructed a few months ago—or probably more than a few months ago—at the Adelaide Women's Prison. This government clearly does respond to demand.

The $35 million over four years announced in the last budget—I am sure the honourable member remembers that—is factored into the number of beds that we need. We looked at installing 209 extra bed spaces, and I have already announced on a number of occasions that, prior to Christmas, it is certainly our intention to have on line 12 beds at Port Augusta; a special unit for traditional Aboriginal male prisoners; extra beds at Mobilong; and extra beds at Cadell as well. The Mobilong and Cadell beds will be through doubling up, and I think we have been through that one. In the longer term, we are looking at having extra transportables at Port Lincoln.

The Hon. S.G. Wade interjecting:

The Hon. CARMEL ZOLLO: I said my apologies; don't get too excited. Goodness gracious! He is very excitable, isn't he?

The Hon. G.E. Gago: They're desperate.

The Hon. CARMEL ZOLLO: They are desperate. Good grief!

The Hon. G.E. Gago interjecting:

The Hon. CARMEL ZOLLO: Yes. Port Lincoln would be very suitable to have those transportables—within the secure perimeter, of course. If the honourable member had listened yesterday he would have already counted more than 80 beds before Christmas. But, in the

meantime, as I said, we had a major incident and we must put in place some interim measures. I thank all those who assisted the government to ensure that the system was well managed.

PRISONS, BEDS

The Hon. R.L. BROKENSHIRE (14:30): As a supplementary question, the minister said that there were 29 spare beds in the Adelaide Women's Prison. Will the minister assure the council that no male prisoners will be located in any section of the women's prison as a result of the tight situation with bed numbers?

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (14:31): I thank the honourable member for his supplementary question. I know that the PSA and the department are in negotiation as we speak in relation to extra bed capacity. If we do need to use any units at the women's prison, clearly, they will have to be quite firmly separated. I understand that some units there used to house male prisoners, but I am certainly not in a position to say that that will happen at this time. It will depend on other bed availability, and it will depend on negotiations between the PSA and the government.

PRISON STAFFING

The Hon. J.M.A. LENSINK (14:31): I seek leave to make an explanation before asking the Minister for Correctional Services a question about prison staffing.

Leave granted.

The Hon. J.M.A. LENSINK: On 24 August 1994, the then shadow minister for correctional services (the current Deputy Premier) said:

> If I remove myself one step back from the position of caring particularly about how many prison officers we have in our state prisons, if I were not a politician, if I were just a member of the community, I would want to be pretty safe in the knowledge that the officers had all the resources necessary to keep Yatala quiet, all the resources necessary to keep the Adelaide Remand Centre quiet and all the resources necessary to keep Port Augusta prison quiet. It is not good enough for me as a private citizen to go home at night wondering whether or not there will be a break-out from one of our state's penal institutions. If it takes 30 per cent more prison officers to keep the situation stabilised, so be it.

Since the last election, the number of prisoners in correctional services facilities has increased by 24 per cent while prison staff numbers have increased by only 11 per cent. In light of the Deputy Premier's comments, my questions to the minister are:

1. Will she assure the council that the government is providing sufficient staff to manage the unprecedented number of prisoners in South Australia's prisons?

2. Can private citizens go home at night confident there will not be a break-out in one of our state's penal facilities?

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (14:33): My advice is that we have 16 per cent more correctional services officers than when the Liberal opposition was in government. Certainly, I have stood up in this place on a number of occasions—and certainly I have put out many media releases—to say that we have embarked on a very aggressive recruitment campaign in this state to ensure that we have enough correctional services officers: 134 prison officers so far this year, and we have a target of 200 by the end of the year. Another training recruitment course is happening as we speak.

My advice at this stage is that, in the next recruitment course, we hope to see at least 12 coming from Port Augusta and going to that prison to serve in the Public Service. We do know that it is more difficult to get staff in our regions. Sometimes it is difficult to understand why, I have to say, given the quality of life people can enjoy in regional South Australia. Certainly, no-one could accuse this government of not embarking on a very successful and aggressive recruitment campaign, which the opposition when it was in government did not bother to do. There was no planning and no strategy.

SMALL BUSINESS

The Hon. R.P. WORTLEY (14:35): Is the Minister for Small Business aware of the challenges facing small business in South Australia amid the global credit crisis?

Members interjecting:

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:36): Let it be recorded—

Members interjecting:

The Hon. P. HOLLOWAY: It needs to be recorded that there was a lengthy delay because opposition members were laughing. Obviously they think that the plight of small business in our state—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: And there he goes again! The Hon. Rob Lucas is the cheerleader in all this. Obviously he thinks the conditions facing small business in this state are ludicrous. You should be ashamed of yourself! They do not care about small business in this state; they laugh at it. They are only interested in themselves.

I thank the honourable member for his important question. I am sure he is aware of the financial uncertainty that has swept the globe in the past few weeks, beginning with the collapse of the subprime mortgage market in the United States. It says a lot about the interconnectedness of the global financial market that mortgage foreclosures in the United States have led to a credit crunch that has undermined Wall Street investment banks, triggered trillion-dollar rescue packages and shattered the confidence of world stock markets. All this uncertainty has rippled through the financial system to the point where banks are no longer prepared to extend credit to each other, which in turn has pushed up the cost of borrowings and made it difficult for businesses to secure financing. It is not a laughing matter.

The credit squeeze comes after many small and family owned businesses in the state have struggled in the face of higher fuel costs and rising prices from their suppliers. It was welcome news that the Reserve Bank of Australia at its recent monthly board meeting agreed to provide some relief to small businesses in the form of lower interest repayments, and that the 100 basis point interest rate cut announced by the central bank will help ease the burden on small business, and I hope that local banks and other lenders are able to pass on as much as possible to their business borrowers.

South Australia's economy is sustained by the work of small business operators, who make up 96 per cent of all businesses in this state. These firms employ about 235,000 people—again, not a laughing matter—representing 46 per cent of the state's private sector workforce. Any interest rate relief that can be passed on to small and family owned businesses will be very welcome in this ongoing climate of financial uncertainty. The federal government's decision to guarantee deposits and bank lending, together with the Reserve Bank of Australia's efforts to ease the liquidity squeeze, will hopefully cushion South Australia from the impact of the global financial crisis. Locally, it is hoped that any measures to reassure the banking community might also reduce pressure on small businesses as they look to roll over lines of credit with their bankers.

This government acknowledges the valuable contribution small and family businesses make to the local economy and is strongly aware of the obstacles and challenges they face. A full percentage point cut in official interest rates, building on the quarter percentage point cut earlier this year, will go some way towards easing some of the financial challenges faced by small business operators in this state. Reducing interest repayments faced each month by businesses is just one way to relieve the pressure on small business.

It is also with the benefit of hindsight fortuitous that this year's state budget provided yet more tax relief to South Australian businesses. This government's 2007-08 budget again cut the payroll tax rate and further raised the threshold at which firms are required to pay the tax. South Australia's payroll tax threshold was increased on 1 July this year to $552,000 from $504,000, and we will raise it even further to $600,000 next year, on 1 July 2009. At the same time, South Australia's pay-roll tax was cut to 5 per cent, from 5.2 per cent, from 1 July this year and will be cut even further to 4.95 per cent from 1 July next year.

These measures, combined with the lower interest rates announced by the Reserve Bank, should help ease the financial pressures faced by businesses throughout South Australia. This government is committed to assisting businesses in South Australia to grow. This government also recognises that one of the other banes of small business is red tape, and that is why we set out to reduce this burden on business by 25 per cent by July 2008. Having set a target to save business $150 million a year through reductions in red tape as a proxy for the government's commitment to

easing this burden by 25 per cent. I am delighted to report that an independent audit by Deloitte found this government had delivered $170 million in savings.

As Minister for Urban Development and Planning I also point out that Deloitte's audit did not take into account the estimated $50 million in red-tape savings expected to flow to commercial developers as a direct result of the government's planning and development review. Interest rate relief, tax relief and relief from the burden of compliance are some of the actions being taken to help small business, and keeping the small business sector healthy and confident will be a key part of this government's industry strategy as we face down this new challenge created by the global credit crisis.

HOUSING SA

The Hon. J.A. DARLEY (14:41): I seek leave to make a brief explanation before asking the Minister for Emergency Services, representing the Minister for Families and Communities, questions about Housing SA's tender processes.

Leave granted.

The Hon. J.A. DARLEY: Recently I was contacted by a constituent who raised concerns about the tender process for a project being undertaken by Housing SA. I am advised that Housing SA is currently in the process of refurbishing the Box Factory in Adelaide. As part of this refurbishment process a passenger lift is required to be installed. The project specifications require 'supply and installation of a Kone "R5 series" lift, or equivalent from Otis Lifts. No other lift suppliers are approved for this project.'

I am advised that, contrary to the project specifications, there are in fact six companies in South Australia that are capable of supplying and installing these types or similar types of lift. Further, I am advised by an expert within the field that this project does not require any distinctive skills exclusive to any one company and that it is an uncomplicated project. My questions are:

1. Is the minister aware of this situation?

2. Will the minister advise whether the tender was limited to two companies and, if so, will the minister advise why there was not an open tender process for this project?

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (14:42): I will refer the honourable member's questions to the Minister for Families and Communities in order to ensure that he has a response.

PORT AUGUSTA PRISON

The Hon. R.D. LAWSON (14:42): I seek leave to make a brief explanation before asking the Minister for Correctional Services a question about prison overcrowding.

Leave granted.

The Hon. R.D. LAWSON: The minister has defended—and yesterday in her ministerial statement defended and, indeed, applauded—the practice of doubling up in South Australian prisons; in other words, having two prisoners in a cell. The policy of having two prisoners in a cell ignores the policies of the South Australian branch of the Australian Labor Party. The minister has sought to suggest that I personally have spoken in favour of doubling up. Actually, I have referred to the recommendations of the Royal Commission into Aboriginal Deaths in Custody to the effect that first time Aboriginal remandees should be housed together.

Recent reports in *The Advertiser* and on Leon Byner's radio program have indicated that a life prisoner at Port Augusta had two first time remandees with him in a cell, not as a result of the riot in Port Augusta but, rather, over the past two months—two first time remandees with a life prisoner. My questions are:

1. How does the minister justify the trebling up of prisoners and remandees in this way?

2. How does the minister justify remandees being held with convicted life prisoners?

An honourable member interjecting:

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs)

(14:44): That is a good question. How does the opposition justify not locking up people when they commit a crime? Port Augusta gaol does have remandees. I understand that many people would think that is preferable, given the distance they have to travel to Adelaide and, also, the fact that some of them are Aboriginal prisoners.

I understand that, of the prisoners involved in the major incident last week, 12 were remandees and, of these, 10 have served previous prison sentences—some extensive, regrettably—and had been remanded for further offences.

The comment made by the honourable member was that we were trebling up. That is not the case, and I again place that on the record. That was not the case at all. Again I place this on the record: we have dormitory style accommodation at the Port Lincoln prison. It is used mostly by our Aboriginal prisoners because they prefer it that way, especially if they have a disaster or problem in their family. They prefer the support of their peers. We also have a division in Yatala—it is now E Division, but it was the old forensic science centre—where, for over 10 years, there were three people in a cell. Clearly, they used to be hospital room-size cells. Again, that has happened on and off for the past 10 years.

I have to acknowledge that we have doubling up in our prisons. Not all cells are doubled up, but I acknowledge that we have double-ups; and it certainly is preferable to having these people on our streets. If opposition members have a problem with that, let them say so, but I am able to sleep at night because these people are off our streets and in our gaols.

EID AL-FITR

The Hon. B.V. FINNIGAN (14:46): My question is to the Minister Assisting the Minister for Multicultural Affairs. Will the minister inform the council about what the government has done as part of the recent Eid Al-Fitr celebrations?

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (14:47): I thank the honourable member for his question. Members may be aware that in 2008 the Islamic holy month of Ramadan fell in September. Eid Al-Fitr (the Festival of Breaking the Fast) marks the end of Ramadan and is the culmination of a month of fasting for Muslims. The South Australian government hosts an Eid Al-Fitr reception each year. I am pleased to say that it has become a tradition in South Australia. This year I was pleased to host the Eid Al-Fitr reception in the Members Dining Room in Parliament House on Friday 3 October.

Ramadan, the most sacred month of the Muslim year, is a time of atonement, and fasting is considered to be the third religious pillar of Islam. During the Eid Al-Fitr reception I noted, and certainly understood, the importance and value of fasting. Both for Muslims and Christians, the values of frugality and spirituality play a central role in these religious traditions and obligations.

Ramadan serves as a reminder that Muslims need to rekindle their faith, and it allows Muslims to practice self-discipline, self-control and sacrifice, and to empathise with those who are less fortunate. In my role as minister assisting in multicultural affairs I see many familiarities in all cultures that make up our multicultural community, and in the traditions and the things that we all hold dear. Some of the core values of Islam are a commitment to family, compassion for the disadvantaged and respect for difference, which are the core values of many peoples.

Muslims in South Australia have a long and proud history. South Australia's Muslim community has evolved over the years to become many communities representing myriad cultures, nationalities, groups and language backgrounds, and it represents an increasingly important part in South Australia's rich tapestry. Multiculturalism in South Australia has broken down barriers and invited people of all backgrounds to engage in the great Australian project of nation building. In a recent household survey conducted by the government, almost nine out of 10 people surveyed believe that cultural diversity is a positive influence in the community.

I have had the opportunity to visit many mosques, and the mosque visits and community consultations have assisted me and the government to better understand the Muslim community and to strengthen ties between the community and the government. Each multicultural community organisation, mosque, club or association is really a cultural ark that values and guards the traditions, language and faith of the people who established it, and their birthplace or heritage.

Almost 200 guests from 70 different community organisations were invited to the reception. On behalf of the government, I wish members of the South Australian Muslim community Eid

Mubarak or 'Happy Eid', and peace, health and prosperity in the year ahead. I am sure that members of the chamber share those sentiments.

BICYCLE LANES

The Hon. M. PARNELL (14:50): I seek leave to make a brief explanation before asking the Minister for Road Safety a question about bicycle lanes.

Leave granted.

The Hon. M. PARNELL: Today is National Ride To Work Day. It was my great pleasure to be talking to some cyclists this morning in Victoria Square, and a topic that came up was the quality of our on-road bicycle lanes and whether or not they are as effective as they could be. Cyclists raised with me issues of lanes that are discontinuous, and there are questions of maintenance and obstacles. One issue that was raised related to the hours of operation of bicycle lanes because, as members would appreciate, it is one thing to mark a bicycle lane on a road, but it is also important that its hours of operation are appropriate for those who seek to use it.

One example is the bicycle lane on Shepherds Hill Road not far from where I live, in fact, which applies only during the hours that children are heading to and from school. However, the biggest users of this bicycle lane are commuting cyclists who are heading down onto the Adelaide Plains or returning to the Mitcham Hills. It seems that this bicycle lane that only operates in the afternoon between 3pm and 4.30pm in fact misses the vast bulk of users. By contrast, most bicycle lanes on arterial roads are either full-time or at least they cover both the morning and the afternoon peak commuting periods.

My question of the minister is: will the government commit to a review of the effectiveness of existing bicycle lanes to ensure that they fulfil their full potential and are available to a maximum number of cyclists?

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. I must admit that I was not able to attend the breakfast this morning. I am sure that the honourable member was present and that everyone there had an enjoyable time. Ride to Work Day is a very enjoyable and important initiative.

The Hon. R.I. Lucas: Did you ride to work?

The Hon. CARMEL ZOLLO: Well, I said I was not able to attend, so I have been up front about that. I am sure that the Hon. Mark Parnell was able to ride to work. Indeed, from memory, I think we were represented by two ministers from the other place this morning. In relation to cycling lanes, we often talk about Adelaide being just the perfect city for cycling lanes because in a lot of places of course it is flat but, regrettably, what we have—and I am sure all established cities would face the same issue—is that cycling lanes and planning have to go hand in hand and, of course, the city itself was established long before we decided that we should have cycling lanes.

Whilst a lot of people would dearly love door-to-door cycling lanes, it will not be possible all the time, depending on the existing infrastructure. Certainly, under this government, we have a cycling strategy, and Adelaide's bicycle network, known as Bikedirect, now has a total length of 2,271 kilometres, within which there are 411 kilometres of bicycle lanes and 307 kilometres of path. The remainder of the network, I understand, is mapped and signed routes without any specific cycling facility, loosely described as the backstreet routes of Adelaide.

As I have said, whilst we all would wish that we could have bicycle lanes extending from one's home to one's destination, it is not always possible, but we do have a number of programs and funding committed every financial year to ensure that we continually improve our bicycle networks in the state.

The honourable member has mentioned Shepherds Hill Road. I am not aware in particular of what arrangements do exist on that road. I think the honourable member did place it on record. However, I undertake to go back to the department and seek some advice from it as to how the hours that he described were actually decided upon, and I will bring back a response for him.

GLOBAL FINANCIAL CRISIS

The Hon. R.I. LUCAS (14:54): I seek leave to make an explanation before asking the minister representing the Treasurer a question about the financial crisis.

Leave granted.

The Hon. R.I. LUCAS: All members will be aware that the minister has addressed this issue already, in question time, of the global instability and the financial crisis facing not only South Australia but Australia. In recent months, one of the many reasons for some of that global instability and financial crisis has been the practice of hedge funds, other institutions and individuals engaging in the practice of short selling, whereby investors sell a share they do not own in the expectation of buying it later at a lower price, thus making a profit.

As a result of some of those actions, and the instability they were causing in the financial markets, Australian regulators (ASIC and others) banned short selling for a period of time. The federal government, through the federal Treasurer, indicated its support for the ban and opposition to the people involved in the practice.

The Hon. R.P. Wortley: Responsible government.

The Hon. R.I. LUCAS: 'Responsible government', Mr Wortley says. Mr Swan said that this would help protect investors as well as the integrity of our financial market. So, the federal Labor government made quite clear that it opposed those people involved in the practice of short selling.

One of the particular types of short selling that has been banned by Australian regulators, and one of its common examples, is when big hedge funds from overseas and in general borrow shares from institutional super funds and sell large quantities of those shares to drive the price down. They then buy back the shares at a lower price and profit on the difference. The superannuation fund that loans the shares gets paid a fee by the hedge fund for that loan. The obvious issue that has been raised in South Australia is whether or not institutional super funds in South Australia have been involved in the practice of short selling. My questions are:

1. Can the Treasurer give the parliament an assurance that Funds SA, which manages superannuation funds on behalf of public servants in South Australia, has not been involved in any way in the practice of short selling prior to its recent ban by regulators? If it was involved in this practice, what are the details of that involvement, the number of occasions it occurred, the value of the shares in each case and the total fees that might have been earned by Funds SA in any example of short selling?

2. Can the Treasurer give an assurance that no other South Australian government agency, such as WorkCover or the Public Trustee, which also manages (directly or indirectly) funds under its control, was also engaged in the practice of short selling in any way? If it was involved, what are the details of that involvement, in particular the number of occasions it might have been involved, the value of the shares transacted or borrowed in each case and the total fees that might have been earned by WorkCover, the Public Trustee or any other government agency?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:58): I thank the honourable member for his questions. I will refer them to the Treasurer and bring back a reply.

SA LOTTERIES

The Hon. I.K. HUNTER (14:58): I seek leave to make a brief explanation before asking the Minister for Government Enterprises a question about SA Lotteries.

Leave granted.

The Hon. I.K. HUNTER: SA Lotteries has an admirable reputation locally—and, as I understand it, internationally—for providing funding for our public hospitals and also for its efficient administration. Will the minister update parliament regarding SA Lotteries' good work?

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) (15:59): I thank the honourable member for his important question. I can advise the chamber that SA Lotteries contributed a record $91 million to South Australian hospitals, bringing the total money contributed since its inception to $1.9 billion. This is a $5 million increase on the previous financial year and marks a significant boost for the Hospitals Fund.

Over the past year, exceptional sales of $366.6 million have allowed SA Lotteries to continue its significant support of the South Australian community.

I am pleased to advise that SA Lotteries' additional community contributions in the 2007-08 financial year included:

- $218,000 to the Recreation and Sport Fund, taking the total returned since the fund was established in 1987 to $8.2 million;
- $26.9 million in commission to a statewide network of 551 agents, who are mostly small business operators;
- $8.4 million to local suppliers in exchange for goods and services; and
- an overall 13.44 per cent reduction in greenhouse gas emissions in 2006-07.

In addition, South Australian players won $209 million in 2007-08, with 71 local players sharing $47.9 million in Division One prize money.

SA Lotteries was established in 1966 to create prosperity for the South Australian community through the payment of prizes to players and profits to hospitals. SA Lotteries 2007-08 success was achieved through the responsible promotion and conduct of lottery games to ensure a safe playing environment for customers.

It also gives me great pleasure today to advise the chamber that SA Lotteries Chief Executive June Roache has been elected Chairperson of the Asia-Pacific Lottery Association (APLA) and will lead industry leaders in the region in advancing the delivery of charitable social and community projects. APLA is one of five regional associations of the World Lottery Association (WLA). As APLA chairperson, Ms Roache will represent the Asia-Pacific region on the WLA executive committee, which represents state lottery and gaming organisations from 76 countries and five continents.

As APLA chairperson, Ms Roache will lead members of the Asia-Pacific regional association in delivering greater social contributions and achieving their vision for local communities. In her role as SA Lotteries Chief Executive, Ms Roache has been actively involved in working to establish industry-wide codes of conduct and ethical standards in Australia and overseas. She was an inaugural member of the World Lottery Association's Corporate Social Responsibility Working Group, which was set up to establish standards of best practice for lottery organisations around the world.

Ms Roache's commitment to better business practices has steered SA Lotteries towards returning approximately 95¢ of every dollar to the South Australian community. Her appointment as APLA Chairperson will enable her to support and guide international lottery organisations towards achieving similar successes.

POLICE NUMBERS

The Hon. R.L. BROKENSHIRE (15:03): I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning, representing the Minister for Police, a question regarding police numbers.

Leave granted.

The Hon. R.L. BROKENSHIRE: The government's policy is to have 4,400 police officers on the beat by 2010, or perhaps it is a commitment for 4,421, according to the new minister's media release of 13 August this year. In the same release the minister said, 'We are well on track to provide more than 700 extra police, above attrition, in our two terms of government', relying on a baseline figure of 3,701 full-time equivalent officers when the Rann government was elected in March 2002.

Government media releases dated 21 July, 13 August and 24 September cover topics such as the number of graduates from the academy; how bad the numbers used to be under the previous government; 'the highest numbers SA has ever seen'; and the 4,400 target for 2010. However, in each release there is no mention of the 30 June 2008 full-time equivalent figures.

It is claimed that, as at 30 June 2008, SAPOL had 4,128 full-time equivalent police officers. This would be a fall from the 4,149 officers at 30 June 2007 and the first drop in total full-time equivalent police numbers since the massive drop between 2003-04 and 2004-05. My questions to the minister therefore are:

1. Exactly how many full-time equivalent police were on record as at 30 June 2008?

2. If there has been a drop in total numbers, what has been the reason for that drop?

3. What are the predicted recruiting and attrition rates through to 2010?

4. What have been the recruiting and attrition rates per annum over the life of this government?

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (15:05): I thank the honourable member for his questions in relation to police numbers in this state. I will refer those questions to the Minister for Police in another place and bring back a response for him.

PRISONS, BEDS

The Hon. T.J. STEPHENS (15:05): I seek leave to make a brief explanation before asking the Minister for Correctional Services a question about the prison system.

Leave granted.

The Hon. T.J. STEPHENS: In 1994 the then minister for correctional services (minister Matthew) defended the doubling up of prisoners in cells in the Adelaide Remand Centre when he reportedly said:

> Well, that's not such a bad thing, because when prisoners are on remand they have a few problems, obviously. They need a bit of supervision, and what better form of supervision than to have two prisoners together in the one cell to look after each other?

In this council on 10 September, the minister said:

> Sometimes it is important to have a buddy system for those who feel vulnerable or who cannot be left on their own. So, clearly, that is one of the options that is available to the government at the new infrastructure at Mobilong.

In the House of Assembly in August 1994, the then shadow correctional services minister (a Mr K. Foley, member for Hart, now the Hon. K. Foley) described minister Matthew's comment as 'inane, ridiculous, ill-thought out and irresponsible'. Does the minister accept the Treasurer's criticism that her comments are inane, ridiculous, ill-thought out and irresponsible?

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (15:06): The opposition is very clearly making fun of a major incident that occurred last week. I have said—

Members interjecting:

The Hon. CARMEL ZOLLO: Well, Wayne Matthew thought that yours was just an incident: I think it was a major incident, and it certainly was. I am on the record—I am now the Minister for Correctional Services—as being open and transparent in saying that we do have doubling up in our cells. I will not resile from that. Again, I will say that I would rather have two prisoners in a cell than seeing people out in the community who should not be out there. We will always ensure that we have a safe and secure system in this state, because to do otherwise would not be looking after the portfolio in a responsible way.

We have seen a major incident, so we do have an interim strategy in place. Again, I do thank SAPOL, and I thank the PSA for ensuring that beds have been made available. Losing 92 beds out of the system is a major number. I do not think that any jurisdiction could automatically cope with that. We must have some interim strategies. We will be looking to have beds on line at Port Augusta in a timely fashion, but, clearly, some will be on line earlier than others given the extensive damage that occurred last week. In relation to other people's comments, I would say that I express myself in different ways and so do other people.

I do not think that I will lose sleep over what the opposition considers to be somewhat flippant remarks. I am quite honest in my remarks. Yes, we will have doubling up in some of our cells in South Australia.

PUBLIC INFRASTRUCTURE

The Hon. J.M. GAZZOLA (15:09): Will the Minister for Urban Development and Planning provide details of the state government's commitment to improving public infrastructure in a way that delivers benefits for local communities?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:09): I thank the honourable member for his most important question. This government is committed to enhancing the quality of open space throughout South Australia and, of course, this commitment can be achieved in various forms. In some cases, the government can ensure that new developments provide ample open space, and that is one of the reasons why this government will ensure that, when it is transferred from the SAJC, 35 per cent of the Cheltenham Park Racecourse site is preserved as open space at the heart of the proposed redevelopment. That is one way government can do it.

There are other ways the government can encourage local communities to set aside and improve open space in their areas. One of the government's most popular initiatives is the open space and places for people grants. The importance of these community projects is demonstrated by the continued strong demand from metropolitan and regional councils for funding from these programs. Funding from the Rann government has assisted local councils to maintain and rejuvenate public parks and open space across the state. This funding has been integral to the creation of the River Torrens Linear Park and Coast Park that links the Adelaide Hills to the gulf. Regional South Australia has not been overlooked, with scores of grants helping district councils to design, construct and, where necessary, renovate public spaces and in some cases to purchase public spaces in country towns.

I am delighted to inform members that I recently approved more than $1.189 million in open space grants to support local government projects based on the recommendations from the Public Space Advisory Committee. Those 16 grants to metropolitan and regional councils, financed from the South Australian government's planning and development fund, will assist local community projects worth more than $4.4 million. This government has now invested more than $40 million in grants to beautify this state and provide recreational facilities such as shared use paths for pedestrians and cyclists, barbecue facilities and picnic grounds. These grants allow local councils to invest in their communities through projects that provide a facelift to rural and regional town centres and help support healthy outdoor recreation throughout South Australia.

The scope of the project supported by these grants are as diverse as this state. They include $250,000 to the City of Charles Sturt for the $916,000 Grange Jetty precinct stage 1 development. There is a grant of $175,150 to the City of Onkaparinga to assist in completing the $350,000 Jubilee Reserve stage 1a redevelopment. These two projects continue the significant progress this government has made in assisting councils along the Adelaide coastline to create a coast park linking North Haven to Sellicks Beach.

Along with a coast park, the government is also keen to encourage recreational facilities that link to the shared use path. That is why in the latest round of grants we are providing $102,500 to the City of Port Adelaide Enfield for the $205,500 Le Fevre Community Recreation Park at Largs Bay. Regional South Australia does not miss out in the latest round of funding. The District Council of Tatiara is also a beneficiary from the latest round of grants, with $224,930 to the District Council of Tatiara for the $881,817 Keith streetscape project, and a further $50,000 to the $125,000 Keith entrance project.

The government has also provided $16,000 to the District Council of Yorke Peninsula to assist in the $31,945 Ardrossan Creek bridge project. In the hills the government is providing $100,000 to the Adelaide Hills Council for the $1.41 million Woodside redevelopment, stages 1B and 1C. A further $6,000 grant has been approved for the District Council of Mount Barker for the $14,000 Weld Park redevelopment plan. There is also $60,000 to the City of Mitcham for the $120,000 Soldiers Memorial Gardens project, and $48,000 to the City of Tea Tree Gully for the $96,000 Kingfisher Reserve bridge redevelopment.

These grant programs aim to foster new ideas for existing public space, and that is why in the latest round we have provided money to help councils commission designs and master plans for projects that might later receive additional funding from the open space and places for people programs. In this round, $30,000 was provided to the Northern Areas Council for the full cost of the Georgetown urban design plan, and $25,000 was provided to the District Council of Mount Remarkable for the $50,000 Booleroo Centre parklands project. There was also $20,000 for the City of Burnside for the $40,000 Hazelwood Park play space redesign, and $20,000 to the City of Norwood Payneham St Peters for the $40,000 Magill Road Place project.

The state government will also provide $12,000 to the City of Unley for the $24,000 Goodwood main street revitalisation project, and $50,000 to the City of Prospect for the $100,000

Prospect central master plan. These public works, assisted by the planning and development fund, aim to encourage private investment in shops and facilities in regional town centres and within the community hubs of our metropolitan suburbs.

These various statewide projects are going a long way towards making South Australia a more attractive and vibrant place in which to live. These grants are further evidence of the Rann Labor government's ongoing commitment to support the South Australian community where it lives. Whether councils are looking to inject new life into their main streets, provide recreational areas for the community or make the best of their natural beauty in order to attract tourists, the government is keen to encourage and support their goals. The result, so far, has been a range of public works that have created a network of parks, cycle paths and recreational facilities that can be enjoyed by all South Australians. We want to continue to build on the investments already made, and this government will continue to make funds available from the Planning and Development Fund to local councils with good ideas to improve their local community. Again, I thank the honourable member for his question.

PORT AUGUSTA PRISON

The Hon. J.S.L. DAWKINS (15:16): I seek leave to make a brief explanation before asking the Minister for Correctional Services a question about the Port Augusta Prison riot inquiry.

Leave granted.

The Hon. J.S.L. DAWKINS: In a statement to the council yesterday the minister said that, in addition to SAPOL's investigation of the riot, staff from the Department for Correctional Services Investigative and Intelligence Unit will conduct their own investigation into the riot at Port Augusta last week in order to determine the events surrounding the riot. My questions are:

1. What are the terms of reference for the inquiry to be conducted by the Investigative and Intelligence Unit?

2. Will the inquiry look at factors which may have contributed to the riot, such as the prison regime within the Port Augusta prison, and systemic issues, such as overcrowding?

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (15:17): The Investigative and Intelligence Unit of the Department for Correctional Services is independent, certainly from my saying what they can and cannot look at. As I have already said on record, SAPOL is undertaking its own investigation, as is the department. Last night I was advised that SAPOL will make available a senior officer to assist the department in its investigations. I have undertaken to bring back the recommendations and outcome of that investigation to this council. I will do that—as I undertook to do yesterday. Clearly, as one would expect, if there is an investigation, what caused the major incident at Port Augusta last week and how we can make improvements are the key things I would be looking at in any investigation. Again, I will bring back the results to this council.

HELLENE AND HELLENE-CYPRIOT WOMEN OF AUSTRALIA AND NEW ZEALAND

The Hon. R.P. WORTLEY (15:18): The Hellene and Hellene-Cypriot Women of Australia and New Zealand recently held their national conference in South Australia. Will the minister tell the chamber more about the Hellene and Hellene-Cypriot Women of Australia and New Zealand organisation and its national conference?

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) (15:18): I thank the honourable member for his question and interest in this matter. On Friday 10 October I had the great pleasure of hosting the welcoming reception of the National Biennial Conference of the Federation of Hellene and Hellene-Cypriot Women of Australia and New Zealand in Parliament House. The conference explored the roles, challenges and achievements of Greek and Cypriot women in the 21st century. The organisation through the passionate work of its members fosters leadership and cultural understanding, and it helps to promote the important role women play in building better and stronger communities. I was extremely pleased to see the breadth of women in attendance—from young to old, from different walks of life and from professional and business backgrounds. It is always pleasing to hear a breadth of women's voices in order to ensure that they are heard.

Greek culture and language have long been an integral part of the life of Australia. We see its influence in food, arts and festivals, and throughout the whole fabric of our society. The Greek community have lived in the South Australian community for many years. I think the first Greek family arrived to settle here in South Australia almost 150 years ago, so they certainly have had a long standing in this community.

As I said, the Greek cultural influence in particular has woven itself through the very fabric of our society, and we are all much richer for it. In South Australia the Organisation of Hellene and Hellene Cypriot Women recently presented a major exhibition in the Migration Museum telling the stories of Greek migration into this state. The sharing of stories such as these is quite incredible. It is a very important and rewarding experience for all, and I congratulate the organisation for that initiative.

I cannot imagine what it would be like. Of my four grandparents, three were immigrants to Australia, or closely related, from Yugoslav, Italian and Irish backgrounds. It is indeed an eclectic combination, and I am richer for it, as are many of us here. Even being second generation, I cannot imagine what it would be like to sell what possessions you have, to hold a fistful of cash in your hand, board a boat with a toddler on your hip and one in a pram, and arrive in Australia not speaking the language and often not having any family or other contacts here. I cannot imagine the bravery and courage that that took and, of course, some of those photographs in that exhibition represent much of that courage and bravery.

The women of the Greek community are very outward looking in supporting each other and also making vital contributions to the wider community. For example, I am aware that just last year the New South Wales Organisation of Hellene and Hellene Cypriot Women raised just over $30,000 for child cancer research. Greek women are professors, business women, mothers, senior government officials, politicians, nurses and community workers, all working hard for better lives for themselves, their families and the community.

I have been told that the national conference was a great success, and I am pleased to advise members that the Director of the Office for Women met with the organisation to discuss and share information about the up and coming and continuing challenges for women in the 21st century. As I have mentioned in this chamber before, domestic violence in particular was one of the issues that I know were raised at that meeting and on which the women were very interested to hear about our agenda.

The Office for Women has informed me that a number of key issues were raised: women's safety, increased representation for women in politics and the broader government structure, work/life balance and parental leave were amongst them. These are all issues the Rann government is taking very seriously, and I look forward to continuing a relationship between the Office for Women and this organisation.

MATTERS OF INTEREST

ADELAIDER LIEDERTAFEL

The Hon. J.S.L. DAWKINS (15:23): I rise today to speak about the 150th Jubilee of the Adelaider Liedertafel 1858, combined with the 14th Sängerfest of the German Choral Association of Australia Incorporated, held at the Adelaide Town Hall on Saturday 4 October. The Sängerfest is otherwise known as the Australian Song Festival of the German Choral Association.

The Adelaider Liedertafel 1858 is a German male choir that was founded on 1 September 1858 by J.W. Schierenbeck and Carl Linger. It was formed by combining two existing choirs: the Adelaider Liedertafel and the Deutsche Liedertafel. Mr Schierenbeck became the first president and Mr Linger was confirmed as the first musical director, conducting the choir until his death at the age of 52 in 1862. The name of Carl Linger is well renowned as the co-founder of the Adelaide Symphony Orchestra and as the composer of the music for the Song of Australia.

In 1968 it was decided that the year in which the choir was founded should be added to the name. Hence, it is now known as the Adelaider Liedertafel 1858. The choir sang German songs for Adelaide residents from the mid 1800s until 1878 at its 20th anniversary concert, when songs of the English language were added to the choir's repertoire. Since then, the choir has been entertaining people of many nationalities with its outstanding musical talent.

I was delighted to attend the concert, which focused not just on the Adelaider Liedertafel 1858 but also on a number of other German choirs from all over Australia. These were: The

Heimatchor from Perth; The Cancilienchor from Croydon, New South Wales; Concordia Choir from Tempe, New South Wales; the Austrian Choir from Canberra; Chor Alpenfrieden from Adelaide; Harmonie Choir from Canberra; Liedertafel Arion from Melbourne; Tanunda Liedertafel and Hahndorf Liedertafel; the Brisbane Liederkranz/Liedertafel; the Deutscher Volksliederchor from Adelaide; and the German male choir Sanssouci from Wollongong, New South Wales. These choirs all performed individually during the afternoon Sangerfest performance before combining in the evening mass men's and ladies' choirs and, finally, all in one huge choir.

The Premier (Hon. Mike Rann) presented the opening address. I also acknowledge the presence of the current Lieutenant-Governor Hieu Van Le, as well as the former lieutenant-governor, Mr Bruno Krumins. Mr Le, who is also the Chairman of the South Australian Multicultural and Ethnic Affairs Commission, noted:

> The Adelaider Liedertafel 1858 has made an unparalleled contribution in fostering German song and culture and on the development of the musical life of South Australians.

Along with the extremely talented choirs, the audience was treated to many other musical performances from organists, pianists, opera singers, and the Band of the South Australia Police.

In all, the program was excellent and very well presented. The Adelaider Liedertafel and the mass choirs were all superbly directed by the young conductor Mr Jonathan Bligh. Congratulations go to Mr Peter Reeh, President of the Adelaider Liedertafel 1858, Mr Dieter Mittasch, President of the German Choral Association of Australia, and all who contributed to the 150th celebration and the Sangerfest.

In conclusion, I put on record the names of the other people who principally contributed to that event. I have mentioned the Band of the South Australia Police, and that was under the direction of the Principal Conductor, Dr Kevin Cameron. We also heard from soprano soloist Nina Tschernykow. Opera singers performing were Jillian Chatterton, Ernst Ens, Joanna McWaters and Andrew Turner; and they were all accompanied by Mr John Hall. The organist was Shirley Gale, and the piano accompanist was Ms June Genders OAM. The compere was Mr Jens Sandstrom, and I give a special mention to the stage manager, Mr Wolfgang Fritzsche.

WOMEN IN PARLIAMENT

The Hon. R.P. WORTLEY (15:28): I stand here today to bring to the attention of fellow members the extraordinary situation likely to arise in this place after the next election. Members will recall I recently alluded to the number of women in our parliament. It is astonishing to me that in this day and age there may be only one woman—that is, only one, Mr Acting President—on the opposition bench in this place after South Australia goes to the polls. How is that for an example of the arrogant disregard of those opposite for more than 50 per cent of the population!

The Hon. Caroline Schaefer is departing this chamber at the next election and, while I gather she wishes to be replaced by a female candidate, there are, as we know, no guarantees in politics. It could well leave our esteemed colleague, Ms Lensink, the sole woman of the Liberal persuasion in this chamber.

I think it is arrogance and contempt for the electorate, Mr Acting President, when a party wins three seats in this council in the last election and then would assume that the electorate is going to give it more at the next election. I think it holds the electorate in contempt.

As much as I appreciate our exchanges and the occasional abuse from Ms Lensink in this chamber, I do think that this is a pretty poor state of affairs on behalf of those people who perceive themselves as an alternative government. Meanwhile, in the other place, men have already been selected for the two safe Liberal seats, Frome and Stuart, which will become vacant at the next election.

Preselection for the other safe seat, Flinders, is happening over the weekend. As Greg Kelton wrote in *The Advertiser* of 6 October 2007, 'There is a strong push among senior Liberals for her replacement to be a male.' That may explain why there are only two males going for preselection; there are no females there. That is another example of the strongarm tactics of the senior Liberals in the way they treat women.

The situation I have outlined certainly demonstrates the arrogance with which those opposite view women in our political arena. Let us not forget that South Australia led our country in giving women the right to vote and to enter parliament back in 1894. Jessie Cooper was the first

woman to stand for parliament in 1918, and Joyce Steele became the first woman elected to the South Australian parliament in 1959.

Both were members of the late and unlamented Liberal and Country League. As we all know, the LCL ran this place like a fiefdom back in the middle of the 20th century. Of course, things have changed considerably in the almost 50 years since, but women are still under represented in our parliament, and it looks as though they will be even more under represented on the opposition benches after the next election.

I note that the Leader of the Opposition in the other place was crowing in a recent edition of the *Sunday Mail* about getting his own group of golden girls. They include travel rorter Trish Draper (I understand that her name was up for the seat of Mayo; her name was also up for the Legislative Council; and now she has finally been preselected for the seat of Newland), Maria Kourtesis, running for Bright and Rachel Sanderson who will contest the seat of Adelaide.

Meanwhile, Jing Lee, Rita Bouras and Sarah Jared are seeking seats in this place in positions 4, 5 and 7 respectively. This sort of arrogance is characteristic of the way the Liberals and the opposition treat women. The approach of members opposite is total contempt, and they treat it as a joke. I will leave aside the fact that the sort of descriptor used by the Leader of the Opposition is demeaning to women in any sphere of endeavour in the 21st century.

I will refrain from commenting on the leader's rather patronising remarks about gender balance and cultural diversity in the Liberal Party. I will say, with the greatest respect, that the House of Assembly seats for which Ms Draper, Ms Kourtesis and Ms Sanderson have been preselected offer them a less than optimal chance of election. When you take into consideration the talent of Ms Sanderson, you would have thought that the Liberals would go out of their way to actually get something a little bit more safe for a person like she. And one might relevantly inquire about the positioning on the ticket of Ms Lee—

Time expired.

LABOR PARTY

The Hon. R.I. LUCAS (15:33): I want to thank a number of people for the feedback they have provided to me in the past week as a result of the recent contribution I made in this chamber in relation to the arrogance of the right faction of the Labor Party represented in this chamber at the moment by the Hon. Mr Wortley and the Hon. Mr Finnigan, and the cancerous and pervasive influence that that section of the right faction—the Shop Distributive and Allied Employees Association—has within the Labor Party, the Caucus and the broader Labor community.

I also thank those people for the promise of further information to assist future contributions in this area. I must quickly say to my friends on the Labor right who have complained to me that I should really be looking at the Labor left as well in terms of the sins that they commit that I spoke previously in this chamber back in 2003 on the issue of the Labor left and in particular referred to the job network, and exampled, I think in particular, ministers Conlon and Weatherill who had an interesting little engagement where they each employed each other's partner so that they got around the ministerial code of conduct which prevented the employment of family members in ministerial offices. For those on the right who might like to read it, I made that contribution on 30 April 2003.

I think what it shows is the arrogance of this government, the Labor Party and, as I said, the SDA. It also shows the degree of disunity and division that is creeping into the current Rann Labor government and the Labor caucus.

The Hon. R.P. Wortley: Solid as a rock.

The Hon. R.I. LUCAS: Well, solid as a rock. I am delighted that the Hon. Mr Finnigan will speak in a moment because I understand that he got a fair old rollicking from his boss in the recent past. When the Premier was not at a recent caucus meeting, the Hon. Mr Finnigan spoke on a particular issue, which I do not have time to outline at the moment. When that was reported to the Premier, he was none too pleased and urgent discussion was sought by the Premier with the Hon. Mr Finnigan. I think that he was 'counselled', to use one word to describe it.

The Hon. R.P. Wortley: Robust discussion.

The Hon. R.I. LUCAS: Mr Wortley says 'robust discussion'. He is obviously familiar with the example. So, we will be pleased to hear from the Hon. Mr Finnigan about why he got a fair old rollicking from his boss.

The point I make is that the stories being spread by the friends and colleagues of the Hon. Mr Finnigan within his own party and caucus to do him damage are examples of the arrogance, the division and the disunity within this current government. These stories are being spread about the Hon. Mr Finnigan and others within the Labor caucus. As the Hon. Mr Finnigan is well aware, this is a very recent example in relation to his problem with the Premier.

In my brief contribution this afternoon, the only other issue I want to address quickly is the Auditor-General's Report. I am delighted to see that in his report the Auditor-General has caught up with some of the issues the Budget and Finance Committee has pursued over the past 12 months in relation to Shared Services supposed savings for the government. When I have more time later on, I would like to make further comments on this issue. It is important to note that the Auditor-General is saying that he does not believe that the savings the government says it will achieve will be achieved. In particular, he says:

> I will be seeking support information to assess the reasonableness of announced savings achievements.

I think that is an important task of the Auditor-General, that is, to look at these issues. The government claims that it will make the savings all the time. I am pleased to see that the Auditor-General's Report is now looking more closely at the Shared Services savings. He ought also to look at the claimed savings under the Future ICT, which the government has incorporated as part of the Shared Services supposed savings. On page 10 of section A of the Auditor-General's Report, he lists those supposed savings at $126 million.

The Budget and Finance Committee has taken considerable evidence to indicate that agencies are not saving money under that: they just had their budgets cut and, in fact, many of them are incurring increased costs.

Time expired.

YOUTH PARLIAMENT

The Hon. B.V. FINNIGAN (15:38): Poor old Rob Lucas! He is a shadow of his former shadow. He really has become an embarrassment to his own party—the treasurer who delivered successive budget deficits and who was a complete failure as a cabinet minister in this state. We know that the Hon. Mr Lucas is unaccustomed to a political party and a government in which people actually like each other, know each other and talk to each other.

No-one wants to talk to him in the Liberal Party. No-one will answer his calls. No-one wants to talk to the Hon. Mr Lucas. He is out on a limb as far as he can go, so we know that he would find it difficult to understand a government and a political party in which people like each other, actually talk to each other and are actually working for the same purpose—delivering good government to the people of South Australia. All the Hon. Mr Lucas can do is malign people, particularly a lot of my friends and colleagues who he spoke about in his Address in Reply, some of whom I would have to say are the brightest, most erudite and talented people that I know. I think the government is lucky to have the advice of such well-educated and well-qualified people.

On Monday 29 September, at the Feast of Michaelmas, over 100 young people from around the state were present for the official opening of Youth Parliament 2008. The Youth Parliament program is a state government initiative managed by the YMCA for the past 13 years, with funding provided through the South Australian government's Office for Youth. About 1,000 young South Australians have participated in the program so far.

Successful participants are educated in the South Australian parliamentary system, voting procedures, parliamentary etiquette, public speaking and bill writing, with the chance to network and voice their opinions and concerns on issues of importance to them. These young people commit to attend training sessions in Adelaide before taking part in a week-long residential camp, held this year at the Royal Adelaide Hospital Residential Wing.

During the week they experience a replication of a state parliament sitting week, with three days of formal debate and voting on bills in both houses of parliament. Of particular interest to me were seven young participants from the South-East. These people have come from diverse backgrounds and have different passions about what they would like to see changed in our state through the bills they presented.

Four young people were sponsored by the Wattle Range Council: Jaymee Atkins from Mount Burr; Simon Butler and Rachael Cormie from Millicent; and Stephanie Slotegraaf from Tantanoola, who goes to my old alma mater Allendale East Area School. The Wattle Range team

presented the Rural Services Bill 2008, which looked at the services available in regional areas, such as education, transport and information technology. I was able to be present for the contributions by Jaymee Atkins and Stephanie Slotegraaf in this chamber, and I am pleased to say that I had an opportunity to meet them briefly afterwards. They both made very good, well-rehearsed and researched presentations.

Also present was a team sponsored by the City of Mount Gambier—long-time members of the local government Youth Advisory Committee—Grace Ploenges-Beltchev, Kenni Bawden and Travis Ellis. Along with students from LeFevre High School, they presented the Youth Attitude Bill 2008, which looked at efforts to combat gang violence and drug and alcohol culture. These bills, along with others that passed both houses in the Youth Parliament, are presented to the Minister for Youth to consider.

All the participants of Youth Parliament 2008 are to be commended for their passion, dedication and involvement. I think it is important to thank parents, councils, community organisations and schools for all the work that they do to make such events possible and for supporting the young people to travel to the city to attend and be part of such an important gathering, which I am sure will be a well-remembered part of their education in years to come.

SWIMMING AND AQUATICS INSTRUCTORS

The Hon. D.G.E. HOOD (15:43): I was contacted recently by a DECS swimming instructor regarding blocks to negotiations on employment conditions and unrealistic offers, as they saw it, made by the government negotiators in enterprise bargaining with the Australian Education Union.

Historically, employment conditions and salaries for swimming and aquatics instructors have been set by the Teacher's Salary Board based on a decision made in 1980. As progress on the development of an award was delayed, the conditions were laid out in a DECS departmental handbook in the 1990s. Unfortunately, the aquatics instructors complained that many of the conditions specified in the handbook were later changed administratively by DECS without the consent of the instructors themselves.

Aquatics instructors in this state are now understandably trying to achieve fair and equitable conditions at work, which is contained in an industrial instrument through the enterprise bargaining process. Many conditions that most take for granted, such as unpaid maternity leave, sick leave or bereavement leave, are denied to aquatics instructors.

One condition that is sought by instructors is payment for the training requirements of DECS. It seems draconian that an employer would request employees to do training and then refuse to pay for it.

This is especially so when one of those requirements is mandatory notification training, that is, the reporting of child abuse, which is something that DECS and the government should be supporting rather than pushing the cost of this training onto instructors themselves. Another is the cost of first-aid training, again, a requirement for all instructors. Apart from the moral responsibility of an employer to train its employees to meet required standards, it could be seen that refusing to do so is a breach of section 19 of the Occupational Health and Safety Act. Instructors are also trying to achieve permanency. The issue of ongoing employment was raised by the government when the continuing funding of the aquatics program was under question during the period of September 2006 to June 2007.

During this period, Family First, several other members of parliament and, indeed, the general public supported the continued funding of this much-loved and respected program—and now, indeed, accepted by the government as a required program. A number of instructors are employed on a casual basis in addition, but many are core instructors, of course, with core service histories. Some of these people have more than 30 years' experience of service with the department and work regular hours year after year. However, even these so-called 'core instructors' have also been reviewed as casual or itinerant workers with no guarantee of ongoing employment, and this is something to which Family First certainly objects.

Someone with a long service history and employed on a regular basis of three or more days a week is not a casual employee. I understand that recently 15 instructors in charge—or ICs as they are called—accepted a deal from DECS guaranteeing them ongoing employment. However, the government's negotiating team has only been prepared to make offers inferior to the deal given to the ICs in the first place. The government undertook a thorough review process of swimming and aquatics in 2007, and subsequently committed to the future of these programs. It

should match this commitment with an offer to its employees of ongoing employment. This will remove the uncertainty and insecurity that instructors face and ensure the future of the program by retaining the staff necessary.

Now that the AEU and the government have entered into mediation, I call on the government to remove the blocks on negotiation and make acceptable offers on employment conditions for swimming and aquatics instructors. I have only a brief time left, but to add to that I can say that I have had personal conversations with a number of these individuals. They are essentially well-meaning people who have been doing the same job in many cases for a number of years. They love teaching kids. They are doing a very important job. I am sure that, over the years, they have prevented many potential drownings of young kids, and the like.

I think that everyone in the community would recognise that they deserve a fair go. We are talking here about people who range in age from the very young (in some cases instructors can be very young adults), right up to quite senior people in their 60s and even beyond, as I understand it. They are providing a service which is necessary in our community. They believe they are getting a raw deal. I think that anyone who looks at the situation would accept that, in the circumstances, they are getting a raw deal, particularly, as I say, in the case of people who have been doing this for many years.

I believe that some people have been doing essentially the same thing, week in and week out, for 30-odd years, and to be faced with the sorts of conditions being offered to them is, I think, unacceptable to anyone and everyone concerned. Again, I call on the government to intervene in this situation and to provide a fair and reasonable outcome for people who are committed to helping our kids and basically making sure that a tragedy does not befall families.

Time expired.

SHEPARD, MR M.

The Hon. I.K. HUNTER (15:48): Today I rise to remember Matthew Shepard and to talk about his legacy. Sunday marked a decade since Matthew died in Laramie, Colorado, the victim of a violent crime which put gay hate crimes at the forefront of the American consciousness and which then rippled around the world. Matthew was a victim of Aaron McKinney and Russell Henderson; and he was a victim of a society that, in the words of his mother, 'allowed those men to think that it is okay to kill someone because they are gay; that taught them to think they'd even be applauded for ridding the world of another gay individual'.

Matthew was the first-born child of Dennis and Judy Shepard. Born in 1976, he had a passion to leave the world a better place than it was when he entered it. In describing his son, Dennis Shepard has written that the hope of a better world, free from harassment and discrimination because a person was different kept him motivated.

Matthew was studying political science, foreign relations and languages at the University of Wyoming, whilst also serving as the student representative for the Wyoming Environmental Council and participating in community theatre. Had his life not been cut short, who knows what Matthew may have achieved? On the evening of 6-7 October 1998, Matthew was at a pub when he was approached by two men who pretended to be gay and befriended the young man. Shortly after midnight on 7 October, they offered Matthew a ride home, but instead of that lift home McKinney and Henderson beat Matthew, tied him up and hoisted him on to a split rail fence. They made no effort to hide their crime: they displayed Matthew's broken body in a scene reminiscent of the lynchings of old.

His body was so battered that, when it was spotted by a cyclist some 18 hours after he was left there, he originally mistook the human form to be a scarecrow. The policewoman who arrived at the scene reported that the only parts of Matthew's face not covered in blood were the streams of white along his cheeks where his tears had fallen. Matthew never awoke from his coma. His injuries were so severe that doctors were unable to operate and he died with his parents by his side on 12 October 1998.

While McKinney and Henderson were charged with kidnapping and murder, neither man were charged with a hate crime because the state of Wyoming does not have legislation that covers gay hate crime. US federal laws do not cover sexuality-motivated crimes either, although it has been raised subsequently and is now known as the Matthew Shepard Act. Most recently, the bill passed both the house and the Senate, but President Bush let it be known that he would not

sign it into law under any circumstances. Hopefully, the bill will be voted on again if Barack Obama, who has supported the legislation, is elected President of the United States.

McKinney and Henderson are now locked away. Henderson pled guilty and testified in McKinney's case in a deal to avoid the death penalty. McKinney was found guilty by a trial jury. As the jury was deliberating the death penalty for him, Matthew's parents Dennis and Judy brokered a deal whereby he, too, would escape the death penalty. It is inspiring that, from this instance of hatred, we have seen the manifestation of love. Determined that their eldest son's death would not be in vain, Dennis and Judy founded the Matthew Shepard Foundation, which seeks to replace hate with understanding, compassion and acceptance through education, outreach and advocacy programs.

Rather than being frozen in grief after the death of their son, Dennis and Judy Shepard realised that our best defence against hatred is education and sought to make the world a better place than it was that night in Laramie. Through them, Matthew's desire to make the world a better place is being realised. But the reality is that sometimes we need more than just education: we need legislation to ensure that the rights of all are protected, and the fight for the Matthew Shepard Act to be signed into law testifies to this.

Let us not think that this is just an issue for the United States. Last month a Queensland man was found guilty by the state's anti-discrimination tribunal of inciting hatred against homosexuals after he displayed a bumper sticker that read 'The only rights gays have is the right to die'. Under current legislation in South Australia, inciting such hatred would be okay because we are still muddling our way to an improved Equal Opportunity Act. The upcoming equal opportunity legislation will go some way towards helping fairness become a reality for so many South Australians. We need to pass the amendments proposed by the government to our Equal Opportunity Act. It is time we brought that act up to date so that we, too, can claim that we are going some way towards Matthew's dream of making the world a fairer place.

BAWDEN, MS G.

The Hon. A. BRESSINGTON (15:54): I rise to speak about a remarkable local talent from our northern suburbs: no less than 15-year old Grace Bawden. Grace was one of our top eight grand finalists in Channel 7's *Australia's Got Talent* 2008 series. For those who did not watch the show, Grace was the opera singer, although Grace sings all genres of music, including contemporary, jazz, traditional, musical theatre and arias. Incidentally, Grace also happens to be of indigenous decent.

Grace has a vocal range of over 3½ octaves and has been described as a child prodigy. Some of Australia's most esteemed professionals in the field of opera have likened her voice to a 'Stradivarius', and the maestro Vladimir Vais described her as 'really something very special'. Maestro Vais was the conductor of the legendary Bolshoi Theatre for over 11 years, so his recommendation and offer to mentor Grace is a major credit to her.

Before her appearance on *Australia's Got Talent,* Grace had already come to the attention of multi-award winning producer Audius Mtawarira, who has worked with Delta Goodrem, Guy Sebastian, Paulini, Deni Hines, Ricki-Lee and many others. Grace also performed live on the Channel 9 *Today* show in July 2007, with rave reviews from entertainment editor Richard Wilkins, and she has sung on live radio by invitation of *Australian Idol* judge Mark Holden.

In July 2008 Grace's solo performance not only sold out for World Youth Day at the Sydney Opera House but also finished with a standing ovation. Grace's seeming overnight success has been the result of many years of hard work, self discipline and sheer guts. On top of her musical and academic studies, Grace has worked hard to raise money to self fund her debut album by busking around Adelaide. Many aspects of Grace's story are awe-inspiring, not the least of which is that many had said that her prospects of succeeding in her chosen field of classical-crossover music were remote at best, largely because she does not reside in the eastern states where most of the paid performing arts opportunities are said to exist.

Throughout her journey there have been many local people who must be credited with providing her with small but significant opportunities to showcase her talent, starting with the Musical Director of the Adelaide City Council/*The Advertiser* Carols by Candlelight, Mr Bruce Raymond, who auditioned Grace in 2006, as well as Salisbury City Council and local businesses such as the Hilton and Hyatt hotels.

While busking, Grace's raw talent and commercial potential attracted many local investors to help her self fund her debut album project, as well as significant donations through the wonderful help of the Australian Business Arts Fund. Grace is now due to complete her debut album with Audius, and it is significant that her success to date has come with no state or federal government funding or support. South Australians will want to know that Grace was signed recently to one of Australia's leading celebrity managers, Max Markson, and has just completed a highly successful showcase for a major record label. In two weeks she will be launching her debut EP and her album will follow soon afterwards.

In closing, I encourage more South Australians in the future to look at investing in our local talent. I also urge the South Australian government to look at better ways of supporting and sponsoring our young artists, and to back this amazing young girl so that her career may continue to flourish within this state.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: NATURAL BURIAL GROUNDS

The Hon. R.P. WORTLEY (15:57): I move:

That the report of the committee on natural burial grounds be noted.

Natural burial grounds have been promoted as providing an environmentally responsible, modern burial practice. The concept originated in the United Kingdom, and natural burial grounds have now been developed in a number of countries, including the United States, New Zealand and the Netherlands. A natural burial ground is a place where human burial takes place in a biodegradable coffin or shroud and a tree, shrub or wildflowers are planted as a memorial instead of a headstone. Essentially, it is a type of green cemetery, where the occasion of death and the burial of a human body provides an opportunity to repair the environment through establishing native bush on cleared land. Therefore, the principal rationale for natural burial grounds is an environmental one.

However, there are other social issues which are driving interest in this approach to burial. For example, when this inquiry began many members of the public contacted the committee out of concern about the current system of interment rights and the cost of renewing leases. This is likely to become a greater social issue as the lack of land available in existing cemeteries leads to increasing rates of grave reuse. There is a need to provide land for burial and the disposal of cremated remains, and this need will increase in the coming decades due to our ageing population.

Natural burial grounds are a proposed new way of meeting this need. They are an innovative approach to cemetery management and may provide multiple benefits to the South Australian public. Natural burial grounds can be incorporated into public open space and be linked to the metropolitan open space system. Natural burial grounds can contribute to a number of social and environmental objectives, including more urban green space for passive recreation, enhanced local environments and biodiversity, and reduced carbon emissions, as well as the burial of human remains.

Natural burial grounds are an expression of contemporary western culture. For natural burial advocates it is the linking of death and funeral practices to environmental and social benefits that make the idea so appealing. For them, natural burial grounds represent both greater choice in funeral arrangements and the chance to contribute positively to the environment.

The committee believes that members of the funeral industry are committed to providing high quality services that meet the needs of their customers. As business operators, they will respond to the market demand for better environmental performance in their industry. Some cemetery operators have indicated that they may allocate small areas for natural burial within their cemeteries as another interment option available to the customer. Dedicated natural burial grounds, however, provide more than just an interment style. They have wider environmental and social objectives.

This level of innovation is unlikely to be provided by the market alone. The community is likely to be limited in its capacity to realise these positive outcomes unless natural burial grounds are given government assistance. Therefore, the committee recommends that the government facilitate the natural burial grounds in South Australia where demand and suitable sites can be demonstrated. The committee recommends that the government provide public land, along with financial and technical support, to enable this approach to be tested in South Australian conditions.

The government should also consider incorporating natural burial grounds as a secondary use in areas designated for revegetation as buffers between conservation and other land uses and

for public open space reserves. This may provide the opportunity to introduce natural burial grounds without great additional expense on land dedicated to compatible uses. The great innovation of natural burial grounds is that they allow many public benefits to be gained simultaneously.

As the South Australian population ages and the available burial plots are used, especially in southern Adelaide, it is timely to consider the issues of available land for burial, alternative interment styles and changing community expectations. I commend the report to the council.

Debate adjourned on motion of Hon. T.J. Stephens.

NATURAL RESOURCES COMMITTEE: ANNUAL REPORT

The Hon. R.P. WORTLEY (16:02): I move:

That the 24th report of the committee be noted.

This is the 24th report of the Natural Resources Committee in what has been a very busy year for the committee. Over the course of the reporting period, the committee undertook a number of interesting inquiries that have had far-reaching implications, some of which are yet to be brought to the attention of the parliament. I am pleased to present to the parliament the annual report of the Natural Resources Committee for the period July 2007 to June 2008.

Very briefly, I will outline some of the activities undertaken by the committee during the reporting period. The Natural Resources Committee has undertaken its statutory responsibilities as defined in the Natural Resources Management Act 2004, considering five NRM plans and levies for 2008-09, plus a further four for the preceding 2007-08 year for various NRM boards around the state.

The committee has undertaken four inquiries into natural resources management on Kangaroo Island, natural resources management on Eyre Peninsula, Upper South-East dry land salinity and the Murray-Darling Basin. Considerable time has also been spent following up the previous Deep Creek inquiry, with some very interesting results. Two inquiries remain ongoing: the Upper South-East and the Murray-Darling Basin, and we anticipate tabling further reports on these matters in this council soon.

I wish to thank all those who gave their time to assist the committee with this inquiry. I also commend the members of the committee—the Hon. Graham Gunn MP, the Hon. Sandra Kanck MLC, the Hon. Steph Key MP, the Hon. Caroline Schaefer MLC, the Hon. Lea Stevens MP and John Rau MP, who is also the Presiding Member—for their contributions and support, and they have worked cooperatively throughout the inquiries. Finally, I thank the staff of the committee for their assistance.

Debate adjourned on motion of Hon. T.J. Stephens.

LOCAL GOVERNMENT (NOTICE OF MEETINGS) AMENDMENT BILL

The Hon. SANDRA KANCK (16:05) Obtained leave and introduced a bill for an act to amend the Local Government Act 1999. Read a first time.

The Hon. SANDRA KANCK (16:45): I move:

That this bill be now read a second time.

This bill was originally introduced three months ago but it is necessary for me to reintroduce it now because the process of prorogation sees all business disappear off the *Notice Paper*, so we have to make a fresh start.

This is effectively a bill about the right to know. In this case, it is about the right to know when meetings of our local councils occur. Section 84(2) of the Local Government Act requires that the CEO give notice of meetings of council by placing an agenda for a meeting on public display at the principal office of the council at least three days before the date of the meeting. Because of council amalgamations over the past decade or so, some of our councils have become much larger and, in country areas in particular, there can be a number of council offices in different physical locations which are sometimes tens, and even hundreds, of kilometres away from the principal office. Within the Local Government Act there is a base minimum requirement but it is not one that encourages full, open and democratic participation in our society.

This bill amends sections 84 and 88 of the act so that a copy of the agenda of the council and committee meetings would be placed on public display at each office of the council that is open

to the public during ordinary business hours. It would also require that the notice and agenda for these meetings be placed on a website. I have had a look at a number of council websites and many of them use this as a method of advising the agendas and times of their meetings, but it is not universal. I think in this day and age it ought to be a basic requirement.

I was originally alerted to introduce this bill in July because of a constituent on the Copper Coast who made the claim that information about the times and locations of meetings for the Copper Coast council were not always accurate. Another constituent who has contacted me has suggested that it is being used as a device to ensure that constituents do not know what is happening. It is a loophole that prevents them finding out what is happening if they do not happen to live in the town where the principal office of the council is located.

In summary, this is not an onerous thing for councils to have to do—to put up one, two or three extra notices in offices in their council areas, and to put them on the internet. It is not going to be time-consuming, nor will it be expensive; but, if we do have any councils that are attempting to avoid scrutiny by ratepayers, this will be one way of overcoming it.

Debate adjourned on motion of Hon. I.K. Hunter.

RIGHT OF ASSEMBLY BILL

The Hon. SANDRA KANCK (16:10): Obtained leave and introduced a bill for an act to provide rights in relation to assemblies held for the purposes of genuine advocacy, protest, dissent or industrial action. Read a first time.

The Hon. SANDRA KANCK (16:11): I move:

That this bill be now read a second time.

Again, because parliament was prorogued after we met in the last week of July, this bill needs to be reintroduced. When I say that there is a need, that is because authorities at all levels of government, it seems, have been playing with some of the freedoms and rights that we take for granted. The initial impetus for me to introduce this bill back in July was the teachers' rally that was held on 17 June at which there was a very large attendance—8,000 teachers and some students and family members supporting the teachers turned up.

Although they met in the traditional Victoria Square rallying point, they were not allowed to march down King William Street to North Terrace, and that was apparently on the grounds of safety. This led to a merry-go-round of statements, with many of them conflicting, coming from the Department for Transport, Energy and Infrastructure, the office of the Minister for Transport, Adelaide City Council and the police as to who was responsible for that decision.

I will not go into great detail about all of the statements and what they said, but anyone who is interested in that history can look at my explanation of 23 July. It is peculiar because, if safety were the issue, since that time Olympians have been able to have a rally along King William Street and apparently there were no public safety issues related to that. Yet, for some reason or other, when those marching were teachers, there were public safety issues. I guess you could say that it does not compute.

Numbers attending was another issue that was cited by those who were trying to justify what had happened to the teachers and, among the comments that were made, one was, 'Well, we are not going to give approval for a march down King William Street if it is only one man and his dog.' Again, if numbers are part of the criteria—in other words, the more you have, the more likely you are to get approval—you would have to wonder why the Olympians were able to march along King William Street with the small numbers that were involved in that rally compared to the 8,000 teachers. Again, it is not a really credible argument.

Subsequent to all that, Adelaide City Council, to its credit, adopted a motion upholding the right and tradition to use King William Street for protest marches. I stress that this bill will not guarantee that right. It will not stop manipulation in decision-making about the route of marches where there is some political agenda, but it will expose it by requiring a report on the operation of this act by 30 September each year.

That report would give details of applications for exemption that were granted and those that were refused, and it would also have to give the grounds for refusal. A copy of the report would have to be laid before both houses of parliament.

In addition, the bill confers a general right of assembly which, without a bill of rights in this country or state, is not guaranteed. It also deals with the impact of the Serious and Organised Crime Control Act by stating that attendance at an assembly does not amount to association or communication with another person present at the assembly. So, that allows the annual bikies' toy run to continue.

For example, if a group is knocked back by Adelaide City Council, it can apply to the minister to exempt protests from laws under which they could otherwise be prosecuted, such as road traffic and public order offences. If the minister decides not to grant the exemption, they have to set out the grounds on which it is refused, and they have to be published within six days. The bill also provides for the right of appeal to the District Court against a decision by the minister to refuse to grant an application for an exemption.

The bill will not stop police from making reasonable judgments about the safety of a particular event. It will not automatically replace the process of applying to council for permission to march, but it gives the right for an applicant to go over the council, if it refuses, and go to the minister. It also ensures that the decision to refuse march permits is explained to the applicant and to the parliament.

I repeat what I said when I introduced the bill in July: it would be much tidier and more effective to protect our basic freedoms through a comprehensive charter of rights. That way, measures that might infringe rights would be prevented, rather than be tidied up afterwards in a piecemeal fashion, which is what this bill resorts to. The bill is simple and inexpensive to implement. It affirms that we have a right to assembly and protest and, by ensuring transparency, it prevents some of our rights being denied.

Debate adjourned on motion of Hon. I.K. Hunter.

CHILDREN IN STATE CARE

The Hon. A. BRESSINGTON (16:18): I move:

That the Rann government makes known to the Legislative Council—

1. the services provided and the expenditure thus far for those people who, as children, were abused while in the care of the state;

2. exactly what recommendations made by the Hon. E.P. Mullighan QC is the government going to implement;

3. whether or not this government will take on board the recommendations and requests of the members of the 'consumer reference group' to meet the needs of those who have lived their lives with the trauma of being abused whilst in the care of the state; and

4. what steps the government has undertaken to give those victims of abuse justice, redress and closure.

To refresh members' memories, I read a paragraph from the apology made earlier this year by the Hon. Mike Rann and the Leader of the Government in this place (Hon. Paul Holloway), as follows:

> This parliament recognises the abuse of some of those who grew up in state care and the impact this has had on their lives. Only those who have been subject to this kind of abuse or neglect will ever be able to fully understand what it means to have experienced these abhorrent acts. For many of these people, governments of any persuasion were not to be trusted. Yet many have overcome this mistrust. You have been listened to and believed and this parliament now commits itself to righting the wrongs of the past. We recognise that the majority of carers have been, and still are, decent, honest people who continue to open their hearts to care for vulnerable children. We thank those South Australians for their compassion and care. We also acknowledge that some have abused the trust placed in them as carers. They have preyed upon our children. We acknowledge those courageous people who opened up their own wounds to ensure that we as a state could know the extent of these abuses. We accept that some children who were placed in the care of the government and church institutions suffered abuse. We accept these children were hurt. We accept that they were hurt through no fault of their own. We acknowledge this truth. We acknowledge that in the past the state has not protected some of its most vulnerable. By this apology we express regret for the pain that has been suffered by so many. To all those who experienced abuse in state care, we are sorry. To those who witnessed these abuses, we are sorry. To those who were not believed, when trying to report those abuses, we are sorry. For the pain shared by loved ones, husbands and wives, partners, brothers and sisters, parents and, importantly, their children, we are sorry. We commit this parliament to be ever vigilant in its pursuit of those who abuse children. And we commit this parliament to help people overcome this, until now, untold chapter in our state's history.

As I have said, the Hon. Paul Holloway spoke those words in this place on 19 June this year (four months ago), and still the victims of those horrific times wait for word of a plan, for word of when they can begin to leave those times and memories behind and start a life where they know that

members of this place, and the other, have truly shared their trauma and acknowledged it on both an emotional and psychological level and let them know that we do understand. To these victims words are cheap and actions will always speak louder. In the words of Martin Hamilton-Smith in the other place on 19 June:

> The process of self-examination is always difficult. You can expect to discover things that will astound you, shame you and challenge you.

Retired judge Ted Mullighan pinpointed this when his interim findings included the following observation:

> Nothing prepared me for the foul undercurrent of society revealed in evidence to the inquiry—not my life in the community or my work in the law as a practitioner and judge.

If nothing prepared a well-educated and experienced judicial officer for the stories, consider the impact of them on eight, 10 or 12 year old children. Consider the impact on a child who is traumatised by the act of removal from their family and the stark institutional surroundings that replaced it. Consider the impact on a child when he or she is used, abused and then silenced. I doubt whether we can ever fully understand the searing emotional pain that these children felt.

The Premier told the house that the Children in State Care Commission of Inquiry took evidence from 792 people and detailed 826 allegations involving 922 perpetrators. We may wish to consider those numbers for just a moment. They represent a mountain of human heartache.

It would seem that those who belong to South Australia's own stolen generation should not expect too much out of the ordinary as follow-up to the apology made to them in this place, and the other, because in the four months that have passed, and with the promise of $190 million over the next four years, little will be set aside to ensure that the victims of abuse at the hands of the state will heal in a timely and respectable manner.

The victims are dissatisfied with the services that have been made available thus far, and many now languish after having had to face up and tell their story over and over again during the course of the inquiry. As members of this parliament, surely it is not unreasonable for us to expect more than just consolation for the efforts made by the victims; that merely to say thank you for coming forward is not enough. To say that many have overcome their distrust of government is a far cry from the truth. What many did was to take a risk—a chance, if you like—to make their stories known in the hope that perhaps the cold heart of parliament had changed and that action would be taken to assist them to move on with their lives as best as possible.

We have seen that a minimal level of action has been taken. There was the provision of minimal counselling services to those who could manage to get themselves to the appointments that were made available only for them to see and hear from the counsellors themselves how over-worked and over-stressed they, too, were. I have a letter from a person who gave evidence. I make the point that the reason for this motion is to keep us, as members in this and the other house, very much aware of the post-Mullighan inquiry. We have asked people to overcome their post-traumatic stress disorder, to open up these wounds again; and they again feel that basically they are being hung out to dry. This letter states:

> I am a single mother of two boys in my early 40s who at the age of 12 years was placed under the guardianship of the minister until the age of 15 years. It was because of my experiences at that time that I came to give evidence to the Mullighan inquiry some two years ago. I would like to take this opportunity to share with you the experience I have had since giving this evidence. I became aware of the inquiry into the sexual assault of children in state care through counselling I had undertaken to try and deal with the impact of the abuse as a child and the impact it had on me as an adult.
>
> Although I was reluctant to tell my story to the commission, I decided that I had a moral obligation to all victims past, present and future to tell of my experience with the view that things would change within the system and help would be given to victims. During the initial contact with the inquiry, I was told that I would be given help and giving evidence would be the first step toward healing. I have no doubt that the words were genuine. People were just unprepared for what would happen when people unlocked the memories of traumatic and devastating events.
>
> I did not sleep for days prior to giving evidence and the weight seemed to be falling off me. Food didn't seem to stay down. When I left the building I was a child abused all over again. The memories I had spent a lifetime suppressing were now playing like a rerun movie. Constantly the shame and self-disgust I had lived with as a child were now my constant companions again, and the help I thought was coming never actually came. I realised after some time that no-one had any idea of what help was needed, and no strategies had been put in place to deal with the end result of the emotional hell victims would now be going through.
>
> It took months for me to actually come face to face with a therapist, and then she was only being paid for 26 weeks. It is now years later and my wonderful therapist still sees me for free. If she could she would tell you that I

am intelligent, spirited, passionate and good hearted—that I have a lot to offer society if only I could stop being afraid of it. We both know that it will take years of personal growth to achieve that. Around the same time, I was put onto post-care services, which came as a result of the Mullighan inquiry. As usual, contact came only if I initiated it, and with no outgoing phone line to ring I had to rely on a walk to a public phone box.

The public phone box is nearly one kilometre away and more often than not the phone would not be working. As a sufferer of post-traumatic stress syndrome I can find it overwhelming to leave my house, often having panic attacks when I do. Places such as department stores or office buildings can make me physically ill, and yet the services I get offered usually entail me having to make contact and trying to get appointments days or weeks after needing the help. The damage done to me as a child has formed the basis of who I am as an adult, meaning that I have no sense of situations as others do.

My self-esteem is so low I am unable to function within society without someone physically guiding me, and who is going to do that? My family disowned me years ago. My friends are almost as dysfunctional as I am, and my kids look to me for guidance and yet somehow they are still great kids. They are also my reason for going on in life, because life as I know it is full of pain, self-doubt and emotional extremities that no-one seems to understand so, of course, can't possibly help me. We are a special group of victims with a special set of needs. So in closing I would like to ask you and the other representatives of our government: do they think we are worthwhile people who deserve to be treated with compassion, and will they help us to help ourselves?

It was a brave thing to come forward and put themselves in front of strangers to bare their souls and tell their secrets: secrets that were kept out of fear for so many years. The brave people who came forward had many fears that had to be overcome in order for them to tell their stories of abuse. Many feared retribution, many feared being judged, many feared being shunned and others feared losing their minds completely if they should risk talking about what had been done to them as children.

Those brave enough to participate in the Mullighan inquiry also feared being let down again. They feared being used as a political football and feared reliving the disappointment and anguish of not being believed yet again. It seems that many feel their fears were more than justified. In the words of one victim:

My concern during and after the Mullighan inquiry was that the counselling I received was good as far as it went, very helpful in fact, but it never took into account my experience as a care leaver. The counselling was through Respond SA, but my experience being a care leaver was both like and unlike other people who had experienced child sexual abuse. I would much have preferred being with a counsellor who understood and shared experiences of care leavers, and I would have preferred being with a support group comprised of care leavers as well.

The other concern I had was that when I urgently needed counselling at the end of 2007, and contacted post-care services, I was unprepared for the fact that post-care services staff were not trained as counsellors but had to scout around town to find a counsellor who would suit my needs. Eventually I was referred to someone, but the delay was so extensive that I had given up and decided to sort things out for myself. My experience in talking with other care leavers is that some have been unprepared for the tidal waves of emotion that threatened to engulf them as they now begin to unpack the pain that has often been repressed. Sometimes they expressed the need to talk with professionals who understand their experience, but find that professionals are not really equipped.

How can this government say that it is sorry and then provide less than basic support for the people who came forward? We had three years during the Mullighan inquiry to prepare for this. The end result could be no surprise. The outcomes of people coming and talking of these abuses could have come as no surprise and there should have been an interim plan put in place.

When we called for the Mullighan inquiry we should have from day one been implementing trained people that these people could see as soon as they had given evidence so that there was a contact point and a flow on from this. But, no, here we are now three years and eight months into it and people are still struggling. To find a person is not trained as a counsellor within the post-care services hardly inspired trust or guaranteed the desired outcome of the healing of those victims. Surely this government, after grabbing the headlines of being big enough to apologise for the mistakes of a government department that to this day may well be repeating the terrible mistakes of the past, can at least employ trained and qualified counsellors to front up for the task of dealing with those who live with the pain and suffering caused through decades of inaction and negligence.

I have another story, which should give all members some idea of the ongoing and long-lasting effects for some of these people, because not one of these stories I have here today is isolated, and not one is unique; it is just different people with their different experiences. We have to accept that the Mullighan inquiry was a good thing. To have these secrets brought out needed to be done, but we cannot now think that our job is done. We cannot take our time with what we will do for the victims of child sexual abuse while in state care. They are running out of time. They are desperate people. This is a story from a person who I will call 'J'. He says:

It was one of those days when I didn't want to talk to people. I just wanted to be left alone—

remember, this is post Mullighan—

It was a grey, cold day in the city of churches. I walked down Hindley Street. The place has changed. It has been many years since I said I would ever come here again. All my old squats are gone: new shops are everywhere. All the old hang-outs are long gone—just their shells remain with different faces, but the memories are so strong it feels like the street is still part of my blood. The doorways I used to sleep in, the smells and aromas set off flashbacks and instincts in my brain. I felt like a homing pigeon coming home. I had a lot of good times living here as a kid and many bad times. I was a ward of the state, on the run most of the time, and in those days I was not the only kid hanging out there. Many kids were there: all surviving on the street, living any way they could. They were there through family and systems abuse. We all had our tricks to getting money to survive: begging was one of them. A pie or a pasty was under $1 then. Some nights the street had kids on every corner begging for food, cigarettes, drugs or money. Many kids sold their souls there as well. The street was a meat market for the predators and pimps.

The things we did to survive! We were so young. We did not know how we were being abused by those who so cunningly took advantage of our situation. We could not even fathom how it would leave scars so deep in us; that the nightmares and memories would last a lifetime. This street had all the seven deadly sins in it. It took many lives in many ways.

Strolling past the big M on the corner of Hindley and Bank streets I turned towards the railway station and an old friend walked past. This blew me away. He was still walking the streets after 30-plus years and going through bins. He was hanging out in town many years before my time in the street. This just saddened me even more. I walked up to him and called his name. I was one of only a few that this person ever spoke to. No-one ever knew his name except me. He turned and looked shocked that someone recognised him. He realised who I was after a good long stare. The feelings were racing through my mind. I quickly opened by wallet and said to him, 'My friend, the system is still failing you. You can have whatever is in my wallet.' I had two $50 notes. He took both of them. Immediately after that my eyes hit the ground. I was in tears and I couldn't even look him in the face as I did not want him to see my tears running down my face. I mumbled, 'Take care of yourself, my friend,' and turned towards the railway station.

The day rapidly went from grey to very dark after that. I walked over the River Torrens bridge on King William Road and looked at the toilet block on Jolley's Lane. Many kids hung around there in the old days, trying to find places to sleep late at night. This was a dangerous place to sleep. You were often woken by men playing with themselves, enticing you with money to come with them to their houses and with cold frozen backs most of us went with them.

Well, with all those old memories I really needed something I had given away a long time ago— alcohol. So I quickly found the nearest pub with an auto teller machine and started drinking heavily. I found the need to gamble and sat at a poker machine and started playing. However, losing was more like it.

Sitting beside me were three old fellows yakking away. I have big ears and don't mind old fellow stories, so I listened to what they were saying. The subject was the Mullighan inquiry and the wards of the state. They were also talking about things that happened to them in the past. Their stories were not too bad. They had homes and families in their day, whereas we did not. Some of their comments were along the lines of, 'They expect us taxpayers to pay for those rotten criminal kids; I would have snotted my kids if they were like that. They're still alive today so they must have been treated all right; the joke of it!' This subject went for another 10 minutes with them knocking us wards. The last comment was, 'I reckon they are all liars!'

After this I was boiling. I had to say something to these silly old fools and I had to keep my cool in my intoxicated state. Still I stood up proudly and said, 'I am one of the forgotten Australians you are talking about. You think because of what happened to you we do not deserve compensation. Well, let me tell you something fellows. Your generation denied what was happening to us; you closed your eyes and let it happen and you say you are not to blame as well. You are idiots and you should be ashamed. Until you have walked in our shoes and walked down our paths you know little about us and our lives. You are here in the pubs spending your government pension with obviously not a worry in the world, knocking the disadvantaged and underprivileged.' I went on to tell them, 'It was in papers many times back then and in your face when you could have done something about it. But what did most of the public do? They closed their eyes and looked the other way or abused us. Yes, old fellows, you are to blame, too, along with the government.' That shut them up!

That is the fear that a lot of these people had before they came to give evidence—that they would not be believed, yet again. Obviously, there is a tone in the general public that this will now be a taxpayer burden and people are doubting that this ever happened. As part of the Mullighan inquiry, earlier measures should have been taken to inform the general public of the horrific things that happened, rather than trying to hide behind an inquiry. People need to know this is happening in South Australia. It was happening then, and it is happening now.

There is a trend that I see repeating itself over and over, and that is that perhaps those in positions of responsibility may truly believe that if you can fake compassion you have got it made. As I have said many times in this place, you simply cannot fool all the people all the time and, over time, the shallow words, the empty eyes and the hard-heartedness comes through, and those who may have been fooled once become wiser eventually. The tendency when one feels they are not being heard is to talk louder and, if the victims have to speak any louder than they already have spoken, I imagine that many will have difficulty holding their head up or meeting their gaze in the future.

We know from the Mullighan report that some of those who perpetrated these crimes against children were not strangers to many who occupy seats in this place and the other. We know that, although it was hard for some to believe that those in positions of trust had betrayed our most vulnerable, many years passed before anything was done. In fact, the layer of denial was so thick that Ki Meekins literally had to shout from the rooftops to be heard, and he did that for many years in an effort to fix the system, to be a leader of a subculture of hurt and damaged people and hopefully prevent the same thing continuing to hurt future generations of children. Ki Meekins now has a following of people who are slowly but surely coming together. They have begun to mobilise, and they are now starting to find their voice. The message to parliament on both sides is simple: enough is enough and near enough is not good enough.

It is not as though we in this state have to develop and implement a plan for redress without a template, because it would be naive to believe that this is the only state that has had to acknowledge that such atrocities against children have occurred. The Queensland government has introduced a redress scheme to provide ex gratia payments to people who experienced abuse or neglect as children in Queensland institutions. Talking about the redress scheme, that government's own document states:

> This scheme completes the government's response to recommendation 39 of the 'Forde Inquiry into the Abuse of Children in Queensland Institutions'.

How long will it be before we can say we have completed our responsibility? We have met our responsibility, and this is the final response needed. We have heard nothing—no plan. We have had nothing laid before us to say that we are onto this, we are moving forward with this and we are taking pro-active measures to make sure these people are looked after.

It seems to be a habit in South Australia to procrastinate and be reluctant to follow. What do we think is so different about the needs of South Australian victims from those in Queensland or any other state for that matter? If there is a template for how to begin to meet those needs, then surely we are duty bound to follow. If there is a template already in place then surely we have no reason to procrastinate, unless of course there is a mindset that our abused are less in need or deserve less, and I am sure that neither the Premier nor the Leader of the Government in this council entertain for one second the thought that our victims do not deserve whatever it takes to make up for the years of living the nightmare they have lived.

We all appreciate that such things take time, but we should also appreciate and understand the urgency of putting a plan in place to at least begin; and providing services with (as alleged) unqualified staff in the roles of counsellors is far from adequate. In fact, to some it may appear to be quite macabre in nature.

Professor Freda Briggs has been a champion to many people in this state who have found themselves betrayed by the government of the day, elected to serve and protect their rights. Members of the Consumer Reference Group—a curious name for a victim group, to say the least—have asked for a one stop shop; a place where they can receive the counselling and healing they believe they need. They want to be able to go to a place that provides the physical, psychological, emotional and perhaps even spiritual support they need. They want a healing centre—perhaps a Freda Briggs Centre—that can be promoted to the many victims who came forward and those who may not have come forward but who are in dire need of assistance. I have been told by some that financial remuneration itself will not suffice. In fact, for many who receive a large sum of money in recompense, it could surely be their undoing because of their drug problems and lifestyle.

We cannot hold back on this. We cannot scrimp and save at the expense of the victims of this abuse any longer. Surely we agree that they have already paid a heavy price for being born to parents who were unable to care for them or who simply came to the state for support, only to have their children removed and exposed to a far greater risk than if they had remained with their family.

For those victims, the Consumer Reference Group is requesting what they refer to as a gold card. This card would be provided to victims of abuse and it would be used to pay for the services they need—very similar, in fact, to the cards given to ex-servicemen who receive health care and other services to treat injuries and trauma received while serving this country in times of war. No-one could argue that the people who would be entitled to such a gold card have not fought a war. They have fought for their very lives when least able to defend themselves. They are heroes in my mind for the fact that they still draw breath, because the reality is that many gave up and suicided because they simply could not live with the pain any longer.

We apologised and, of course, we did not do it without media attention. Our Premier, Mr Rann, closely followed our Prime Minister, Mr Rudd, both apologising for the inhumane and unthinkable actions that occurred by governments that put their trust in the wrong people and whose judgment left a lot to be desired, not to mention the absence of morality and humanity. Now, what do we do without media?

I have been given many letters of support for the efforts Mr Ki Meekins has made in trying to obtain justice for the children abused in state care, yet it seems that since the day of apology we have slipped into a state of complacency. Perhaps we are naive enough to think that saying sorry is as good as actually showing we are sorry. I have a press release of the Liberal Party entitled 'Liberals welcome youth runaways recommendation' in which Ms Vickie Chapman has welcomed the recommendation for a secure care proposal contained in the Mullighan report. Yet, where is the persistence? Why are we not pursuing this? Why are we not raising this matter day after day until these recommendations are put in place?

It seems that we have all gone very quiet on pursuing time lines to deliver these recommendations. Our 24-hour news cycle sees us and the general public so bombarded with issues that a story is only good for a short time. The public, it seems, is able to forget from one day to another the trials and tribulations of our fellow South Australians and we, as politicians, sadly, take advantage of an inability to remain engaged with issues of great importance. This 24-hour cycle allows governments to take their own sweet time to deliver on promises, because in six months, maybe 12 months, or even in a pre-election year, the issue can be pulled out of the box and dusted off, and perhaps there will be another media frenzy to be had.

I acknowledge with reluctance and sadness that this is just how politics is played but, for an issue such as this, surely an exception could be made. With a matter as serious as victims of abuse at the hands of government—children being abused—surely we can skip the politics and get to the solutions, spend the money and give the victims what they need. I have no doubt that discussions have occurred within the Labor Party on what to do, when to do it and so forth, and I acknowledge that it will be no small task to put in place what is needed. What I hope is that the government is listening to what the victims have to say and that what it intends to do is in line with what is being expressed.

I also hope that the government is not delaying for fear that if a plan is put in place some of the estimated 300,000 yet to come forward will do so and then we will see a budget blowout for this particular plan. No matter whether or not they participated in the inquiry, the abuse they suffered is still as real as it is for those who came forward, and the effect it has had on their lives just as devastating. It is hard to believe that the outcome was not expected or the extent of the abuse was underestimated, given the numerous inquiries and papers written about the department of many names. It seems, Mr President—and please forgive my cynicism—that Families SA has had as many name changes as it has had reports and inquiries over the years; and each time the name is changed it has sounded a little more user-friendly, and one only has to ponder the expense that such a name change costs to wonder how much money could have been put directly into fixing the problem in the beginning.

It does seem, though, that perhaps the penny has dropped since the Mullighan inquiry that changing the name does not solve the problem and, eventually, action is needed. I do not envy the new minister (Hon. Jennifer Rankine) and the problems she has inherited—problems that are not unique to any one government, but problems that will take a very long time to overcome. The Hon. Jennifer Rankine may be able to do what others have not—that is, change the culture of a government department that sends a message to families that nothing less than perfect will do.

This is just a little ironic, given the state's own record of parenting, and one would hope that the government will at least give some thought to the fact that children in the care of the minister cannot become 'street fodder' any longer and that perhaps the state has a long way to go before it can be held up as the example of the perfect parent. Until that happens, it may be far more efficient to assist and support parents who want to do better; then assist and support children who are with parents who, because of their choices, cannot do better; and assist and support foster carers to do their job rather than have to work at the bidding of a department that seems ideologically opposed to the concept of family. Of course, in order to effect change, one has to acknowledge that there is a problem in the first place, and this seems to be the biggest hurdle to overcome.

In the words of Richard Nixon on the Watergate scandal, 'It is not the crime that kills you—it's the cover-up.' Perhaps it would do us all good in the future to repeat this phrase as a daily mantra because, eventually, it gets all too hard to deny the truth. Until I came to this place in 2006,

I had seen the devastation that can occur in the lives of people because of government inaction and ideology. The effect of what we do in here is often missed by us and we are therefore able to keep making the same mistakes in the belief that all is well on the Good Ship *Lollypop*.

The abuse of children in state care, and the part played by government employees, foster carers and ministers of the day gone by as well as others, cannot be swept under the carpet and we cannot make the promise that it will never happen again because, in our slowness to act, we are almost slapping victims in the face, kicking them in the guts, and abusing them all over again by providing services that are less than acceptable or difficult to access.

The slowness in developing and implementing a plan is costing people dearly—people who have already paid the ultimate price of betrayal, the ultimate price of being disregarded and thrown onto the rubbish heap. Many of the people of whom I speak were not only betrayed by their pseudo-parent, the state, but they also suffered betrayal by siblings who led them to the dark side, the underbelly of Adelaide. Those who took their small brothers and sisters into this dark world were also victims of abuse who were recruited to recruit.

Some of them today are in prison for other crimes. Some are addicted to drugs and alcohol and some are dead, but their memory lives on with those siblings who, through no fault or choice of their own, were left to carry the legacy that denial leaves behind. It is time for this parliament to ask the questions and get the answers on behalf of those who have shown good faith in us—faith enough to tell their stories and drag up those memories and emotions that have paralysed them for most of their lives.

We have to be their voice in here. We have to make the demands on their behalf because now it has been taken out of their hands. They are now at the mercy of the Premier and the Treasurer to make good on the recommendations of Ted Mullighan to metaphorically bring these children home. It is time for this state, by way of government, to hold out a hand and give them what they need, to nourish their souls with the understanding that what they need is support for a very long time, and to let them know that their presence is not a threat or an inconvenience because we all share the responsibility of knowing that eyes were blind, ears were deaf, and the truth was just too bitter to speak.

They have to know now that the pseudo-parent, the state, that they trusted decades ago is no more, that these times are different and things will be better. In 2006, when I came to this place, I was shocked to hear what Mr Ki Meekins had to say. I have seen this man tirelessly take action to bring our secrets out into the open. He has conducted himself with honour and integrity, and I cannot help but think that perhaps there have been some who hoped that he would just give up and go away as so many others have.

His efforts go back many years, and I have a letter that he wrote to the Hon. Trevor Griffin when he was attorney-general at a time that I believe was the beginning of Ki Meekins' public quest. Even in 1999, Mr Meekins showed commonsense in his request, and even his handwriting reflects the fact that he was thoughtful and careful about how to start at the beginning and make changes to our laws that would see an end to the sexual abuse of children being viewed as nothing more than an unlawful act.

I believe that child sexual abuse should have a category of its own with a minimum sentence imposed. It is no secret that there have been many occasions when the courts have been seen to fall a long way short of public expectation when vile acts of abuse against children have been brought before them. Mr Meekins has pursued his quest for justice, and who in this place could argue with him that he would not know better what is an adequate punishment for the soul-destroying pain that so many have endured?

I would like to read out Mr Meekins' letter to the Hon. Trevor Griffin to show on the public record that this man, Mr Meekins, has for a long time held a vision of a bigger picture, a vision of what would be needed for the future to take a very different path to the past. His letter states:

> Dear Mr K. Trevor Griffin,
>
> I humbly refer to your letter dated the 26th day of May concerning rape offences against a child.
>
> In particular 'unlawful sexual intercourse' with any person under the age of 12 years. As a victim of rape myself, I take the view that the use of the words 'unlawful sexual intercourse' must be changed to rape in the case of rape against a person under the age of 12 and that a mandatory sentence of life imprisonment be brought against the offender.

I am of the belief that an indemnity exists that stops any chance of a victim of rape seeking justice three years after the atrocity of rape, a heinous crime undeserving of the said politically correct term 'unlawful sexual intercourse'.

... (Truth in sentencing) for crimes against children in South Australia as presently it shows me there is an underlying risky disregard for humanity's most precious resource—our children. Society demands a 'true zero tolerance' of any person convicted of rape of a child under the age of 12 years to be given a retailored mandatory sentence of life imprisonment.

I do trust my above concerns as a victim reflects and ensures 'readdressing current penalties and sentences' undertaken in this government's continual review of our societies attitude towards those that choose to prey on children for their own evil gratification.

Yours sincerely,

Ki Meekins.

I acknowledge that it was the Hon. Andrew Evans who first took up the plea of the victims of abuse and who pursued legislative amendments to allow victims of years gone by to make their cases known in order to seek justice. I am sure that all members here are grateful that he was prepared to take the first step in parliament to lend support to victims.

I am also well aware that the former leader of the opposition, Hon. Rob Kerin, also fought long and hard for a royal commission into this situation. I acknowledge that the actions of both these people resulted in the Mullighan inquiry and its recommendations. All that is left to do now is to develop, fund and implement them in order for this parliament to be able to live with the satisfaction and clear conscience that we have met our responsibilities and, in doing so, guaranteed that the victims of the past, present and future will have somewhere to go and someone to go to at the onset of such abuse, rather than having to wait decades.

The social cost has been devastating, and I do not think that we will ever fully comprehend the number of people who have been affected and the lives that have been destroyed; it is too much for the human psyche really to comprehend. At the same time, I am hopeful that the shame of what has occurred and the stories that have been told serve to make us all aware that we can never be too vigilant, that we can never be too careful and that we can never be too content with things appearing to be all right.

Most of all, we can never be content just to take the word of others that everything is okay, that people are not telling the truth and that they are vexatious, belligerent or whatever other words are used to label them. These are the mistakes we made in the past, and we certainly cannot make them again in the future. We can and should put in place checks and balances and client services that are open and accountable. We can and should put in place policies and procedures that provide protection for families and children. We can and should develop screening mechanisms that will detect anyone—anyone—who has a tendency to prey on children so that they find it impossible to be employed in a position of trust. This requires far more than a police check: it requires a forensically tried and proven method to sniff out these subhumans and prevent them from having access to children. We must do this, regardless of the cost, because our children are our future.

The question that remains in the minds of many is: does the government accept that the child abuse scandal of South Australia was, at best, preventable and, at worst, deserving of earlier acknowledgement and intervention? As I said earlier, merely saying sorry on matters such as this is nowhere near enough.

On 30 September 2004, in reference to victims of sexual abuse, a senior member of this government made this comment in parliament, ' Do you want to listen to loonies and ask questions on their behalf?' Such a comment hardly instils confidence that the government of the day has a great deal of empathy for the atrocities committed against victims of child sex abuse. It should be acknowledged, known and on record that this comment is still alive and well in the minds of many victims and that it has led to a high degree of scepticism as to whether or not the government will do its utmost to make good on its promises.

We should also show to Mr Ted Mullighan the respect that he deserves for conducting an inquiry that must have been physically, emotionally and psychologically draining. I leave this matter in the hands of members of this council to respond to and express the wish that the motion will be voted on in the November sitting of parliament.

Debate adjourned on motion of Hon. J. Gazzola.

STATUTES AMENDMENT (LOCATION OF GAMING VENUES) BILL

The Hon. J.A. DARLEY (16:59): Obtained leave and introduced a bill for an act to amend the Development Act 1993; and the Gaming Machines Act 1992. Read a first time.

The Hon. J.A. DARLEY (16:59): I move:

That this bill be now read a second time.

This bill remedies an anomaly in the interpretation of the current Gaming Machines Act. In 1997, a bill was introduced by the Olsen government to prohibit the gaming machine venues being located under the same roof or within the same boundaries of a shopping complex, the rationale being that gambling—and especially poker machines—should not be in an area where people are spending money on household staples and might be attracted to spend that money on pokies instead.

Although a gaming venue cannot be approved if it is located within an existing shopping complex, it is not clear what the position is for a developer seeking to develop a shopping complex next to an already existing gaming venue. There has been a recent trend to locate new developments in the same vicinity as a gaming venue. My office was contacted by the Stirling District Residents Association, which is opposed to the development of a Coles supermarket in Stirling Village. The complex was to adjoin the existing Stirling Hotel. Of most concern was the fact that the only toilets in the entire complex were to be found in the hotel and, based on the plans provided to the association, it appeared that a person would have to walk through or pass the gaming area to access the toilets.

In May last year, it was announced that the Palmer group had applied to the government for a proposal to establish a retail and residential apartment complex behind the Highway Inn on Anzac Highway. There was some question as to whether the development—while not connected to the venue, it shared a car park with it—would be in the same complex as the Highway Inn, a venue with poker machines. The Minister for Urban Development and Planning acknowledged at the time that he would 'not support a development that was not in keeping with the spirit of the 1997 legislation'. I take the minister at his word; however, I can see no reason why this problem cannot be remedied by this simple amendment.

I do not think that the two examples I have given were envisaged at the time, and this amendment goes some way to ensuring that a development application for a modification, extension or new development would be rejected. If it proceeded, it would be located adjacent to a 'prescribed development'. A prescribed development is defined in the bill as not only a shopping complex but a school, preschool or childcare centre. I think that the argument for not having a gaming venue located near children is even stronger than that for a shopping complex. This bill goes some way towards addressing the link between problem gambling and the proximity to venues. I commend the bill to members and urge them to support it.

Debate adjourned on motion of Hon. J. Gazzola.

LOCAL GOVERNMENT (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 24 September 2008. Page 158.)

The Hon. A. BRESSINGTON (17:03): I rise to indicate that I do not support the bill introduced by the Hon. David Ridgway. The decision not to support this bill is based on the fact that, for any legislation related to substance abuse, the government, and in fact the opposition when in government, relied on scientific evidence that initiatives were worth pursuing. Mr Ridgway has himself said that this bill would be a world first, and I have to wonder whether other governments around the world have not implemented such action because they believe that it does actually overstep the mark.

Smokers have been subjected to all kinds of legislation restricting the use of their drug over the past few years, and the Rann government has cooperated with other state anti-smoking initiatives. The results of these are clear. There has been a 20 per cent reduction in people who smoke tobacco. This can be attributed to the fact that smoking has been made socially unacceptable through changing public perception and attitudes and, through public perception and attitudes, smokers are now frowned upon in many social circles that once upon a time did not give smoking a second thought.

Once again, I have to pose the question: if such initiatives have been successful for creating a reduction in demand, why wouldn't the same approach be effective for illicit drugs, and why wouldn't governments draw the bow between the successes that they have had with reducing the demand for tobacco and, in turn, reduce the demand for illicit drugs? Surely we all acknowledge that addiction is addiction yet, for some reason, nicotine addicts are portrayed as being somehow far more socially unacceptable than any other kind of addict.

We have seen the advertising on television showing what happens to a smoker's lungs and aorta. We have also seen how smoking can cause blindness and, of course, the latest shock ad showing a man who has had his voice box removed and also being diagnosed with lung cancer who dies before he is able to see his daughter.

We have seen hospital scenes where people are diagnosed with lung cancer and the effect it has on their family. We have also heard the excuses made by smokers as to why they could not, or would not, quit. We have seen smoking advertising removed from television, and we have also seen legislation that restricts the use of tobacco—with the promise of more to come, apparently.

All of this working together, the synchronised and committed effort to reduce smoking, has worked well. As I have said before, we have seen a 20 per cent reduction, and that is good. However, people are confused because we hear that zero tolerance does not work, but clearly it does. Smokers are being demonised and made to feel less than part of the human race for doing something that is legal, albeit harmful. Yet, on the other hand, they see and hear every excuse under the sun made by those who partake in illicit drug use.

Drug users have the right to choose to use, we hear. Centres are established to deliver free drug replacement and hand out needles willy-nilly, sometimes to the detriment of those law-abiding citizens who find themselves in the vicinity of such places or who reside near one of those clinics. Yet all of that is ignored and swept under the carpet, and it is just the poor drug user—they do not know any better.

The smoker has been threatened just recently with having to pay a $2 tax to cover the cost of cleaning up cigarette butts, but there has been no mention of the cost to any council to clean up inappropriately disregarded syringes. We have seen smokers threatened with not being able to smoke at the beach because of the environmental damage that is caused—no mention of how many bongs are found underneath the jetties and how many of them wash out into the ocean and pollute the waters and harm our sea-dwelling animals. We have also not heard how much councils spend on beach sweeping for syringes. No, Mr President, it is the smokers. They are the burden to the entire society. Those who are not doing anything illegal will pay, but those who are breaking the law will have every service and excuse possible allowed to them.

Even some politicians in here are determined to create discourse among our youth and, whether or not they believe it through their reckless campaigns, have convinced our kids that illicit drugs are not as harmful as legal drugs, yet if we saw the population of illicit drug users rise to the levels of use of tobacco, it is reasonable and logical to assume that the harms of illicit drugs would also become more prevalent—and this is not rocket science. How can anyone sit in this chamber and proclaim to give a hoot about the health of South Australians where alcohol and tobacco are concerned and then, either knowingly or unknowingly, promote the use of illicit drugs?

How can we demonise smokers for drawing breath and then say that inhaling cannabis smoke is less harmful? But all of this, of course, is for another debate, and I will get back to the bill before us. I see that the Hon. David Ridgway's unique approach to nicotine addiction is one that further demonises those addicts rather than putting forward any initiative to assist them to stop. For example, for nicotine addicts not to suffer from cravings, perhaps the government could subsidise nicotine replacement therapies for people who want to stop. We have no problem with providing amphetamine replacement therapies and opiate replacement therapies, and given that nicotine has now been proven to be the most addictive drug and the most used drug, causing more deaths than all the illicit drugs together, one would think that both governments and oppositions would show smokers as much compassion as we show the users of illicit drugs to make up the less than 2 per cent of the total population.

I know that the Hon. Mr Ridgway would like to rid South Australia of the curse of smoking, and that is an honourable goal, but surely consistency of approach is also necessary. Perhaps we could put forward legislation that would give an incentive to employers who provided nicotine replacement therapies to employees who smoke, and part of their employment agreement would be that employees would not indulge in smoking during working hours. Surely this would be a far

more positive approach than banning smoking in the CBD which, from feedback I have received, may run the risk of reducing trade.

When I was a smoker, any such ban would have seen me just not go where the ban was in place and shop in my local district, or organise my retail therapy sessions for off-ban days, which may even see an increase in risk to non-smokers in those days because the smokers may flock to the city centre for the ban-free days. It is also interesting that places that sell alcohol are not included in this ban. So, we may see an increase in the trade for those places (cafes and hotels), and smokers may be tempted to indulge in a drink or two during their lunch break while they smoke. Given that not every workplace is as forgiving as this one with respect to the consumption of alcohol during work hours, we may find that, through this legislation, we have created yet another set of problems for employers to deal with.

It is a curious distinction, I think, for the Hon. Mr Ridgway to include this exemption in his world-first piece of legislation, and it may come as a real shock to him to hear that, as a non-drinker, I find the smell of alcohol as disgusting as cigarette smoke smells to non-smokers. I can smell alcohol on a person from 50 paces, and that is as offensive to a non-drinker. Perhaps the honourable member will give some consideration to that fact—

Members interjecting:

The PRESIDENT: Order!

The Hon. A. BRESSINGTON: The fact is that all addicts should be treated equally. Services should be made available that are not defined by a certain drug, but based on the fact that a person is addicted and will suffer serious health consequences in the future, and also based on the fact that we are doing more harm than good by not treating all drugs as harmful. This debate has become almost ridiculous, where our personal preferences stand between good sense and good policy. All drugs are harmful, all have serious health consequences and every addict suffers from the same struggles to stop their use. The drug of choice is irrelevant.

In this place we will use the evidence-based argument to refute parts of what I have said here today about all drugs having the same level of harm. I have said here that we simply do not do the independent research on illicit drugs that we do on alcohol and tobacco, and that was proven when I attended the conference in Sweden in September. A person from alcohol and tobacco research spoke, criticising the research presented on illicit drugs as being uncoordinated and disjointed. He presented great stats on the health harms of alcohol, patterns of use and how those patterns led to further social harms.

He was also able to present an estimate on the economic and social cost to the local and global community caused by alcohol use. All the funding for this research was provided by the government. Millions of dollars was poured into the research and to peer review papers in that entire process. Then, another professor addressed the conference on a methadone study done over five years. He also presented great research on how this particular therapy was not meeting expectations and was not being administered in an efficient manner, and also how those on a methadone program were more likely than the general population to contract the blood-borne viruses associated with drug use.

This presentation was a full research project that needed also millions of dollars to conduct. This professor's funding came from the non-government sector, which fund-raised to get the money necessary to undertake and complete the first independent international study on methadone. He did not get one red cent of government funding for this research, hence the reason why the research on illicit drugs is so one-sided. Again, I will go into that in a further debate. However, it shows the incongruence of the data we are working with.

Anyone on the street and anyone dealing with people who use drugs gives a very different story to the level of drug use and the patterns of drug use on which we are building our policy, and that is because evidence-based research has been set aside for more eminence-based research. The observations of non-government organisations that deal with this day to day and the data they collect is not regarded as relevant research data. Many workplaces now test for illicit drugs and have programs on offer for their employees to beat the use of illicit drugs. I believe the mining industry is very compliant in this area. Given the serious effects of smoking and the fact that there are so many smokers, why would we not pursue ways of assisting the smokers and assisting the employers to create a smoke-free workplace?

In fact, given the stated success of the methadone program, one has to wonder why nicotine replacement was not more widely implemented years ago. That would at least show that governments are prepared to put back some of the taxes they make from tobacco into assisting those who are addicted to nicotine.

I also believe that this is one of the major arguments used in the debate to legalise marijuana: regulate the sale, tax it and put the money back into treatment and rehabilitation. Of course, we have all seen how that works in real life so far with alcohol and gambling. Governments and apparently oppositions are almost schizophrenic in their approach to drugs and addiction, and there seems to be a hierarchical approach to drugs and how we treat addiction.

None of this is helpful and none of this is in tune with what the people of this state or country expect of their legislators. By all means implement initiatives that will reduce use. As to supply and demand, if we reduce the demand by providing viable alternatives it must follow that we will reduce the use and the harm. But, for goodness sake, let us be realistic and empathetic to the struggles of addicts—all addicts—and not pick and choose those we will provide help to and those we will not.

Perhaps the Hon. Mr Ridgway will give some thought as to whether alcohol consumption and all that goes with that is just as offensive to non-drinkers as is smoking to non-smokers. Perhaps he will also consider that the harms of alcohol when it is abused is very much comparable to smoking cigarettes, and then perhaps we can hope for some balance and effective legislation being put before this parliament, rather than a bill that I believe was more for political gain and headlines.

While talking about the quality of research, we have seen some pretty dodgy research presented here about the health benefits of cannabis. I did not hear anybody laughing when it was presented, so I refer to a research project from China talking about the health benefits of smoking. I will read three small paragraphs under the headline 'Smoking linked to decrease in uterine cancer risk', as follows:

> New York (Reuters Health). Cigarette smoking appears to be associated with a decreased risk of cancer in the endometrium, the inner lining of the uterus, research from China suggests. 'The benefit of smoking was observed almost exclusively in post-menopausal women and not in pre-menopausal woman', principal investigator Dr Bin Wang of Nanjing Medical University told Reuters Health.
>
> Endometrial cancer is commonly thought to be linked with exposure to estrogen. It has also been suggested that cigarette smoking exerts an anti-estrogen effect, but previous studies have provided inconsistent findings regarding the link between cigarette smoking and endometrial cancer risk. Wang and colleagues therefore investigated these relationships by combining data from 34 studies published through June 2007. Their findings, which appear in the *American Journal of Medicine*, suggest a history of cigarette smoking decreases the risk of endometrial cancer from between 18 to 29 per cent.
>
> This association was significant for both current and former smokers. Upon further analysis the researchers found that a statistically significant relationship was found between smoking and a decreased endometrial cancer risk among post-menopausal women. Moreover, among women taking hormone replacement therapy, cigarette smoking was associated with about a 50 per cent decreased risk of endometrial cancer.

I do not think any of us believe it or would justify encouraging people to smoke cigarettes because of this study and its contents. My point is that we in here need to be very discerning about the research we put forward to argue for and support our legislation. We have a moral and social responsibility to ensure that what we put on the record to persuade our fellow parliamentarians whether or not to pass a bill is discerning, because this piece of research I would not endorse or believe and, therefore, other pieces of research presented in here about the use of other drugs we need to be very critical of.

I do not support the bill. I admire and agree with the sentiments behind it, but if we are to try to reduce the use of a particular drug we should do it the tried and proven way, with support and treatments available. This naming, shaming, fining, putting people in more distress and under more stress, being judged and demonised even more, from my experience, just makes them smoke more. To be defined or to be whatever will not do one single thing to reduce smoking. We argue in this place for the reduction of drug use from a health viewpoint, do we not? I hope that the opposition will be more inclined to put up other legislation that is more meaningful to produce the outcomes we are looking for, that is, to reduce the use as well as reduce the harm.

Debate adjourned on motion of Hon. B.V. Finnigan.

NATURAL RESOURCES COMMITTEE: DEEP CREEK

Adjourned debate on motion of Hon. R.P. Wortley:

That the report of the committee on Deep Creek Revisited: A Search for Straight Answers be noted.

(Continued from 24 September 2008. Page 169.)

The Hon. SANDRA KANCK (17:22): I have circulated an amendment, which I move:

That after the words 'be noted' insert the words 'that this council condemns those officers of the Department of Water, Land and Biodiversity Conservation who either misled the committee, and therefore the parliament, or who failed to provide requested information to the committee.

I have been serving on standing committees of this parliament for almost 15 years and have never seen a report like this one that we are noting.

I have spent eight years on the Social Development Committee, three years on the Environment, Resources and Development Committee and five years on the Natural Resources Committee. I have not seen a report like this, nor up until this time have I felt the need to be involved in putting together a report such as this, because on no other committee have I ever met this sort of attitude and intransigence from departmental officers. The report has just one finding, which states:

Some of the information provided to it by officers of DWLBC in the course of its Deep Creek inquiry appears to be false or misleading.

That is an extraordinary finding, but it is one that became necessary for the committee because of the incredibly stupid and arrogant behaviour of certain officers in the Department of Water, Land and Biodiversity Conservation. Much of the actual report deals with evidence taken by the committee on 1, 8 and 9 May 2008 and some correspondence with the department subsequent to those meetings. Particular officers are quoted in the report as a consequence of their style of answering and often deflecting questions from the committee.

One name that stands out in this regard is Mr Darryl Harvey, principal policy officer of DWLBC. The meeting on 1 May received coverage in *The Advertiser*, and I think that coverage alerted the then chief executive of DWLBC, Mr Robert Freeman, that something was happening. He attended the meetings on 8 and 9 May and he asked that all communications seeking information on this particular matter be addressed in the first instance to him so that he could ensure that the matters were addressed and the information which the committee was seeking was provided. However, in the end he, too, failed to provide information. He has now departed DWLBC and South Australia as part of his career advancement. As they say in the TV ads, 'But wait, there's more!' Those two were not the only employees who should be given this ignominious recognition. I intend that the performance and statement of others are also drawn to the attention of this parliament.

There is a bit of history in the way in which DWLBC has treated the Natural Resources Committee. It has treated it in a manner that could only be described as patronising at best. In June 2005 I moved the matter of the drying of parts of Deep Creek to the Natural Resources Committee. It was carried in this place on 5 July. The committee received that reference and advertised for submissions, and the combined agencies of government lodged a submission (which was dated 14 October 2005) with the committee. As a result of other pressures on committee members, the committee was not able to deal with it before the end of the year, and it was obvious by the end of November that most members of the committee were going to be spending the next three or four months campaigning for the upcoming state election and that we were not going to be able to deal with the reference, although we had received quite a number of submissions.

When the committee reconvened after the March election with a new committee, I pressured members of the committee to take up that reference—to which they agreed. In October 2006 the committee determined that it would seek a briefing from departmental officers, basically to support the submission they had lodged in October 2005. As a committee we readvertised the reference and sought submissions from the public, once again. On 14 March 2007 the combined agencies appeared before the committee. Clearly, they were so dismissive of the reference that they had made no attempt to put a new submission together or a supplementary report, despite the fact that the one submission we had was by that stage 17 months old and despite the fact that the evidence they gave to us was showing that this was a moveable feast and, quite clearly, things they had said in October 2005 had altered during that time.

The fact that they did not even bother to come up with a supplementary report to the committee at that point was the first demonstration, I felt, of the arrogance they were demonstrating towards the committee. The *Hansard* itself demonstrates the difficulty we had in March 2007 in getting a straight answer. John Rau is the Presiding Member and he attempted to obtain some facts. On page 3 of the evidence he said:

> I have read the paper—and I may have misunderstood it. Is this a fair summary: you identified various factors which are known generally to affect a water catchment, for example, clearance of land, damming of streams which supply the main stream, and so forth, and you can draw general conclusions about what the impact of those changes might be from knowledge of other places, but you are unable to provide us with anything more than speculation as to the exact consequences of the interrelationship of a number of those known factors in this environment?

There were attempts to answer it—very poor, I might say—and on page 4 the Presiding Member said:

> I have read the submission and I have been re-reading it to try to understand what is coming out of it. I do not know whether it is me or the report, but I do not understand what you are saying are the pinpointed causes and the cause and effect relationship which I think many members of the committee would like to know about.

So, we had some more attempts by the officers of DWLBC to provide an answer, and on page 5 we again have the presiding officer, Mr Rau, saying:

> Does that not bring us back to my first question? Given the level of give and take in all these things and the number of unknowns in the equation, the truth of it is that all you are able to offer us (and this is not a criticism of you, because you can only work with the data that you have at your disposal) is an educated guess as to what is going on down there?

Finally, we get an answer after three pages of badgering:

> MR HARVEY: Yes.

That in itself is an interesting answer, when one looks at the answers given by Mr Harvey on 1, 8 and 9 May this year. He did give a straight answer there which basically said, 'We can't tell,' but it took three pages of questioning by the Presiding Member of the committee to get Mr Harvey to that point where he indicated that there was a great deal of uncertainty.

I asked a question about information the department had on hand about the impact of forestry plantings on convergent topography. This is on page 26 of this evidence on that day in March 2007. You will note the determination by Mr Harvey to not answer. I said:

> Perhaps the DWLBC people could tell us whether they have come up with anything about convergent topography and the impact on plantings, or vice versa.
>
> MR HARVEY: It is a position that has been explored in New South Wales.

I interpose here to draw attention to the fact that later on I will be talking about a report that had been commissioned by DWLBC here in South Australia. Mr Harvey continued:

> My understanding is that it has more relevance with respect to some soil types than others. We have just been involved in some work in looking at determining setback widths. Some study has been undertaken, and that was reviewed independently. The approach we are taking does not pursue the converging line of theory; it takes on another position of water balance. Those findings have only just occurred, and how we handle those findings has yet to be finalised.

Those findings for the members of the committee were around about October 2006, so they had not just occurred. I asked:

> So, there is a paper available?
>
> MR HARVEY: There is no paper available other than the technical report that we have reviewed, but we do not have a published paper on that at this point.

I asked:

> There is nothing you can provide us with?
>
> MR HARVEY: I do not think we can provide you at this time. However we are reviewing this and, as Detlov mentioned, the issue of departmental guidelines is on the agenda to be reviewed.

I asked:

> Have you explored any other literature as regards convergent topography?
>
> MR ROBERTSON: There was quite an extensive piece of work done, and I cannot make comment on it, because I was not directly involved in it. I am just aware of the fact that it has been reviewed and it was considered not necessarily appropriate—

I asked:

> Who reviewed it?
>
> MR ROBERTSON: Some people within our department.

I responded:

> There must be a paper somewhere that they have written, surely.
>
> Mr ROBERTSON: I cannot answer that. I know the outcome was they did not feel it was useful in our environment, in South Australia.

That is a peculiar answer, given that it was a study undertaken in South Australia. I then said:

> Would you please go back to your department and find out who did that? I am sure they did not just send an email to the minister and say, 'We don't need to take into account convergent topography', and leave it at that. There must have been a paper; there must have been a review of the literature. There must have been something that was done that allowed them to come to that conclusion and make such a recommendation, and I would like that to be provided to the committee, please.
>
> MR ROBERTSON: We can take that on notice.

So, according to Mr Harvey it was a study, not a paper and then it was nothing more than a technical report. That answer given was evasive enough to make me prick up my ears, and I put in an FOI application on that, but I will talk a little more about that later.

Officers presenting at that hearing were scornful of the local land-holders' information by saying it was merely anecdotal; this was information that the creek in the Foggy Farm catchment had always flowed all year round. They told us it was just anecdotal. The chair implored them to come back with some information if they wanted to, to counter what this 'anecdotal' information was saying. I cannot find that particular quote at the moment: I seem to be on the wrong page. I can assure you that there was an initial request from Mr Rau to have the scientific information, if officers themselves believed that the information that we had been given was merely anecdotal.

Right at the very end, when the departmental officers had completed their presentation, John Rau as Presiding Member (although I cannot find the first quote right now) made a second attempt to encourage them to provide information. He said:

> In closing, may I reiterate my earlier statement that it would strengthen the agency's positions if the committee had factual material to work with. During our site visit this Friday we will be presented with a lot of anecdotal material and it may be that it will be supported by what we will see and by individual records kept by farmers. This will be all quite difficult for us to ignore, and I think it would be in your best interests to provide us with as much scientific and evidentiary material as you possibly can.

I will observe that, despite that, those officers failed to provide us with that information. They told us that those farmers who had lived in the area for years, and who were quite confident having lived there for years, were wrong in saying that every year the Foggy Farm Creek had run until 1992, shortly after forestry plantations, and it was somehow a figment of their imagination. But they did not at any stage, despite the fact that they undertook to do so, provide us with the information that we requested. There were a number of requests for information in that meeting that the officers told us would result in our receiving information and, ultimately, that information never appeared.

The report that we are noting, that is, 'A search for straight answers', observes the documents obtained by me under the Freedom of Information Act. I tabled a complete set of those documents and they were probably about 5 or 6 centimetres in thickness. That information was gained as a consequence of the very evasive answer that Mr Harvey had given to me to my question about convergent zones—that it was not a paper but a technical report, and so on, and that it would not be of any value to us, either.

Those documents revealed something very interesting. They revealed that Mr Michael Deering, who was sitting right next to Mr Harvey while Mr Harvey was saying there was a document but he could not tell us much about it, had been involved in the commissioning of that report. He was sitting right next to him and did not open his mouth about it. He did not say a word. He did not say he knew anything about it or anything about the contents of it. I think that was extremely underhanded of Mr Deering, to simply sit there and say nothing.

I said that I was going to name people other than those in the particular report we are noting, and Mr Deering is one of those people. Nevertheless, the committee ultimately got its hands on a copy, mainly because somewhere along the line someone was able to give our committee

secretary a little more information about it and he was able to specifically ask for a copy of that paper. But it was not given to us willingly.

That was a very substantial report entitled 'Fleurieu Peninsula Swamp Ecology, Swamp Hydrology and Hydrological Buffers' by Casanova and Zhang. The reason those providing evidence that day played cagey and the reason they basically rejected the conclusions and recommendations that Zhang and Casanova came up with was that it effectively validated the position that the Natural Resources Committee would go on to take about this area. They certainly did not want us to have a document that was going to validate that position.

The committee reported on 19 June 2007 and recommendation 8 was:

> Forestry SA remove portions of the Foggy Farm plantations to maintain permanent buffers in the hydrologically effective areas of between 20 and 100 metres either side of the Foggy Farm tributaries.

Minister Gago responded, as she is required to do by statute, rejecting that recommendation, and here is what she had to say in her written response:

> Government considers the impact of rainfall, dams and any further development of forestry areas a more significant issue than the removal of plantation area.

She patronisingly went on to state:

> The committee appears to not have considered the technical advice from the agencies and the official rainfall record that indicates lower levels of observed rainfall since 1991.

This furphy about the rainfall was present from the start of our dealings with the government agencies, and the report we are noting today and the earlier one tabled in June last year dealt with it.

Rather than the committee failing to consider the advice given to it, the committee looked at the advice, analysed it against other information and found what the agencies had told us was wanting. To paraphrase the minister, it would appear that the minister has not properly read our July 2007 report. If she had, she would have read the following quote:

> Deep Creek ceased flowing in the summer of 1992, the year in which the highest ever reading of 1,183 mm was recorded, and two high (1,000 mm-plus) consecutive rainfall readings were also observed for the period 2001-02, yet the creek has still failed to retain a summer flow for increasingly longer periods throughout the progression of years since 1992.

Had the then minister done her homework and read the report, she might have questioned the advice given to her by her officers. Continuing with the minister's far from adequate response to the committee, she says:

> The committee suggests that there has been a change in the botanical structure of native vegetation, and this has only occurred since the development of the pine plantation.

Yes, we most certainly did, and this 'change in the botanical structure' is bureaucratese for 'dead and dying'.

I spoke optimistically in this chamber following the tabling of our first report, and I was bitterly disappointed by the minister's response to the committee. So, I asked questions in parliament on 15 November 2007, one of which was:

> Given that the minister claims that there is 'no scientific evidence' that the Upper Deep Creek catchment was a perennial stream, how does she account for the existence of the Foggy Farm swamp? Is she aware of any scientific evidence of swamps forming and existing without an all-year round supply of water? Will the minister advise the parliament how many years it takes for a swamp to become a climax ecosystem?

Anyone who has done a little bit of high school science would know that you cannot have a swamp, with all the plants associated with that swamp, without a year-round supply of water. Unsurprisingly—because, obviously, she was going to justify her position—the minister in reply to that simply trotted out again the inaccurate information given to her by her officers about declining rainfall.

The committee was not happy with the minister's response and the way in which the committee's recommendations and intentions had been twisted by those who had prepared that response, so we decided to pursue its authors. We asked for departmental officers to again appear before the committee. When they did, early in May this year, they were unapologetic, again, to the point of arrogance. Some of them attempted to debate with the chair rather than answer the questions put to them. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

INDEPENDENT COMMISSION AGAINST CRIME AND CORRUPTION BILL

Adjourned debate on second reading.

(Continued from 24 September 2008. Page 171.)

The Hon. A. BRESSINGTON (17:46): As I indicated in my speech on the Independent Commission Against Crime and Corruption Bill 2007, I believe this is possibly the single most important bill we will ever have to debate in this place. For this reason, I again will not be supporting the ICAC model proposed in the Independent Commission against Crime and Corruption Bill 2008 as I believe it is inherently flawed and will serve as another white elephant which will join the ranks of so many others in this state.

As I explained previously, if our ministerial officers, ombudsmen and regulatory and review bodies such as the Office of the Commissioner for Public Employment, Equal Opportunity, Health and Community Services Complaints, the Legal Practitioners Conduct Board, the Medical Board, the Police Complaints Authority, the court authorities and countless others actually worked to deliver justice, we would not be sitting here having this discussion. The difference between the current bill and the earlier version is not great enough to persuade me to support it, and it is not my intention to add another useless treadmill for people to walk when they encounter problems with a government department.

I understand that at the time that the Hon. Ian Gilfillan drafted his original ICAC bill, which he attempted to introduce in 1989, 1992 and 2005, it was largely based on the model used in New South Wales, a model which continues to contain problems for those trying to uncover corruption. I have studied and analysed the successes and failures of many whistleblower cases and I have reached the conclusion that the only way to stop government officials from evading accountability is to include the following features in any future bill.

First, the bill must contain objects that will articulate what its purpose and functions will be. It is glaringly obvious that words such as accountability, corruption and duty of care do not even make the definitions, much less steer us clearly to the bill's intent. I am advised that possibly the best definition ever developed for accountability is contained in the Commonwealth of Australia publication entitled *Accountability in the Commonwealth Public Sector: An Exposure Draft* in June 1991. This publication was followed by *Accountability in the Commonwealth Public Sector* in June 1993. These documents define accountability as follows:

> Not simply providing information or answering questions but includes setting goals, providing and reporting on results, and the visible consequences for getting things right or wrong.

It sounds a bit like question time in this place. Sadly, but not surprisingly, this important publication is no longer in print, nor are its contents used or embraced by the commonwealth government and it has long since been lost and buried. *Black's Law Dictionary* definition of corruption is also worth using, and it states:

> An act done with an intent to give some advantage inconsistent with official duty and the rights of others. The act of an official or fiduciary person who unlawfully or wrongfully uses his station or character to procure some benefit for himself or another person, contrary to duty and the rights of others.

There are other definitions much less helpful. According to the *Macquarie Concise Dictionary of Modern Law*, student edition, (reprinted 1991) the definition of corruption is:

> The procuring of the exercise of a public official's authority in a particular way by giving or promising reward.

The problem with this definition is that it links corruption to rewards or incentives which, in corrupt systems, are not often articulated, overt or immediately apparent but can be subtle or perceived—sufficiently to adversely influence an organisational culture. For example, departmental executives may perceive that board members of an organisation want a particular policy or procedural direction and then act accordingly leaving no paper trail, as it is simply not required to advance the organisational objectives. Often, however, the practices are driven by a perverse culture as if under instruction of a 'Code Red'. For example, what many believe has occurred over decades in an organisation such as WorkCover is that a direction was driven from the top down saying, 'We do not pay out injured workers.'

This value system is understood by the case managers. Therefore, what is translated into practice and ultimately delivered to workers at the coalface is a culture which says, 'We do not offer

redemptions.' The experience of injured workers then becomes that of having their claims delayed, stalled and stonewalled by rude and abusive case managers. So, when the compilation and dissemination of the Scheme Critical List evolved, it was never a quantum leap for corporate officials to justify their actions as if it were entirely benign.

In child protection, one such 'Code Red' has been a philosophical direction saying, 'We don't have the time to chase difficult teens or resources to get involved in complex legal and family problems.' At the coalface, this has been translated into the practice that, 'Children have the right to choose to take illicit drugs and drink alcohol; therefore, we do not intervene where a child runs away from home.'

The experience of parents and guardians then becomes that of having their concerns about the safety and wellbeing of their children dismissed or trivialised and the child being left at the risk of abuse or exploitation which my Child Protection (Harbouring) Amendment Bill seeks to address in the future.

The second key problem with this ICAC bill is that it does not clarify whether only public officials are to fall within its power or whether it is intended to include people who behave in a corrupt manner in the private and non-government sectors or broader community, such as a social club. As it reads, there would be serious doubt, if not ambiguity, that, if a private corporation were to become involved in corrupt conduct, the corrupt conduct could be subjected to the scrutiny of this ICAC model or that the corrupt corporate officials could even be held liable for anything, much less incur a jail sentence unless there has been direct involvement from some public official or office.

This was the experience with the Whistleblowers Protection Act when, in February 1999, WorkCover sought a legislative loophole from having lawfully to comply with the object of the Whistleblowers Protection Act 1993 by claiming to be a private business, which it never was. To the best of my knowledge, it has always been a public statutory authority. Such an attempt by the WorkCover Corporation to gain exemption from complying with the whistleblowers legislation was desperate at best.

However, the beauty of this strategy was that it immediately put the corporation beyond the reach of the Anti-Corruption Branch and simultaneously created the most absurd situation where the Whistleblowers Protection Act could not be applied to charge any person for any act of corruption, fraud, maladministration or wrongdoing, either by government or by private agency, with the hardest of evidence because the government officials were making up their own rules for how the act would be interpreted, applied and enforced.

It also created a precedent whereby other government agencies could conceal themselves as private businesses, giving them the green light to pollute, deceive and rort taxpayers with no risk of getting caught, much less prosecuted, in the course of allegedly pursuing statutory functions.

The case that best highlights this fact is the matter of Mr Mark Moore-McQuillan, who alleges relentless persecution by officers of the WorkCover Corporation for alleged fraud that they themselves had orchestrated. Despite its reneging upon an agreement entered into on the instruction of the Workers Compensation Tribunal to re-examine its position on Mr Mark Moore-McQuillan's case, pending the outcome of a favourable opinion from an independent QC, and the opinion of the QC concluding that 'Mr Mark Moore-McQuillan was not guilty of any act of alleged fraud', no penalty was ever imposed upon the corporation by the tribunal for its part in his litigation and persecution.

The opinion of Mr Chris Kourakis (who was then queen's counsel and who was previously the solicitor-general and is now a judge of the Supreme Court) came hot on the heels of (1) a finding by the Workers Compensation Tribunal (JD 1/98) that there had been no evidence of fraud by Mr Mark Moore-McQuillan and that the evidence of the corporation had been found wanting; and (2) a further appeal to the Full Bench of the Tribunal (JD 50/98) in which three judges found that WorkCover's position was wholly unreliable and incapable of constituting the basis for a finding, even on a civil onus.

On several occasions, Mr Mark Moore-McQuillan attempted to have responsible officers investigated for illegal conduct under section 122(4) of the Workers Rehabilitation and Compensation Act 1986. However, lawyers for the WorkCover Corporation successfully argued before various courts and the Workers Compensation Tribunal that it could not be held liable for any unlawful act whatsoever.

The implication for whistleblowers is that responsible officers handling the disclosure of corruption or unlawful activity under the Whistleblowers Protection Act cannot find unlawful conduct where, in fact, the Crown claims that there has been no unlawful activity by virtue of their immunity. Thus, in practice, it becomes lawful for the Crown to act unlawfully—again, no victim, no crime.

When approached by Mr Mark Moore-McQuillan requesting a full investigation into his case, the Anti-Corruption Branch claimed to have no powers to investigate a private agency (WorkCover), which it claims the WorkCover Corporation to be. This is in direct contempt of the Full Supreme Court judgment of WorkCover v Saunders and Bawden of December 1995, which ruled that the WorkCover Corporation was not a private person or a corporation but a statutory body with the role of fulfilling statutory functions.

So, here we have a blatant example of the Crown in South Australia playing jurisdictional ping-pong by giving the corporation an exemption from compliance under the Whistleblowers Protection Act so that it does not have to act upon or facilitate disclosures of wrongdoing or maladministration by its own officers. For example, if a person seeks to make disclosures of possible criminal activity by an agency, even the State Ombudsman claims that he is required to refer the matter to the Anti-Corruption Branch. Whistleblowers are now being told that, in fact, no-one has that authority at all.

It is a dangerous situation when government agencies can proactively set out to sabotage any hope of exposing corrupt activities by their own high-ranking public officials. Whistleblowers who have attempted to use the Whistleblowers Protection Act to date have found it impossible to get courts or tribunals to investigate or rule on the conduct of government authorities representing the interests of the Crown, whatever the merits of the case. Yet now the Anti-Corruption Branch has also weighed in, dishonestly claiming to have no powers to investigate the WorkCover Corporation as it deemed it a private business—which it was not then and never has been.

The problem of a private business acting illegally and against the public interest ultimately arises from government's failure to regulate the so-called private businesses to which it has delegated statutory functions and powers anyway. It has become a free-for-all, and the message to government agencies is now: do whatever you want as long as you are a private business.

The frightening thing is that we now have the revolving-door syndrome operating for the corporation so that it can become whatever it wants to be—a private agency, capable of avoiding investigation and prosecution on the one hand, and a government agency, capable of framing innocent citizens for alleged acts of fraud on the other—in order to secure dishonest convictions and judgments which, even if proved to be false or malicious, cannot result in anyone being held liable.

Mr Mark Moore-McQuillan now faces the real prospect of being imprisoned for his efforts to establish his innocence, whilst the people who are responsible for devastating this man's life are able to escape any accountability for their part in bringing an innocent man to the brink of suicide and bankruptcy and causing the terrible devastation of his health and livelihood.

Another vital feature of the ICAC model I propose is that the only persons who can be brought before an ICAC body are those at the level of ASO5 (and possibly even ASO6, above or equivalent), namely, those who hold the title of board member, chairperson, chief executive officer, director or senior manager or those who hold a similar senior rank within an organisation. Existing law enforcement and regulatory bodies should be able properly to address and resolve all other lower-level crime, fraud or wrongdoing within the community. Indeed, that is why we have the Police Complaints Authority and the courts; it is their rightful role and function to investigate these primary offences.

The objective must be to ensure that corrupt officials at the top of the hierarchy cannot be so well protected from scrutiny as to use the receptionist, janitor, base-grade clerk or someone's ex-spouse as a scapegoat when things go bust and heads must finally roll. If we do not limit the range of people who can answer to the charges of corruption, we will see patsies being brought before the ICAC rather than the big fish at the top of the food chain.

The purpose of limiting who can be brought before an ICAC to answer charges is also to ensure that under-staffing or under-resourcing cannot be used as a standard catchcry not to investigate, as is currently the case, by existing complaints and review authorities. This stipulation will also ensure that every complaint, review, investigative or judicial authority that got away with covering up corruption of the law or process—perhaps bodies such as crown law, ombudsmen, the

Police Complaints Authority, professional boards and associations, etc.—cannot escape all other levels and forums of scrutiny.

It will also serve to ensure that those officials who have remained blind, deaf and dumb to the corruption being disclosed can be held accountable and brought in to answer charges directly. It will send the message that the buck will ultimately stop with them. If the ICAC cannot guarantee executive, judicial and parliamentary accountability, the three arms of government become the problem, as they have historically in such serious cases of crime and corruption.

Another feature of a solid ICAC bill would be that the rules of evidence must be adhered to, albeit not in the strictest sense. Currently, clause 93 (Evidence and Procedure) of the bill provides:

> The commission is not bound by the rules of evidence and may inform itself on any matter in such manner as it considers appropriate.

We know from the experience of existing whistleblowers that this will be abused to later mean that no rules have to be applied at all; at least that is how judges and arbitration officers at the Workers Compensation Tribunal have used identical legislative passages in the Workers Rehabilitation and Compensation Act. Of course, this has been a corruption of the intent of this provision in such legislation as, in truth, that passage is intended not to bind the commission or authority so as to be limited or restricted in how far they can delve into a matter, and it seeks to enable a much deeper level of investigation which, if the strictest rules were applied, they would be unable to undertake. Instead, decision makers at the Workers Compensation Tribunal have seized on this provision to justify ignoring all corroborative evidence placed before it and to come up with highly suspect decisions in keeping with the special treatment that the scheme-critical cases seem to attract.

Another vitally important feature of a sound ICAC model would include a requirement that the commission submit an annual report to parliament detailing the outcome and/or progress in cases under consideration. Every case brought before the ICAC must be resolved or be seen to be advancing towards resolution within a time frame. It is imperative that no case is left to drag on indefinitely whilst whistleblowers cannot move on with their lives.

Dr Robert Moles's case sat for years before the Medical Board without resolution, as did the application for the review of the Keogh case before Mr Kourakis (which sat for four years). In another case, a file sat with a former state ombudsman for three years, only to be told that the office would not in fact be investigating—not that the office had investigated and found no cause of action. I am told that some cases—many relating to freedom of information applications—have received no notification from this office in more than seven years.

There also needs to be a stipulation that dismissal, resignation and/or passage of time must not become grounds to disqualify a case from being brought before an ICAC. Often corrupt organisations will shuffle officers in and out of jobs long enough to take the heat off the person—or other high ranking officials—who may be involved in dishonest activity, but only long enough to do a circuit, before being reinstated in the role where they could do more damage.

We know that one very high ranking officer in WorkCover has been rotated around strategically to avoid ever being in a place, or a position, where he could be subpoenaed to answer questions, but he has always enjoyed having influence over cases in which many injured workers have alleged wrongdoing.

Also, the South Australian Association of Social Workers has previously used a social worker's resignation as grounds for non-investigation, as occurred in the Butcher of Bega case—to justify the New South Wales Medical Board doing nothing despite countless complaints, by which time he had been dismissed from his position.

This provision must also ensure that, even where a person is moved out of their substantive position, the ICAC can call them in anyway, perhaps even to the point of extradition if a person should move states, for example. No one must be allowed to evade having to answer questions by going interstate or overseas long enough to delay or frustrate the outcome.

There are scores of other changes and requirements that I believe need to be made and considered, but I will finish at this point by saying that the establishment of an institution such as an ICAC is not one which should be rushed through with no real community-based input to give people false hope. This state is already saturated with both malignant and benign complaints authorities, whether through incompetence or corruption. We need to ask ourselves who we want an ICAC to work for—the elite in our community who can afford legal representation and who can

exert political influence and pull strings for political mileage, or the common person in the street. This ICAC model can do nothing for the common person.

Debate adjourned on motion of Hon. T.J. Stephens.

HEALTH CARE (COUNTRY HEALTH) AMENDMENT BILL

The Hon. R.L. BROKENSHIRE (18:07): Obtained leave and introduced a bill for an act to amend the Health Care Act 2008. Read a first time.

LONG SERVICE LEAVE (UNPAID LEAVE) AMENDMENT BILL

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

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (18:08): I move:

That this bill be now read a second time.

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

Leave granted.

The *Long Service Leave Act 1987* provides entitlements to long service leave for the majority of the South Australian workforce. A worker who has 10 years or more service is entitled to 13 weeks paid leave for the first 10 years of service and 1.3 weeks leave for each subsequent year of service. A pro-rata entitlement is also available on certain conditions after attaining 7 years of service. In most circumstances, any untaken leave is paid to the worker upon termination of employment.

Payment for long service leave is based on the worker's ordinary weekly rate of pay at the time of taking leave, however, if the worker's ordinary weekly rate of pay fluctuates, certain averaging provisions apply. This Bill deals only with those averaging provisions.

These provisions require averaging weekly earnings over the preceding 12 months for workers employed on commission or any other system of payment by result, or by averaging the number of hours worked per week over the preceding three years for workers whose ordinary weekly hours vary.

There have been reported instances where employees have had their monetary entitlement artificially reduced due to a narrow interpretation of the averaging provisions. This can occur when an employee has had a period of unpaid leave during the relevant averaging period and that leave has been included in the averaging calculation.

Those likely to be most affected by this narrow interpretation are workers who have taken a large quantity of authorised unpaid leave. The most common form of long term unpaid leave would be parental leave, however, family care and study leave are other examples.

The interpretation of the Act is unclear for both employers and employees and should be resolved by the Parliament.

The narrow approach to the Act as outlined is at least arguable but is clearly unsatisfactory and inequitable. Unpaid leave is otherwise not counted as service for other purposes of the Act and for consistency, should not be included in any calculations used to ascertain monetary entitlements under the averaging provisions.

Today I introduce into this House a Bill that aims to remove ambiguity from the current Act and ensure a consistent approach to the treatment of paid leave and unpaid leave when calculating long service leave entitlements.

The Bill has been developed through open and extensive consultation. In September 2007 SafeWork SA wrote to the State's key industrial relations stakeholders seeking comments on a consultation Bill to amend the *Long Service Leave Act 1987*. Most of those consulted gave in-principal support to the proposed amendments, however some technical concerns were raised.

Feedback was collated and presented to the November 2007 meeting of the Industrial Relations Advisory Committee (IRAC) for discussion. IRAC noted the views of those consulted and agreed to form a Working Group to make recommendations on issues raised by the consultation.

The Working Group considered the issues arising from the original consultation Bill and SafeWork SA liaised with Parliamentary Counsel to establish a Bill that reflected the commonly agreed concepts and simplified the provision. The improved Bill was finally considered at the 12 June 2008 meeting of IRAC.

The key changes proposed in the Bill are:

- unpaid leave is now clearly disregarded from the averaging provisions;
- the averaging period would now be taken to be the previous 12 months or 3 years of actual service (whichever the case may be), after any unpaid leave is disregarded;

- the inclusion of weeks when the worker was on paid leave, when averaging weekly hours for workers whom the 3 year averaging period applies; and
- clarification that only whole weeks of unpaid leave are to be disregarding from the averaging calculation.

The changes introduced by the Bill bring much needed clarity to the calculation of long service leave entitlements. Long Service Leave legislation was first introduced to South Australia in 1957 and the occurrence of workers taking lengthy periods of unpaid leave and subsequently returning to their employment is more common today than it ever was. The need to ensure that the Act reflects the contemporary requirements of the workplace is evident.

These changes eliminate the potential for ongoing uncertainty when these circumstances arise, without adding to the red tape burden on business.

The Government recognises the important contribution made by all organisations and individuals who participated through the consultative process particularly members of the Industrial Relations Advisory Committee.

This collaborative approach is testimony to the capacity and commitment of all stakeholders and demonstrates that a co-operative approach results in fairer industrial relations outcomes.

I commend the Bill to Members of the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

The measure will be brought into operation by proclamation.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Long Service Leave Act 1987*

4—Amendment of section 3—Interpretation

These amendments are intended to clarify the handling of unpaid leave when calculating a worker's ordinary weekly rate of pay for the purposes of the Act. The reference to weeks when the worker was on paid leave in section 3(2)(b) of the Act gives rise to an element of doubt as to the position of unpaid leave. The provision is to be amended to provide that any week when the relevant worker was on unpaid leave is to be disregarded for the purposes of the relevant calculation and that the relevant periods for the calculation will be full periods (which need not be made up of consecutive weeks) after disregarding any weeks when the worker was not at work due to unpaid leave. Finally, it will also be made clear that all periods of *paid* leave may be taken into account for the purposes of making the relevant calculations.

Debate adjourned on motion of Hon. J.M.A. Lensink.

At 18:10 the council adjourned until Thursday 15 October 2008 at 14:15.