# LEGISLATIVE COUNCIL

**Thursday 27 March 2003**

**The PRESIDENT (Hon. R.R. Roberts)** took the chair at 2.15 p.m. and read prayers.

## CHILD SEXUAL ABUSE

A petition signed by 221 residents of South Australia, concerning the statute of limitations in South Australia on child sexual abuse and praying that this council will introduce a bill to address this problem, allowing victims to have their cases dealt with appropriately, recognising the criminal nature of the offence; and see that these offences committed before 1982 in South Australia are open to prosecution as they are within all other states and territories in Australia, was presented by the Hon. Sandra Kanck.

Petition received.

## QUESTIONS ON NOTICE

**The PRESIDENT:** I direct that written answers to the following questions, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 193, 196, 201, 207-209 and 211.

### TRANSPORT STRATEGY

193. **The Hon. DIANA LAIDLAW:** In relation to the proposed release of the government's transport strategy, will each new initiative be costed and funded in order to guarantee the implementation of every measure proposed within a given timeframe?

**The Hon. T.G. ROBERTS:** The Minister for Transport has provided the following information:

The South Australian transport plan seeks to provide a guiding framework for key transport decisions in South Australia for the next 15 years.

It is not possible or desirable to cost or to guarantee the implementation of every option canvassed in the plan. Some will be choices, with final decisions contingent on factors such as the rate of economic growth, demand for public transport services and so on.

### TRANSPORT AND URBAN PLANNING DEPARTMENT

196. **The Hon. DIANA LAIDLAW:**

1. How many officers now work in the Office of the Chief Executive of Transport and Urban Planning?

2. In each instance—

(a) What are the names of the officers?

(b) What are the titles of the officers?

(c) What is the overall budget for 2002-2003 compared to 2001-2002?

**The Hon. T.G. ROBERTS:** The Minister for Transport has provided the following information:

1. How many officers now work in the office of the chief executive of Transport and Urban Planning?

There are currently nine officers working in the office of the chief executive of the Department of Transport and Urban Planning.

2. In each instance—

(a) What are the names of the officers?

(b) What are the titles of the officers?

| | |
|---|---|
| Beverly Barber | Senior Policy Officer |
| Frank Carpentieri | Administrative Officer |
| Trina Clark | Administrative Officer |
| Kate Joannou | Policy Officer |
| Justin Jones | Administrative Officer |
| Tim O'Loughlin | Chief Executive |
| Deb Pieper | Administrative Officer |
| Mimi Rodgers | Associate to the Chief Executive |
| Stephanie Ziersch | Manager, Policy |

*(c) What is the overall budget for 2002-2003 compared to 2001-2002?*

The original budget for the office of the chief executive for 2001-02 was $2.848 million compared with $2.839 million in 2002-2003. Apart from salaries and associated accommodation costs, the budget provides for some public transport investment investigations, the development of the strategic transport plan and procurement policy administration.

### PLANNING SA

201. **The Hon. DIANA LAIDLAW:**

1. Has any person been appointed, assigned or engaged to assist Planning SA develop policies and programs to accommodate the Government's social inclusion agenda?

2. If so—

(a) Who has been appointed; and

(b) To which agency is the person attached?

(c)What is the cost?

3. (a) What new Planning related social inclusion programs and policies have been developed in 2002-2003?

(b) What funding has been allocated to Planning SA to implement the new programs and policies in each instance?

**The Hon. T.G. ROBERTS:** The Minister for Urban Development and Planning has advised:

1. No one single person has been assigned or engaged by Planning SA to develop policies and programs to accommodate the government's social inclusion agenda. Planning is a social science and therefore many of the staff already employed by the agency have skills relevant to this field. Planning SA is also one of the most active advocates for triple bottom line outcomes and as a result, its strategic planning and urban design work is based on a premise of minimising social exclusion. The agency has engaged with the Social Inclusion Unit in the development of its planning strategy and is heavily involved with other relevant agencies within government that are working on strategies to minimise social inequality, such as the South Australian Housing Trust.

2. See above.

3. Planning SA in conjunction with the South Australian Housing Trust and Land Management Corporation completed the Playford preferred precinct plan to promote broad strategic planning and coordination of government services in and around the Playford Peachy Belt precinct.

The Mark III Metropolitan and Mark II Regional Volumes of the state planning strategy were completed and contain a range of significant policy programs for South Australia, including social. A new Mark IV version of the metropolitan volume is now being prepared, which will incorporate relevant work that is being developed by the Social Inclusion Unit at present.

Work has continued in relation to urban regeneration and in particular the social and environmental benefits that can be assigned to this form of development. This is intertwined with policies relating to urban containment, which not only help protect viable agricultural land on the fringe of the City, but provide the opportunity to design better neighbourhoods in both green and brown field locations.

The funding for all of these programs is drawn from Planning SA's annual appropriation, a large part of which is contained within staff salaries, since the majority of the Agency's work is conducted in-house. In addition, implementation of these activities necessarily has to occur across government and in many cases involves better use of existing resources rather than the allocation of additional funding. The government is currently determining the budget and program priorities for 2003-04.

### SPEEDING OFFENCES

207. **The Hon. T.G. CAMERON:** For the year 2002, what were the most frequent times of the day that motorists were caught by—

1. Speed cameras; and

2. Laser guns?

**The Hon. P. HOLLOWAY:** The Minister for Police has provided the following information:

All Expiated Speed Camera TINS by Time for 2002*

| Time | 0001-0159 | 0200-0359 | 0400-0559 | 0600-0759 | 0800-0959 | 1000-1159 | 1200-1359 | 1400-1559 | 1600-1759 | 1800-1959 | 2000-2159 | 2200-2359 | Total |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 2002 Total | 5 | 1 | 3 | 4019 | 21769 | 30980 | 32172 | 15610 | 31438 | 23730 | 13596 | 3230 | 176553 |

* Data for Expiated Notices are available between 1st January 2002 and 30th November 2002. Expiation Notice data is not available for December 2002.

All Expiated Police Laser TINS by Time for 2002*

| Time | 0001-0159 | 0200-0359 | 0400-0559 | 0600-0759 | 0800-0959 | 1000-1159 | 1200-1359 | 1400-1559 | 1600-1759 | 1800-1959 | 2000-2159 | 2200-2359 | Total |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 2000 Total | 1339 | 657 | 1259 | 2334 | 5637 | 6642 | 6570 | 6208 | 8283 | 6152 | 7024 | 2865 | 54970 |

* Data for Expiated Notices are available between 1st January 2002 and 30th November 2002. Expiation Notice data is not available for December 2002.

**SPEED CAMERAS**

208. **The Hon. T.G. CAMERON:**

1. (a) What were the ten South Australian roads and/or highways which raised the most revenue from speed cameras during the 2001-2002 financial year; and
   (b) How much was raised at each location?
2. How many motor vehicle accidents occurred in which people were injured and/or killed on these roads or highways for the same period?
3. How many times were speed cameras placed on these roads or highways for the same period?

**The Hon. P. HOLLOWAY:** The Minister for Police has provided the following information:

Response to Part I—Speed Camera Offences Expiated During July-01 and June-02—Top 10 Revenue Raised

| Suburb | Road | Number expiated | Amount expiated $ |
|---|---|---|---|
| Seacliff Park | Ocean Blvd | 4 519 | 700 799 |
| Adelaide | Wakefield Rd | 3 976 | 584 228 |
| Blair Athol | Main North Rd | 3 665 | 534 926 |
| Adelaide | Port Rd | 2 781 | 418 873 |
| Adelaide | Unley Rd | 2 715 | 398 581 |
| Bolivar | Port Wakefield Rd | 2 369 | 367 559 |
| Adelaide | Hackney | 2 289 | 339 028 |
| Thebarton | Port Rd | 2 157 | 319 793 |
| North Adelaide | Park Tce | 2 097 | 316 237 |
| Gepps Cross | Grand Junction Rd | 1 974 | 299 120 |

Response to Part II and III

Top 10 Roads that generated the most Revenue in 2002* and the number of Casualty Crashes and Cameras set up at these locations

| Rank | Road | Suburb | Number of Casualty Crashes** | Number of Times Cameras used |
|---|---|---|---|---|
| 1 | Ocean Blvd | Seacliff | 2 | 25 |
| 2 | Wakefield Rd | Adelaide | 3 | 73 |
| 3 | Main North Rd | Blair Athol | 8 | 62 |
| 4 | Port Rd | Adelaide | 2 | 85 |
| 5 | Unley Rd | Adelaide | 3 | 59 |
| 6 | Port Wakefield Rd | Bolivar | 10 | 19 |
| 7 | Hackney Rd | Adelaide | 7 | 47 |
| 8 | Port Rd | Thebarton | 14 | 72 |
| 9 | Park Tce | North Adelaide | 5 | 9 |
| 10 | Grand Junction Rd | Gepps Cross | 5 | 36 |

* Top 10 Revenue Locations information supplied by Data Warehousing Unit SAPOL.

**SPEED CAMERAS**

209. **The Hon. T.G. CAMERON:** For the year 2002, how many speed camera expiation notices were issued to—

1. Males;
2. Females;
3. Males less than 30 years of age;
4. Females less than 30 years of age;
5. Males more than 30 years of age; and
6. Females more than 30 years of age?

**The Hon. P. HOLLOWAY:** The Minister for Police has provided the following information:

The information sought cannot be provided by SAPOL systems.

### TOBACCO REGULATIONS

211. **The Hon. T.G. CAMERON:**

1. How many premises applied for an exemption under section 47 of the Tobacco Products Regulation Act during 2002?

2. How many premises were granted conditional exemptions during 2002?

3. Will the Minister list all licensed and unlicensed premises granted exemptions during 2002?

4. Where is smoking not permitted under current regulations in South Australia?

**The Hon. T.G. ROBERTS:** The Minister for Health has provided the following information:

1. 127 premises applied for an exemption under section 47 of the Tobacco Products Regulation Act 1997 in 2002. 122 of these were applications to extend exemptions that had expired and only five were new exemption applications.

2. 107 premises were granted a conditional exemption in 2002. Two of these applied for an exemption in 2001 but were granted in 2002. 18 exemption applications are still pending and four premises no longer require an exemption.

3. Section 78 of the Tobacco Products Regulation Act 1997 provides: 'A person must not divulge any information consisting of or relating to information obtained (whether by that person or some other person) in the administration of the Act.' Consequently it is inappropriate to list all licensed and unlicensed premises granted exemptions during 2002.

4. Subject to some exceptions, smoking is prohibited in enclosed public dining and café areas, in the auditorium of a place of public entertainment where the audience is seated in rows, in public passenger vehicles and in lifts. Local government councils and incorporated health centre boards also have the power to introduce by-laws that prohibit or regulate smoking in various indoor and outdoor areas.

### PAPERS TABLED

The following papers were laid on the table:

By the President—

Reports, 2001-2002—
District Councils—
Orroroo/Carrieton
Peterborough

By the Minister for Aboriginal Affairs and Reconciliation (Hon. T.G. Roberts)—

District Council By-laws—Clare and Gilbert Valleys—
No. 1—Permits and Penalties
No. 3—Council Land
No. 4—Fire Prevention
No. 5—Animals and Birds
No. 6—Numbers of Dogs and Kennel Establishments
No. 7—Bees
No. 8—Vehicle Nuisances

### VICTOR HARBOR HIGH SCHOOL

**The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries):** I lay on the table a ministerial statement on the member for Bragg and Victor Harbor High School made by the Minister for Education and Children's Services in another place today.

## QUESTION TIME

### HEATH, Mr D.

**The Hon. R.I. LUCAS (Leader of the Opposition):** My questions are directed to the Minister for Correctional Services:

1. Did the minister's media adviser, Mr David Heath, undertake work for radio station 5AA over the recent summer break?

2. If so, was the minister aware of that work and did he give approval?

3. Is any such work in conflict with the adviser's contract of employment with either the minister or the Premier?

**The Hon. T.G. ROBERTS (Minister for Correctional Services):** I am unaware of the matters that the honourable member has raised but I will undertake to investigate and bring back a reply. I may have to refer it to the minister in charge of the contracts of media personnel, but I will endeavour to get answers to those questions as soon as possible and bring them back to the council.

**The Hon. R.I. LUCAS:** I have a supplementary question. Is it possible for a media adviser to the minister to be able to undertake employment with a media outlet during the course of his employment as a media adviser to the minister?

**The Hon. T.G. ROBERTS:** Again, I am unaware of the contractual arrangements or the rules governing media advisers but I will endeavour—

**The Hon. R.I. Lucas:** He is your media adviser.

**The Hon. T.G. ROBERTS:** I understand that. He works for me and he has been working for other ministers. I am not quite sure what—

**The Hon. R.I. Lucas:** But you don't know his contractual arrangements?

**The Hon. T.G. ROBERTS:** No. He also sings in a band that plays around town, but I do not know whether that is a breach of his contract. I will investigate the questions raised by the honourable member and bring back a reply.

**The Hon. R.I. LUCAS:** I have a further supplementary. Is the minister indicating that he has not seen the contract of employment of his own ministerial media adviser?

**The Hon. T.G. ROBERTS:** I have not seen his contract, no.

### CROWN PROSECUTORS

**The Hon. R.D. LAWSON:** I seek leave to make a brief explanation before directing a question to the Minister for Aboriginal Affairs and Reconciliation, representing the Attorney-General and Minister for Justice.

Leave granted.

**The Hon. R.D. LAWSON:** When last year seeking to justify the cutting of $800 000 from crime prevention programs, the Attorney-General said that the funds were to be used to employ additional prosecutors in the Office of the Director of Public Prosecutions. The Attorney said that there was an increased workload in that office as a result of the backlog of home invasion cases. Today on radio, the Attorney-General indicated that there are some 4 000 reported instances of serious criminal trespass that might be affected by the proposed legislation relating to self-defence. My questions are:

1. Have any prosecutors been appointed to the Office of the Director of Public Prosecutions since 1 July 2000? If so, how many and at what cost?

2. How many prosecutions have been commenced in South Australia for what might be classed as home invasion offences in each of the years since the introduction of serious criminal trespass in 1999?

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** I will refer those questions to the Attorney-General in the other place and bring back a reply.

**The Hon. A.J. REDFORD:** As a supplementary question, can the minister also advise us of how many members of the DPP have left the DPP's office in that same period of time?

**The Hon. T.G. ROBERTS:** I will refer that question to the Attorney-General in the other place and bring back a reply.

## DOG FENCE BOARD

**The Hon. CAROLINE SCHAEFER:** I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about the Dog Fence Board.

Leave granted.

**The Hon. CAROLINE SCHAEFER:** The dog fence was established some 120 years ago and is 5½ thousand kilometres long. At the time, it was a massive infrastructure across the northern edge of settled country to protect the livestock industry from dingos; certainly, it would still be a massive undertaking today. I do not remember the time before the dog fence, but older people have recounted to me the absolute devastation wreaked on early sheep flocks because of the dingo problem. Certainly, when the occasional dingo gets through the fence, it is still capable of decimating a sheep flock in a very short time.

The Dog Fence Board is the administrative body whose members spend a great deal of time each year inspecting the fence and seeing to its continuing maintenance. It also undertakes research work to discover more economic methods of maintenance, and much of the fence is now electrified using solar power. I understand that the members are paid a sitting fee only and that the maintenance of the board is funded by a point of sale levy from livestock owners. It is, in fact, funded by the same fund as the OJD prevention scheme which, only this week, the minister admitted is a self-funded project.

On Friday of last week, Premier Rann sarcastically and scathingly attacked the relevance of the Dog Fence Board on the Jeremy Cordeaux show. He indicated that the board was a quango, and, in saying that there is a proliferation of boards which will be looked at, in the most sarcastic of tones he said:

> There are boards for everything. There's even the Dog Fence Board.

He continued in the same sarcastic tone:

> The Dog Fence Board is just one that I think we should all one day be on.

I further quote:

> There are hundreds and hundreds of boards. I think we've got to take a serious look at it, rather than handing out handouts to every company that comes along.

My questions are:

1. Does the minister agree that the Dog Fence Board does a remarkable service in protecting livestock in this state?

2. Does the minister further agree that the Dog Fence Board works in an almost voluntary capacity and is not being handed out money for nothing?

3. Given the Premier's attack, is the future of the Dog Fence Board under threat?

4. Will the minister seek a public apology from the Premier for his scathing and unwarranted attack on the good work done by the people on that board?

**The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries):** The answer to the first question is yes. In relation to the second question, the Dog Fence Board is not within my portfolio but within the portfolio of the Minister for Environment and Conservation. However, I do know enough about that board, having been on a select committee, to know that the members of that board are paid sitting fees, but certainly it is not a significant amount: it is the same amount paid to a number of other boards. In relation to the third question, that is a matter for the responsible minister in another place, and I will refer it to him for a response.

## PORT RIVER

**The Hon. J. GAZZOLA:** I seek leave to make a brief explanation before asking the Minister for Correctional Services a question about the clean-up of a section of the Port River by community service offenders.

Leave granted.

*Members interjecting:*

**The PRESIDENT:** Order! The honourable member has obviously raised this matter with the minister previously.

**The Hon. J. GAZZOLA:** On 4 March the minister inspected a project which involves offenders on community service orders helping to clean up a section of the Port River. Will the Minister for Correctional Services provide details about this project and the benefit that community service provides to the South Australian community?

**The Hon. T.G. ROBERTS (Minister for Correctional Services):** It is a two-part question. I did not realise that the member had been following my movements so closely as to monitor the fact that I had gone to the Port River project: I thought he was asking the question in general terms. I did go to the Port River to see the correctional services officers in charge of the excellent program which has been put in place and which involves a section of the prison work force out of the prisons. It was around the Snowdens Beach area at that time and they were progressively moving towards the northern side of Snowdens Beach. The Department for Correctional Services has an agreement with the Land Management Corporation to clean away rubbish from an area of Land Management Corporation land generally known as Snowdens Beach. For many years the vacant land has been the site of illegal dumping which has grown to unacceptable levels and which poses a pollution threat to the Port River.

I am glad the honourable member is paying close attention to it, and I know of his affinity and love for the Port River area. The community service offenders attached to the Port Adelaide community correctional centre are conducting the clean up under departmental supervision. The Land Management Corporation covers the cost of this supervision. There was also considerable press interest in this matter. In fact, those interested had to queue for interviews and information. It was quite a busy time. Under the 12 months agreement, the Department for Correctional Services provides between five and nine offenders twice a week. Since the work began last November, 176 bags of household rubbish have been moved, along with 19 trailer loads of hard rubbish, including fridges, corrugated iron, cement, and so on. It shows that there is a problem with the illegal dumping of rubbish, with which we have to contend.

It also shows the community minded spirit of some prisoners who work on these programs and who do not get the recognition they deserve for a lot of the work they do in the community. In the eastern states, for instance, if there are national parks or programs being worked by prisoners, there are sometimes plaques and reminders to the community that

community minded prisoners voluntarily did this work and carried out a good job on behalf of all the community.

**The Hon. A.J. REDFORD:** I have a supplementary question. Did the minister undertake this task as Minister for Correctional Services or in his capacity as Minister Assisting the Minister for Environment and Conservation? If the latter, what are his responsibilities in so far as Minister Assisting the Minister for Environment and Conservation? It is a question I asked last year.

**The Hon. T.G. ROBERTS:** It was a double-barrelled visit. I had on two hats that day—Minister for Correctional Services and Minister Assisting the Minister for Environment and Conservation. I undertake duties that are accorded to and requested of me by the minister. I have acted as the minister when he has been absent on leave.

*The Hon. A.J. Redford interjecting:*

**The Hon. T.G. ROBERTS:** It is an official cabinet transfer of ministerial responsibilities. I perform any other duties that are required. I have been to openings of functions that the minister has not been able to attend. In general terms, it is an assisting portfolio area, rather than any principal part of the portfolio.

## SCHOOLS, RACIAL HARMONY

**The Hon. KATE REYNOLDS:** I seek leave to make a brief explanation before asking the minister representing the Minister for Education a question about racial harmony in schools.

Leave granted.

**The Hon. KATE REYNOLDS:** Last Friday the Minister for Education announced $45 000 in racial harmony funding for 84 schools across the state. A quick calculation demonstrates that across the 84 schools this is little more than $500 per school. This is a meagre allocation of money towards curriculum development, materials, resources and teaching staff for these 84 schools. According to the Department of Education and Children's Services there were 609 government schools in South Australia in 2002. Our concern is also with the other 525 schools that did not appear to be allocated any racial harmony funding.

Last Sunday, 23 March, the Australian Council of Human Rights Agencies called on state, territory and federal governments to initiate a national anti-racism and anti-religious vilification campaign in the wake of war in Iraq. It highlighted the need for a comprehensive government response now that Australia is at war with another country. It states that the campaign should send a clear message that racism and vilification will not be tolerated in our communities. Meanwhile, on Friday 21 March, National Harmony Day, the *Advertiser* had an article explaining a situation that has led to security officers being engaged across five South Australian high schools to control racial tension. In this article the minister would not answer any questions about why Group 4 security officers were patrolling Para Hills High School.

Whilst I appreciate the proactive statement by the chief executive officer of the Department of Education and Children's Services referring to the war and resources that parents and teachers might access, the adequate resourcing of these services is of concern to the Democrats. My questions are:

1. Does the minister condone the use of security guards across South Australian high schools to deal with racial vilification problems?

2. What has been the financial cost of engaging security officers across South Australian high schools since the beginning of the 2003 school year?

3. Does she acknowledge that security guards in schools should be used as a last resort to deal with racial harmony problems in schools and that early intervention would be a more socially and economically responsible manner of dealing with this issue?

4. What additional resources has the minister dedicated to schools in the way of counselling services to deal with the additional trauma and confusion to school-age students as a consequence of Australia's commitment to this war and the resulting media images?

5. What long-term funding and curriculum strategies has the minister implemented across all South Australian schools to encourage racial understanding and harmony?

**The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries):** I will pass that question on to the Minister for Education and bring back a reply.

## GAMBLERS' REHABILITATION

**The Hon. NICK XENOPHON:** I seek leave to make a brief explanation before asking the Minister for Correctional Services a non-dorothy dixer in relation to gambling related crime in the corrections system.

Leave granted.

**The Hon. NICK XENOPHON:** On 13 May 2002 I asked a question of the minister in relation to gamblers' rehabilitation services available within the corrections system and referred to sentencing remarks made by the Chief Justice of the Supreme Court of South Australia, His Honour John Doyle, in relation to his sentencing of Toni Lee Powell and her embezzlement of $672 000 from her employer, linked to her poker machine addiction. In sentencing Ms Powell to a custodial sentence, the Chief Justice said:

> It is regrettable that treatment aimed specifically at your gambling disorder is not available in prison. I draw to the attention of the prison authorities the desirability of their doing all that they can to facilitate you continuing to receive appropriate treatment, but this cannot reduce your punishment.

That was close to 18 months ago. In an article by Colin James in the *Advertiser* of 14 March this year, headed 'Parole chief lashes prison funding cuts', he referred to a number of matters that needed to be addressed in the corrections system, and specific reference was made to the fact that no gambling rehabilitation programs had been introduced despite repeated requests to successive governments. The report that was prepared carried the statistic that 17 per cent of males are pathological gamblers while 46 per cent are problem gamblers. Further, the Productivity Commission states that approximately 60 per cent of pathological gamblers have admitted to committing a criminal offence in relation to their gambling problem, and 20 per cent of those have appeared before the courts.

Mr Vin Glenn, a counsellor at the Adelaide Central Mission, in a report in last week's *Sunday Mail* stated that he had seen 11 people in the previous week who had committed criminal offences for their gambling addiction. I believe that an average of $20 000 was involved per person, with one person admitting to embezzling $200 000 to feed their gambling addiction.

I have had complaints previously from Break Even counsellors that they have difficulty getting access to people within the prison system to treat them and assist in terms of rehabilitation, and this has concerned me greatly. I further note that almost 12 months ago the then minister for gambling announced a study into gambling-related crime, and I have heard very little of the result of that. My questions are:

1. Given the concerns expressed by the Chief Justice 18 months ago about the lack of rehabilitation services for those who have been incarcerated as a result of gambling related crime, what steps has the minister taken to redress the serious concerns set out by the Chief Justice?

2. What facilities exist within the prison system to screen those who have been incarcerated for the link between gambling and the commission of their offence?

3. Can the minister assure the council that gambling counsellors and treatment providers have fair access to those who have been incarcerated as a result of their gambling addiction?

4. What role has the minister's office played in the past 12 months since the minister announced an inquiry into gambling-related crime?

**The Hon. T.G. ROBERTS (Correctional Services):** I thank the honourable member for his questions and note his interest in problem gambling in this state. Unfortunately, in relation to special programs within the state, there are still no follow-up programs that identify gamblers and their problems for special intervention programs. We have what is regarded as works programs for alcohol and other drugs, anger management, domestic violence, numeracy and literacy, victim awareness and other programs that run through the prisons, but at this point there is no interventionary program for problem gamblers.

**The Hon. Nick Xenophon:** Are you planning one?

**The Hon. T.G. ROBERTS:** It is one of those issues that, along with others such as the treatment of sexual offenders, should be prioritised within the Correctional Services system for interventionary programs. Unfortunately, we do not have the funding to run the interventionary programs that we would like to run, given the budgetary restrictions that we have, but—

**The Hon. Nick Xenophon:** What about the super tax from pokies? You have $39 million extra.

**The Hon. T.G. ROBERTS:** I thank the honourable member for that advice. I will have discussions with the Minister for Gambling and take it up with him, and I will endeavour to bring back a reply in relation to the position of the Minister for Gambling on assisting to pursue cross-agency and multilateral budget discussions for any programs that may be put forward. As far as access goes, that is the first time that I have been given information that access by volunteers has been denied. Perhaps I could talk to the Hon. Nick Xenophon after question time and get some details on that. Is it all gaols?

*The Hon. Nick Xenophon interjecting:*

**The Hon. T.G. ROBERTS:** Probably Yatala and the women's prison. I will discuss those matters with the honourable member and try, through prison management discussions, to ensure access for accredited people or those people who have an interest in assisting problem gamblers with their programs, and run the programs past the prison managers. There may be better cooperation between those people who volunteer to assist and those who might avail themselves of those sorts of programs. I will take that on board. Along with the other matters, I will refer it to the Minister for Gambling and I will bring back a reply.

**The Hon. NICK XENOPHON:** I have a supplementary question. Given the funding difficulties to which the minister has referred, has the minister made representations to the Treasurer for increased funding to deal with the issues referred to, particularly given the pokies super tax increase?

**The Hon. T.G. ROBERTS:** The budget bilaterals and the discussions are taking place at the moment. I will know, when the honourable member knows, in May, what the outcomes are—

**The Hon. Nick Xenophon:** Has the minister asked for this sort of funding?

**The Hon. T.G. ROBERTS:** The discussions around assistance for prison programs is a continuing one. I have put those and other suggestions forward for a funding regime—

**The Hon. Nick Xenophon:** Including for gambling?

**The Hon. T.G. ROBERTS:** I have had discussions with the minister. He is aware of the issue, and we will be trying to find funds and identify the issues that the honourable member raised. I will also be looking at interstate and overseas experiences with programs that work, and I will be putting forward those suggestions. If there are any other suggestions that the honourable member wants to give me after, when I am having a chat, I will put them forward as well.

## REGIONAL COORDINATION

**The Hon. J.S.L. DAWKINS:** I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Trade and Regional Development, a question about regional coordination.

Leave granted.

**The Hon. J.S.L. DAWKINS:** On 26 November last year in this place, I sought information from the then minister for regional affairs about any progress that had been made by the government in developing the concept of regional coordination. Regional coordination was a concept developed from a recommendation of the Regional Development Task Force. The task force recommended that coordinators of government agencies should be appointed on a region by region basis. In 2001, a trial was conducted in the Riverland region to provide feedback on such an approach. The trial was strongly supported by the Regional Development Council, the council's 'Government Working As One' working group, and the regional development issues group.

A senior manager within a government agency, who was also a long-term resident of the Riverland and other regional areas, assumed the role of regional coordinator. He chaired monthly meetings of regional managers of the various state government agencies in the Riverland and Murraylands regions. The forum, which became known as the Riverland Regional Management Forum, also included representatives from the three local government bodies in the Riverland as well as the Riverland Development Corporation. As such, the forum's structure was very similar to that of the Regional Development Issues Group, but on a region specific basis.

I am yet to receive a response to my question of 26 November. However, I understand that regional facilitation groups (as I gather they are now called) have subsequently been established in the Murraylands, West Coast, Mid North, South-East, Spencer and Riverland regions. My questions are:

1. Will the minister indicate the names of the chairs and members of these groups as well as the agencies they represent?

2. What are the boundaries of each of the groups?

3. How many meetings have been held by each group?

4. Do the regional facilitation groups include representatives from local government and regional development boards?

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** I will refer those important questions to the Minister for Trade and Regional Development in another place and bring back a reply.

## LOWER MURRAY IRRIGATION AREA

**The Hon. D.W. RIDGWAY:** I seek leave to make a brief explanation before asking the minister for primary industries a question on the Lower Murray irrigation area.

Leave granted.

**The Hon. D.W. RIDGWAY:** I read with interest the foreword in the state Dairy Plan signed off by the Premier Mike Rann. I quote part of it as follows:

> Our 'new' dairy industry will generate direct and indirect employment opportunities for a further 3 500 people, mostly in regional South Australia. A challenge will be to create long term and rewarding careers to attract new employees to the dairy industry as well as the broad range of support and service businesses which will develop over time.

It goes on further to say:

> Successful implementation of this plan will require partnerships between stakeholders, government and our dairy regional communities. Together we need to build on strategies to ensure that South Australia is an attractive and favoured investment destination for farmers, processors and manufacturers of dairy products. . .

Finally, it states:

> The challenge now is to provide the ideal environment and develop strategies for sustainable industry growth.

My questions are:

1. Can the state Dairy Plan now be achieved without the rehabilitation of the Lower Murray irrigation flats?

2. Was the plan considered in conjunction with the proposed rehabilitation of the Lower Murray irrigation flats?

**The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries):** There is no doubt that, under the new Dairy Plan, which seeks to double dairy production by the end of the decade, the South-East will be the main focus. Given your long interest in this area, Mr President, you would be aware that deregulation of the dairy industry was largely pushed by Victorian farmers because they have a significant cost advantage compared with dairy farmers in the rest of the country. Within the South-East of this state, our dairy farmers have similar advantages, and clearly that will be one of the main focuses of the new Dairy Plan. Nevertheless, as I have indicated in answer to questions on the Lower Murray irrigation area on a number of occasions, the swamps will still be significant.

However, for any dairy plan to work, greater efficiency is required as are lower costs within the dairy industry, and that is what the Lower Murray irrigation plan is all about. It was developed when the honourable member's party was in government and it has been supported by this government. There are two reasons why we need the Lower Murray irrigation plan to get up. As I have explained on numerous occasions, one reason is that we have to deflect the criticism that South Australia receives from the upstream states about the return of effluent from that area, so we have to get our act in order. Secondly, it is important that we get efficiency within the industry in that area.

As I have also indicated on a number of occasions, it is my understanding that, as a consequence of the plan, even though the area would be reduced by 20 per cent, it would produce as much product as it does now, or more, because of greater efficiency. So, central to the Dairy Plan is efficiency. It is greater efficiency in industry so we can achieve those goals.

It is my understanding that the chair of the Dairy Industry Development Board has attended the public meetings, and I have kept him involved and encouraged the Dairy Industry Development Board to maintain a close interest in what is happening in the swamps because it is important to the plan. Even though the main thrust of the Dairy Plan will be pushed from the South-East, it is still important to have a significant industry in the Lower Murray flats.

The last part of the question asked by the honourable member related to whether the Dairy Plan was devised in conjunction with the rehabilitation plan. The plans for the rehabilitation of the Murray swamps have been under way for several years, and the Dairy Plan was announced almost 12 months ago. While the industry development board that devised that plan may not have known all the intimate details of the rehabilitation plan, I would be surprised if it was not well aware that it was about to happen. There is some connection between the two. We need greater efficiency in the dairy industry. Clearly, if we are to have a world-class dairy industry with greater exports, we need best practice in relation to the dairy industry on the Murray swamps.

## COOPER BASIN

**The Hon. CARMEL ZOLLO:** I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about the Cooper Basin.

Leave granted.

**The Hon. CARMEL ZOLLO:** Recently, the minister announced the signing of agreements between government, native title claimants and petroleum companies to cover exploration in the Cooper Basin. I understand that the areas covered by these agreements have real potential to deliver significant benefits to the state's economy, and also to the native title claims, through development. Can the minister inform the council of the significance of these agreements?

**The Hon. P. HOLLOWAY (Minister for Mineral Resources Development):** Last Thursday, I was pleased to take part in the official signing ceremony for the latest round of access agreements covering petroleum exploration licence applications within the Cooper Basin. It is acknowledged throughout the country that South Australia is leading the way in successfully negotiating and concluding access agreements with native title claimants and petroleum explorers, and 15 agreements were signed last week, taking the number of exploration licences in the Cooper Basin that are now covered by native title agreements to 27. This represents an estimated $275 million of investment to the state in exploration.

I congratulate the native title claimants: the Dieri people; the Yandruwandha/Yawarrawarrka people; the explorers; government officers; and all the parties' respective legal representatives in achieving this significant result. It meets the government's objective of concluding access agreements which are fair to the registered native title claimants but sustainable in relation to development.

The deeds for the agreements cover not only the exploration phase but also the development of any discoveries should exploration be successful. This is why these agreements are regarded as historic and groundbreaking. I believe that the South Australian agreements can be used as a template for the rest of Australia in future native title negotiations.

As with the original agreement, the deeds for these additional 15 exploration licences sustain processes to protect aboriginal heritage before and during field operations, and they provide appropriate benefits to the registered native title claimants. Exploration in the 27 Cooper Basin licence areas will inevitably achieve additional success, leading to more investment in our state. In conclusion, under the earlier round of Cooper Basin explorations, some significant discoveries are already paying royalties to the state and also to the native title claimants. So, in that way—

**The Hon. Diana Laidlaw:** Where are those discoveries?

**The Hon. P. HOLLOWAY:** The Acrasia well and also the Sellicks well—Beach Petroleum and Stuart Petroleum are the principal operators. In relation to the current high price of oil and the fact that gas contracts now cover most of Australia, there is no doubt that there will certainly be a lot of interest from smaller explorers in discovering oilfields within the Cooper Basin area. There have certainly been some encouraging developments. It is very pleasing that this state really is ahead of the rest of Australia, because it has been able to develop the appropriate agreements on native title. That is a credit to all concerned in negotiating those agreements.

## JACOBS, Ms M.R., DEATH

**The Hon. SANDRA KANCK:** I seek leave to make an explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Social Justice, a question about the death of Maggie Jacobs, a former elder of the Ngarrindjeri community.

Leave granted.

**The Hon. SANDRA KANCK:** Margaret Rachel Jacobs was known by her friends, family and many of the people who became involved in the fight to prevent the construction of the Hindmarsh Island Bridge as Auntie Maggie. I will refer to her as Auntie Maggie because that title, in itself, includes the respect that was due to her as an elder. Auntie Maggie died on 28 December 2002, aged 82 years. She was a resident at that time—and had been for only a reasonably short time—of the Aboriginal Elders Village at Davoren Park.

On the afternoon of 28 December Auntie Maggie was lying in her bed, supposedly fitted with safety rails, when she fell to the concrete floor where she lay for a number of hours before she was found by nursing staff. This was the second time that Auntie Maggie had sustained a fall while resident at the village and staff were obviously aware of the safety hazards for her. By the time she was found, Auntie Maggie had lapsed into a coma and she was taken to the Royal Adelaide Hospital where she died some hours later. Her death was a direct result of the injuries she sustained during her fall. My questions are:

1. Given that Auntie Maggie had previously fallen from her bed, why were no steps taken by the village staff to correct this safety hazard before her second fatal fall?

2. Will the minister explain why there were no regular checks on Auntie Maggie resulting in her being found some hours after her fall?

3. Will the minister support a review into safety procedures at the Aboriginal Elders Village at Davoren Park?

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** I will refer those important questions to the minister in another place and bring back a reply.

## WATER SUPPLY

**The Hon. T.J. STEPHENS:** I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for the River Murray, a question about water restrictions.

Leave granted.

**The Hon. T.J. STEPHENS:** Early in the summer lead-up to the last election, the then opposition spokesman for the River Murray called for restrictions on River Murray water usage. Recently, Dr Young from the CSIRO criticised South Australia at the government's own River Murray Forum for not applying restrictions. We are increasingly being criticised and condemned for the 'she'll be right' attitude when other states are imposing severe restrictions. My questions are:

1. Why did the South Australian government not impose any water restrictions on River Murray users during the recent drought?

2. If compulsion was deemed either unwise or too difficult, why did the government ask the irrigation industry and the urban users to impose voluntary restraint?

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** I will refer those important questions to the minister in another place and bring back a reply.

## GAMBLING

**The Hon. NICK XENOPHON:** My questions to the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Gambling, are:

1. When will the minister respond to my question of 16 May 2002 in relation to the Adelaide casino advertising and the Independent Gaming Authority's research into problem gambling behaviour and smoking?

2. When will the minister respond to my question of 28 May 2002 in relation to the overriding of the ban of the autoplay function on poker machines and related issues?

3. When will the minister respond to my question of 3 June 2002 on the lack of resources and unacceptable waiting lists in respect of the BreakEven network for gamblers' rehabilitation?

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** I will refer that question about the lack of answers to the questions to the minister in another place and bring back a reply.

## JURY DUTY, REIMBURSEMENT

**The Hon. A.J. REDFORD:** I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Attorney-General, a question about government meanness.

Leave granted.

*An honourable member interjecting:*

**The Hon. A.J. REDFORD:** The honourable member interjects and I just think 'river fisheries' every time I look at him. A constituent, who was serving on a jury recently,

raised a complaint with the Leader of the Opposition's office. She indicated to the leader's office that she had to drive some 200 kilometres a day to attend court. She pointed out that the mileage allowance of which she was in receipt was 20¢ per kilometre, which did not cover the costs of her travel. In May last year, the Sheriff, on behalf of the Courts Administration Authority, prepared a report in which he recommended that the allowance be increased to 50¢ per kilometre.

You, sir, would be aware that when claims are made by members of parliament (which I understand is not very often) we are in receipt of some 41.9 cents per kilometre in addition to the other salaries and entitlements that we receive. Indeed, public servants, pursuant to the South Australian Public Sector Salaried Employees Interim Award, paragraph 8.7.4.3, are entitled to some 56 cents per kilometre. However, these members of the jury, who are paid a pittance, are put to some considerable trouble and inconvenience to carry out their duties on behalf of the people of South Australia yet receive only 20 cents per kilometre.

Because of the long distances people have to travel in the country, as you would no doubt be aware, Mr President, this matter impacts heavily on people in the regions. We all know that late last year the government found some $1.8 million for a new Minister for Regional Development, along with staff and support, but it seems unable to find sufficient funds for people who are essentially volunteering and acting as part of their public duty and responsibility. In light of that, my questions to the minister are:

1. When will the government implement the recommendations made in the Sheriff's review of the jury system?

2. Will the government review payments made to jurors over the past 12 months and seek to compensate them properly for the work they have done on behalf of the community of South Australia?

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** I will refer those questions to the Attorney-General in another place and bring back a reply.

## SUPREME COURT BUILDING

**The Hon. DIANA LAIDLAW:** I seek leave to make an explanation prior asking the minister representing the Attorney-General a question about a new Supreme Court building.

Leave granted.

**The Hon. DIANA LAIDLAW:** The Courts Administration Authority in its annual report for 2000-01 forewarns that this financial year the authority will ask the executive government to support a major rebuilding program, including the demolition of the existing five storey brick building commonly known as the library building at the rear of the original Supreme Court building. According to the Chief Justice and Chairman of the State Courts Administration Council, the Hon. John Doyle:

> The Supreme Court building in Adelaide and associated buildings are well below the standard that the public and our staff are entitled to expect, nor is the Supreme Court building of a standard consistent with its position as the highest court of the state. The library building, which was built in 1957-58, is approaching the end of its economic life. The construction of a new building to provide new courtrooms and accommodation for the judiciary and support staff is an important issue for the Supreme Court. As I have said repeatedly, the existing facilities are inadequate. The erection of a new Federal Court complex—

incidentally, a project championed by the former Attorney-General (Hon. Trevor Griffin)—

> is a short distance east of the Supreme Court. This complex emphasises the poor state of the Supreme Court site on Victoria Square. The case for removal of the library building and for the construction of a new building is very strong.

This appeal by Chief Justice Doyle is also important in the context of the dire lack of public works that this government is overseeing.

**The Hon. A.J. Redford:** This mob couldn't build a sandcastle.

**The Hon. DIANA LAIDLAW:** It would appear that we can't get even a sandcastle, that's true. As highlighted in the other place yesterday, over the past year this government has presented only seven submissions to the parliament's Public Works Committee for approval, down from 70 in the last year of the Liberal government, and all these projects presented over the past year were commenced by the former (Liberal) government. I ask the minister representing the Attorney:

1. Does he share the view of the Chief Justice that the current Supreme Court complex is substandard?

2. Has he received a submission from the Courts Administration Authority to support a major rebuilding program, including the demolition of the so-called Library Building?

3. Has the executive government considered this initiative and agreed to approve, reject or defer the project?

4. What is the estimated cost of this rebuilding project as advocated by the Chief Justice?

5. What is the latest possible date of the economic life of the Supreme Court building in terms of the need to commence a new court complex and the fact that the pleas for such a complex can no longer be ignored?

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** I will refer those questions to the Attorney-General in another place and bring back a reply.

## MINISTERIAL STAFF

**The Hon. R.I. LUCAS (Leader of the Opposition):** I seek leave to make a brief explanation before asking the Minister for Correctional Services a question about employment contracts.

Leave granted.

**The Hon. R.I. LUCAS:** Fortuitously, I have a leaked copy of a former ministerial adviser's contract. I cannot say that it is the ministerial contract that applies to the minister's media adviser but, fortuitously, I have a copy of a former ministerial adviser's contract. In that particular contract the following clause applies in relation to duties of employment:

> You shall devote the whole of your time and attention during ordinary hours of business and also at all other times as may be necessary to the duties and responsibilities of the office of ministerial adviser to—

the particular minister—

> . . . and shall not enter into any other paid employment or engage for fee or reward in any other profession, trade or business without the prior consent of the minister.

Given the response by the minister to the earlier questions that I asked, in which he indicated he had no knowledge of any outside employment of his ministerial media adviser, clearly, he has therefore not given any consent as minister to such employment, if it has occurred.

My question to the minister is: given that he has indicated that he has not read the employment contract of his own media adviser—and, I might say, from consultation with former ministers in this chamber they, as I did, always read

the employment contracts, even if they happened to be with the Premier, because—

**The Hon. P. Holloway:** So you had your own media adviser?

**The Hon. R.I. LUCAS:** —no, we did not—because you as the minister were responsible for your personal staff—will he look at the employment contract and ascertain whether a similar provision to this exists in the employment contracts of not only his media adviser but also his other staff?

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** In the interests of good government and speedy replies to questions, I have consulted widely and found out that my media adviser, David Heath, whom I share with another minister, appeared as an unpaid sporting guest on 5AA on, I assume, the date that the member indicated. His contract is with the Premier, not with me, and he sought and was granted permission by the Premier to do that.

**The Hon. R.I. LUCAS:** I have a supplementary question.

*Members interjecting:*

**The PRESIDENT:** Order! Honourable members on my right will come to order.

**The Hon. R.I. LUCAS:** Will the minister bring back a reply in relation to the employment contract of his media adviser and, indeed, his other ministerial advisers, as to whether the provision in the contract requires not the permission of the Premier but the permission of the minister?

**The Hon. T.G. ROBERTS:** I will endeavour to bring back the answer to the questions posed by the honourable member and—

**The Hon. Diana Laidlaw:** You will endeavour to bring back the answers, or you will bring back the answers?

**The Hon. T.G. ROBERTS:** I will bring back the answers to the questions put to me by the Leader of the Opposition.

**The Hon. A.J. REDFORD:** Sir, I have a supplementary question.

*The Hon. R.K. Sneath interjecting:*

**The Hon. A.J. REDFORD:** It's the only contribution you've made for a month. My question to the minister is: what were the terms of the permission granted by the Premier for this performance?

**The Hon. T.G. ROBERTS:** I suspect he asked whether he could do it and the Premier said yes. As I have said, I will bring back a reply to the question posed by the honourable member and hope that it satisfies the blood lust that apparently has been brought up about the interests of Heathy's contract.

**The Hon. A.J. REDFORD:** Sir, I have a further supplementary question.

*Members interjecting:*

**The Hon. A.J. REDFORD:** There is no blood lust. I was asleep until your non answer. My question to the minister is: did it occur—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. A.J. REDFORD:** —to the Premier, in the interests of open, honest and accountable government, to insist, as a condition of that permission, that the minister's staff member disclose that he is, in fact, a member of the Premier's staff to the listeners of that radio broadcast?

**The Hon. T.G. ROBERTS:** I am not quite sure what political opinions the adviser gave in relation to his being a sporting guest, and I am not quite sure how it relates. I will ask those questions as well and bring back a reply.

**The Hon. A.J. REDFORD:** I have a further supplementary question. How many other members of the Premier's tightly controlled media unit have been given permission to undertake voluntary freelance—

**An honourable member:** Or paid.

**The Hon. A.J. REDFORD:** —or paid—media work in South Australia?

**The Hon. T.G. ROBERTS:** I do not think that there are many advisers as talented as my media adviser in relation to his paid and unpaid moonlighting activities. I understand that he does a great Elvis impersonation, he does a good Lloyd Price imitation, he does lots of good 60s rock, and no-one is asking about that. With respect to his foray into unpaid sporting guest activities on 5AA, I will endeavour to bring back answers to those questions posed.

## EXTRACTIVE AREAS REHABILITATION FUND

**The Hon. SANDRA KANCK:** My question is directed to the Minister for Agriculture, Food and Fisheries in his capacity as Minister for Mineral Resources Development. Given that rumours are abounding that the government intends to disband the Mining Rehabilitation Fund, can the minister advise of the status of that fund and whether or not discussions are occurring within his department about the disbanding of the fund?

**The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries):** I think the honourable member is, in fact, referring to the Extractive Areas Rehabilitation Fund, which is currently under review. As a matter of fact, I have just released a discussion paper to stakeholders in relation to that fund. The EARF, as I understand it, was considered—

**The Hon. Diana Laidlaw:** Can you give me a copy, too?

**The Hon. P. HOLLOWAY:** I guess we can do that, yes. We will be having some discussions with the stakeholders fairly soon. The Extractive Areas Rehabilitation Fund, of course, has not been adjusted for many years. There are significant liabilities in relation to rehabilitation work that needs to be done under that fund, and there have been some suggestions as to how we might address that matter. I understand that there was an earlier consideration of the EARF some years ago—back in 1997, I think, or thereabouts. At that time, it was decided to freeze the fund temporarily so there would be no new applications, subject to consideration being given as to the future of the fund. That is the decision that I have made at the moment. I have written to the stakeholders suggesting that no applications be received for the fund until we have had the opportunity to consider how to deal with this problem.

I think it would be fair to say that the whole question of mining rehabilitation has been in the too hard basket for so many years. I believe that this question has been asked during estimates committees on previous occasions. I think there was something like $80 million worth of potential liabilities, but the fund only has, from memory, something of the order of $1 million per annum coming into it. Clearly, we need to address how we are to proceed with the rehabilitation fund in the future. Can I reassure the honourable member by saying that any consideration we give will be along the lines of ensuring that we can address this significant backlog of liabilities. There will be a freeze for new applications at this time, pending consideration of possible ways of doing it, but I would expect that the eventual outcome of any consider-

ations would be an outcome that enables us to more speedily address the significant backlog that we have in this area.

## REPLY TO QUESTION

### SPEED CAMERAS

In reply to **Hon. T.G. CAMERON** (20 February).

**The Hon. P. HOLLOWAY:** The Minister for Police has provided the following information:

1. In December 2002, members of the South Australia Police (SAPOL) were invited to a demonstration of a digital speed camera. The camera and associated software was left with SAPOL for a short time before being returned. At this stage, SAPOL has no plans to purchase a digital camera due to legal and evidential issues.

2. SAPOL purchased the speed cameras in December 1998 and they were operationally deployed in June 1999. The estimated life expectancy of the units is five years.

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## CONSTITUTION (GENDER NEUTRAL LANGUAGE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 March. Page .)

**The Hon. CARMEL ZOLLO:** The government supports the second reading of this private member's bill of the Hon. Diana Laidlaw, which has the effect of amending the Constitution Act 1934 to replace gender specific terms with appropriate gender neutral terms. This relates to provisions that contain gender specific terms and references to members of parliament, the Governor or the sovereign. Where the gender specific terms cannot be replaced, it adds 'her' to a reference to 'him' so that both sexes are mentioned. It also replaces references to the sovereign with references to the Governor.

The Constitution Act contains a number of provisions that refer to the Governor and members of parliament by reference to the male gender. As members would realise, that was a function of society's values at the time the legislation was enacted. It is not reflective of contemporary society. Since mid-1986 parliamentary counsel, where appropriate, has drafted legislation using gender neutral language. Section 26 of the Acts Interpretation Act addresses gender specific references in acts of parliament. That section provides that, in an act, every word of the masculine gender will be construed as including the feminine gender and every word of the feminine gender will be construed as including the masculine gender. In addition, as part of the ongoing statute revision process, existing acts are amended from time to time to replace gender specific language with gender neutral language. This usually occurs when more substantial amendments are being made to the relevant acts.

As the Hon. Diana Laidlaw has pointed out, the Constitution Act also features references to 'His Majesty', which has not been relevant since 1952, and 'Her Majesty'. The bill updates these references with the exception of sections 8, 10A and 41, the so-called entrenchment provisions that can be amended only by referendum. The bill also updates the Constitution Act to take account of the Australia Acts (Request) Act 1985. Section 7 of that act provides that, subject to certain limited exceptions, all powers and functions of Her Majesty in respect of the state are exercisable only by the Governor of the state.

References to the presentation of the bill to 'the Governor for Her Majesty's assent' are replaced with the presentation of a bill to 'the Governor for assent'. The reference in section 74 to a Supreme Court judge holding office:

> notwithstanding the demise of the king, or his heirs and successors, and notwithstanding any law, usage, or practice to the contrary

is replaced with their holding office

> until their retirement according to law.

Likewise the reference to the

> king and his heirs and successors

having the power to remove a judge of the Supreme Court upon the address of both houses of parliament becomes, as a result of an amendment to section 75, a reference to the power of the Governor.

The amendments contained in this bill are symbolic rather than substantive. Nonetheless, the government believes that they are important and will support the second reading of the bill. I know that all female members of parliament are particularly sympathetic and in agreement with the wishes of the Hon. Diana Laidlaw in not wanting to retire as a 'he' or a 'she'. As she said:

> I wish to go as I entered this place 20 years and seven months ago, as a female and recognised as such in the Constitution Act.

The government is pleased to expedite the passage of this bill.

**The Hon. A.J. REDFORD:** I support the bill and I congratulate the Hon. Diana Laidlaw on recognising this issue. It is the sort of thing that, in my day-to-day life, I do not even think about, but I am a 'his', a 'him' or a 'he', so when I read legislation I naturally assume it applies to me. However, I would like to raise one issue, and that is the use of the word 'chairman', and the view that that is a connotation that denotes some gender bias. I have always used the word 'chairman' in a gender neutral sense in the same way as I use the word 'person' in a gender neutral sense. I know that some people might come to the conclusion that even the use of the word 'person' is not gender neutral, having regard to the fact that the last three letters, set by themselves, would connote that it is something of the male gender.

**The Hon. R.I. Lucas:** Offspring, then.

**The Hon. A.J. REDFORD:** Well, 'person' has the word 'son' in it, and one might suggest that that is a term that connotes some gender. I suspect that for most people it would not indicate that, and for the same reason I have always been of the view that the word 'chairman' does not connote either male or female. I have often used the term 'madam chairman' and I know that there are some who would say that that is not a correct term in the English language. I have not seen any authoritative statement as to whether 'chairman' or 'chairperson' is the correct terminology, other than from general discussion on talkback radio or in some political forum.

I do not know whether the Hon. Diana Laidlaw will be able to assist me in that respect when she responds, because if I am wrong and if it is generally assumed that the word 'chairman' is a term that denotes the male as opposed to female, then I remain to be convinced. Other than that, I congratulate the Hon. Diana Laidlaw and look forward to the speedy passage of this bill.

**The Hon. SANDRA KANCK** secured the adjournment of the debate.

## TOBACCO PRODUCTS REGULATION (SMOKING IN THE CASINO AND GAMING VENUES) AMENDMENT BILL

**The Hon. NICK XENOPHON** obtained leave and introduced a bill for an act to amend the Tobacco Products Regulation Act 1997. Read a first time.

**The Hon. NICK XENOPHON:** I move:

That this bill be now read a second time.

Almost two years ago, both houses of this parliament considered the issue of environmental tobacco smoke in poker machine venues and in the Adelaide casino. At that time, there was quite a spirited debate, and I think it is worth reflecting on what was said by the then shadow health minister, now Health Minister, the Hon. Lea Stevens, because she outlined what I thought were some very cogent arguments. On 15 May 2001, the Hon. Lea Stevens said:

> This is the beginning of the end in terms of smoking in enclosed spaces, where people have to work and have to endure passive smoking. Essentially, the danger of passive smoking is undeniable. The health effects are significant and life-threatening, and this is well documented. In fact, the hospitality industry may be one of the last remaining workplaces where, every minute that they are working, workers are exposed to significant health risks leading to early death. There is a fundamental right of all workers to work in a safe environment, and I would expect that every member of this house would agree with that statement.

The Hon. Lea Stevens went on to say:

> One of the most outrageous and disgraceful things said a few days ago in the media in relation to this matter was a point made by John Lawson, the Executive Officer of the Australian Hotels Association, who said on television on the night of the decision in New South Wales that passive smoking was part of the job. I think that is a most disgraceful statement.

The statements referred to related to a decision of the New South Wales Supreme Court almost two years ago in relation to Ms Marlene Sharp, a case that I have referred to on a number of occasions in this place, in which Ms Sharp was awarded almost half a million dollars in damages for contracting laryngeal cancer, with a high risk of secondary cancers developing, according to the judgment, as a result of inhaling environmental tobacco smoke in a New South Wales club and a New South Wales pub.

Clearly, these are issues of major concern. I note from the answers that I have obtained from the current Minister for Industrial Relations and the former minister that these are also issues of concern, and there have been a number of WorkCover claims in relation to this. However, it is worth mentioning that I wonder to what extent further action would have taken place had South Australian workers had the right to sue at common law for damages—a right that was taken away by a previous Labor administration a number of years ago—in terms of acting as an impetus for reform and change.

Notwithstanding that, this bill aims to prohibit smoking in poker machine venues and the Adelaide casino. 'Gaming areas' are clearly defined under the Gaming Machines Act with respect to hotels and clubs and, in respect of the casino, there are designated areas that are exempt from the act in relation to front bar type operations. So, it is made quite clear, taking into account the much larger space involved with respect to the Adelaide casino.

This parliament has considered this issue on a number of occasions. South Australia led the way a number of years ago when the former minister for health, the Hon. Michael Armitage, pioneered legislation in relation to smoke free dining areas. This is something that South Australia can be very proud of. We led the way but, in relation to this area, this is something on which we have been dragging our feet. The former health minister and human services minister, and I want to be bipartisan in my criticism, the Hon. Dean Brown, in an article written by Melissa King in the *Advertiser* of 13 June 2001 foreshadowed reforms in this area, saying there was a task force, saying that this would be dealt with and that it was important that there be movement on this. The former government also bears responsibility in relation to this issue.

At the moment, in this state, patrons of poker machine venues and of the casino in the gaming areas do not have any choice as to whether they are subjected to environmental tobacco smoke. Employees in the hospitality industry who work in those areas certainly have no choice. As the Hon. Lea Stevens made the point in her criticism of Mr John Lewis of the Hotels Association, these people simply do not have any choice. That is the job they have, and it is entirely unfair that they are subjected to environmental tobacco smoke—not just unfair, it is a serious health risk.

For many years now we have known about the risks of smoking. In 1964, the US Surgeon-General, in a landmark report, highlighted the serious health issues posed by smoking. Some 12 years ago, the Federal Court of Australia in February 1991, in the case of the Australian Federation of Consumer Organisations Inc. v Tobacco Institute of Australia Ltd, made very clear findings about the risk of environmental tobacco smoke. It found that the Tobacco Institute was, essentially, engaging in false and misleading conduct and made a number of other findings. The decision provided a very powerful impetus for a number of public places—airports, public buildings—being declared smoke free because of the potential liability issues arising from that decision in terms of the very clear findings made by the Federal Court. That was 12 years ago, and we are still talking about environmental tobacco smoke, in particular in poker machine venues and the casino, in enclosed spaces, where the risk is real and apparent.

Task forces have been formed on this issue, including an occupational health and safety task force, which recommended, in 2001, that this be phased in by January 2004, and yet we are still waiting for another task force, instigated by the Minister for Health in relation to this. The delays are unacceptable.

Recently, I referred to a secret report that found its way via an investigative journalist, Royce Millar, into *The Age*. Tattersalls commissioned an international consulting group, the Barrington Centre, to reflect on the changes in Victoria since 1 September. Poker machine venues have been smoke free, as has Crown Casino. The only exemption in terms of the gaming areas is for the high rollers room. I am not sure what the public policy position is for that. The rationale could be that high rollers do not get lung cancer or, if they do, they can afford to buy a set of lungs (and I am not thinking of anyone in particular).

Clearly, the Victorian government took a very brave step, and it has impacted on gaming machine revenue. The reason why I say that it has impacted on gaming machine revenue is that the Barrington study—this confidential study, referred to as a 'smoking gun' in the media—made very clear reference to the link between compulsive gambling and smoking. This report found that, whilst smokers represented only 36 per cent of players, they accounted for 50 per cent of

gaming revenue. The Barrington report, from which Tattersalls, who commissioned the report, disassociated themselves double quick once it became public, states:

> Smoking bans cut revenue because a cigarette break upsets the playing routine and allows a punter to consider that playing poker machines is a waste of money.

The report commissioned by Tattersalls states:

> Smoking is a powerful reinforcement for the trance-inducing rituals associated with gambling.

I have obtained a summary of that report from tobacco control lobbyists, and it makes frightening reading. It is full of cynicism and talks about targeting people who are vulnerable; it refers to big pokie punters as people with suicidal tendencies, people predisposed to mental illness and with a family history of problem gambling; and people with no history of mental illness but who develop depression through gambling.

**The PRESIDENT:** Order! The background noise is getting to an unacceptable level. I ask honourable members to respect the man on his feet.

**The Hon. NICK XENOPHON:** Clearly, there is a link between problem gambling and smoking at venues. Banning smoking in poker machine venues and in the casino would clearly have a beneficial effect in reducing levels of problem gambling in the community. Of course, it would also have a very powerful effect in terms of the health costs associated with smoking. The most recent reports I have seen and discussed with tobacco control lobbyists are that the health costs have been revised upwards to the vicinity of $21 billion a year. In South Australia, that would mean, conservatively, that the health costs associated with the costs of smoking, both in terms of health costs, lost employment opportunities and early death, are something in the region of $1.5 billion a year. This legislation is intended to have a double impact—both on problem gambling and in relation to the public health issue of reducing in the medium to long term the cost to the public purse of smoking to the community.

This is something that we have dealt with on previous occasions. Now is the time to act. Once members have made their contribution, I propose to provide further information, but the purpose of introducing the bill at this time is to urge members to consider this issue. We should not delay: South Australia must act on this issue. It is simply unacceptable that employees and patrons in the hospitality industry are subjected to environmental tobacco smoke. This is something that has been backed up by surveys, including those done by BreakEven. Relationships Australia, for instance, has looked at this issue. I am more than happy to provide these findings to members who are interested in the research and the surveys done both here and overseas.

In terms of the public health issue and problem gambling, this bill will not only bring us in line with Victoria but it will also have a positive impact in relation to levels of problem gambling in this state and the public health impact of smoking. I urge members to support this bill.

**The Hon. J. GAZZOLA** secured the adjournment of the debate.

## WATER RESOURCES (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 March. Page 1984.)

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** I support the private member's bill introduced by the member for MacKillop in another place in relation to the conflict of interest provisions in the Water Resources Act 1997. The proposed amendments relate to a shortcoming in the current conflict of interest provisions in the act. This shortcoming was included in the list of suggested amendments resulting from the review of the operations of the Water Resources Act received by the Minister for Environment and Conservation in 2002. The majority of those amendments will be considered in the preparation of the draft natural resources management bill.

However, the member for MacKillop's private member's bill presents an opportunity to fix this conflict of interest now, rather than wait for some time down the track. During 2001 the South-East Catchment Water Management Board sought advice from the Crown Solicitor's office to clarify the potential conflicts of interest that may arise for members of the board in the performance of their functions dealing with the allocation of water and the imposition of levies under the act. The Crown Solicitor's office advised that the current provisions in the act relating to conflict of interest may lead to a situation whereby a catchment water management board established under the act would be effectively unable to carry out a number of essential functions.

The act prohibits the participation in board meetings by a member who has direct or indirect personal or pecuniary interests in a matter decided or under consideration by the board. For a person to be personally interested in a matter, the circumstances must single out that person as having a special or extraordinary interest not shared universally or by a substantial number of people. However, a person has a pecuniary interest if it would lead him or her to gain financially or at least would establish a reasonable expectation that he or she may so gain. It is irrelevant if the interest is widely or even universally shared.

A problem could arise where a matter is under consideration by a board in which a large proportion of board members have a personal or pecuniary interest and, therefore, cannot take part in consideration or decision making in relation to that matter. For example, it is likely that a board member with a water holding or taking allocation is likely to have a pecuniary interest in a matter relating to whether there should be a water holding or taking levy. Where a significant number of board members find themselves in this position the board would be unable to form a quorum in order to make a decision on the matter.

The conflict of interest provisions in the Local Government Act 1999 provide a model for the amendment to the Water Resources Act 1997. The provisions prohibit a member deciding matters in which they have a reasonable expectation of gaining a pecuniary benefit. However, expressly accepted is a benefit or detriment that would be enjoyed or suffered in common with all or a substantial proportion of the ratepayers, electors or residents of the area or ward, or some other substantial class of person (section 72 of the Local Government Act). This means that a council is able to make decisions, for instance, on the imposition of rates—a matter in which all members would otherwise have a pecuniary interest as a ratepayer.

An amendment to the Water Resources Act should contain a provision to the effect only past conflicts of interest on the part of a board member should be forgiven where they are held in common with others. In that way, decisions made by the board would be deemed to be made in accordance with

the act, even if members had a personal or pecuniary interest in the outcome. Also, members with an interest who participated in such decisions would avoid liability. The amendment provides for that aspect. The conflict of interest provisions in this bill are consistent with all the amendments required to improve the conflict of interest provisions. Accordingly, the amendment proposed in the bill is supported.

**The Hon. A.J. REDFORD** secured the adjournment of the debate.

## STATUTES AMENDMENT (EQUAL SUPERANNUATION ENTITLEMENTS FOR SAME SEX COUPLES) BILL

Adjourned debate on second reading.

(Continued from 20 February. Page 1853.)

**The Hon. A.J. REDFORD:** This bill was introduced into the House of Assembly in June last year and passed 25 votes to 20 in August last year. It arrived in the Legislative Council in October last year, and last week the Hon. Gail Gago quite reasonably requested that we complete the bill 'next week'. That would mean that we have dealt with this bill in approximately a similar number of sitting days. In the lower house, the member for Florey (Frances Bedford), the member for Unley (Mark Brindal), the member for Fisher (Bob Such), the member for Mitchell (Kris Hanna) and the member for Giles (Lyn Breuer), all spoke in support; and the member for Waite (Martin Hamilton-Smith), the member for Goyder (John Meier), the member for Bright (Wayne Matthew), the member for McKillop (Mitch Williams), the member for Stuart (Graham Gunn) and the member for Hartley (Joe Scalzi) spoke in opposition. To date the only contributors to the debate in this place have been the Hon. Gail Gago, the Hon. Diana Laidlaw, the Hon. Sandra Kanck and the Hon. John Gazzola, all of whom have supported the bill. There is yet to be a contribution in this place opposing the measure.

This bill seeks to amend four existing pieces of legislation: the Parliamentary Superannuation Act (an act which directly affects me), the Police Superannuation Act, the Southern States Superannuation Act and the Superannuation Act. It seeks to extend the benefits granted under those pieces of legislation to spouses and to persons of the same sex who have co-habited as a 'married' couple for five years provided that the District Court declares them to have so co-habitated. That is a broad summary, and I propose to deal with some details of the legislation and some queries I have later in this contribution.

In introducing the bill, the member for Florey made the following propositions. First, the current legislation is discriminatory in that it prevents a partner in a homosexual relationship from enjoying the same superannuation benefits as a heterosexual partner and, secondly, that other jurisdictions have adopted similar measures. Other arguments advanced in support of this bill included:

(a) Generally speaking, a superannuation fund is established through the contribution of members and that their choice of partner should not be relevant in terms of benefits (that was advanced by the member for Unley).

(b) It allows greater flexibility to contributors to schemes as to how benefits and funds are distributed (that submission was put by the member for Mitchell).

(c) That the current state of the law is inconsistent with former Premier David Tonkin's Equal Opportunity Act and the late Hon. Murray Hill's removal of criminal sanctions for homosexuality (as advanced by the Hon. Diana Laidlaw); and

(d) That the religious objection to homosexual practices is unfounded and/or misstated (that is, that the scripture does not assert homosexuality is a sin against God as opposed to a sin against man) and therefore cannot be used to justify the current state of the law (that proposition was advanced by the Hon. Sandra Kanck).

In making these statements I apologise to members if I have misrepresented their position and to the Hon. John Gazzola, who contributed a well-reasoned rebuttal of the arguments put forward in opposition to the bill. The arguments advanced by the opponents of the bill can be summarised as follows:

(a) That the concept of husband/wife is a concept that cannot be legally translated to a homosexual relationship (as advanced by the member for Waite).

(b) That if this measure is accepted then the concept will have to be extended to other areas (for example, in vitro fertilisation, organ transplant and others) (This proposition was advanced by the members for Waite, MacKillop and Bright).

(c) That the relationship of husband/wife is unique and cannot be categorised in the same manner as a homosexual relationship (as advanced by the member for Waite).

(d) That homosexual relationships are against the law of God and should not be encouraged (that proposition was advanced by the members for Goyder and Stuart).

(e) That many members of the community would find the changes proposed by the bill in the manner that they are proposed by the bill unacceptable (this was put by the members for Bright and Stuart).

(f) That the proposal is inconsistent with the importance of family units in our society or, to put it another way, the current law recognises the importance of family units (that was advanced by the member for MacKillop).

(g) That there is little community demand (as opposed to support) for this measure (as proffered by the member for Stuart); and

(h) That there should be broader recognition of relationships (that proposition was advanced by the member for Hartley, Joe Scalzi).

Again I apologise to those members if I have in any way misrepresented their arguments. If it is the case, it was not my intention to misrepresent them. Before I comment on these arguments I would like to draw attention to an article that appeared in the *Australian*, written by Mr Christopher Pearson, who certainly could not be described as being anti-gay, on 25 January 1995, some seven years ago. Indeed, Mr Pearson is a man who, as a former speech writer to the Prime Minister, is what I would call a classic conservative thinker, one of a class whose political and social views have seen off the left and its failed theories that prevailed for much of the twentieth century.

In the article, which was appropriately entitled 'Time to make serious reforms', he made a number of comments. I propose to quote from them, because he is certainly more eloquent than I am. In his comments about a debate that was

taking place at the time, following some comments by Justice Nicholson of the Family Court in relation to gays, he said the following:

> I'd like to disclose an agenda. But first there are some things to be said about 'gay marriage'. For a start, it is an oxymoronic notion. Marriage is the intrinsically heterosexual enterprise. I think its centrality to the survival of the race warrants the privileges and special regard that we accord the institution. To say so is not to put down other unions and other kinds of love. It is to recognise the unassailable fact that they differ from one another, demand different social policy responses and are as non-comparable as apples and pineapples.

He goes on in advancing his proposition to say this:

> Once conceded, the incommensurability of marriage and homosexual partnerships frees up the debate to move along more fruitful lines. Instead of being bogged down in pointless, invidious comparisons and dead-end categorical arguments we can argue about the issues of relative equity.

He then states, and I emphasise this:

> We could start with superannuation. Whether a marriage is childless, or contracted after the wife had passed child-bearing age, is irrelevant to the [super] entitlement of a surviving spouse. In the same way, de factos and same-sex couples ought to be able to participate in income deferral schemes that benefit a surviving long-term partner. The federal government's policy—

and it was then a Labor government—

> of fostering a greater reliance on super in all its forms means that change along these lines is inevitable. The question is, which party will have the wit to be the first to claim credit for it?

The article continues:

> I work—rather reluctantly—from the premise that, if failing to provide it leads to demonstrable injustice, permanent same-sex unions deserve some measure of legal recognition. There are obvious logistical problems. I think it was H.L. Mencken who jokingly described marriage as a friendship recognised by the police.

I know that Mr Pearson would probably eschew and reject the symbolism of this bill. Indeed, I suspect that, if it were a matter of choice, he would prefer what I would call the Scalzi approach. Such is the luxury of political commentators and intellectuals, not generally available to politicians. However, in the absence of a positive response to the Scalzi bill by the government, which for present purposes translates into a rejection by the government of his bill, I am inexorably led to the conclusion that Mr Pearson's reasoned and correct analysis is consistent with the objects of this bill. I know that he would object to two aspects of this bill.

First, that it is consistent with the notion of 'dead-end categorical arguments' so often the refuge of the discredited left and, secondly, that the bill ignores 'more fruitful' lines of debate and therefore continues to bog this debate down in 'pointless, invidious comparisons and dead-end categorical arguments' and avoids carefully and objectively considering issues of equity. I believe that they are correct and important observations. However, to allow these observations to prevail would continue the injustice that Mr Pearson correctly acknowledges.

The bill also obviates some concerns that I had when a debate over the De Facto Relationships Bill took place, in the context of same sex relationships. The ALP amendment to that bill had problems that this bill directly addresses, in other words, the need for a relatively long period of cohabitation, which is five years, coupled with a requirement to secure a declaration from a District Court, which could be categorised as an ex post facto registration procedure. In this sense I will make a comment about the ALP position in this matter, and I do so because the ALP at various times has claimed credit for laws and reforms such as equal opportunity legislation, homosexual reform, festival theatres, the Festival of Arts and Aboriginal land rights, notwithstanding the fact that they were all initiatives of the Liberal Party or Liberal members of parliament.

In this case the ALP has not sought to introduce this as a government measure: it has travelled on the shirt tails of the member for Florey. Why would it do that? It is my view, in these days of populist and timid governments, that to embrace a considered view of how we are to deal with these issues would involve some element of political risk. It has avoided an important government responsibility of looking at the issue on the basis of relative equity and continued to hide in the quagmire of dealing with those issues on a needs basis.

So, whilst the member for Florey can and should claim credit for dealing with this particular, and in the scheme of things, narrow inequity, they (that is, the Australian Labor Party) have failed to look at other important issues. Examples of that are: the moral right to be at a partner's death bed; travel entitlements; iniquitous tax arrangements; social security payments (same sex couples get more dole than do married couples); and pension payments (same sex couples get more than do heterosexual couples). Although, as Mr Pearson correctly observes, these matters are trivial when compared with the inequities inflicted on the gay community.

I turn to some of the arguments that have been advanced in the context of the bill before us—first, the religious argument. In this sense I do not pretend for a minute to be sufficiently qualified to make a religious or moral judgment on the views advanced by theologians in the Christian church as to whether homosexuality is or is not a sin. I happen to think that the moral or theological debate on this issue is irrelevant. Parliaments for many years have sought, for very good reason, to separate the church from the state. We have done so in such diverse areas as adultery and the idolatry of graven images. Of the Ten Commandments, only two are underpinned by legislative support, and I believe that they are so underpinned not because of any religious imperative but because of social reasons and the advancement of an ordered society. In particular, I refer to murder and theft.

Parliaments have differentiated between moral and religious commands on the one hand and the responsibility of managing our society on the other hand. After all, no church in recent times has said that social security payments should be withdrawn from adulterers. To do so would be patently absurd.

Another argument is the community demand argument—in other words, there is little community demand. I suggest that this is so because of the very fact that those people who fall within the categories of persons who would benefit from this legislation are very few. I acknowledge, however, that the impact on those few is potentially significant. I think, with the greatest of respect, that that argument is not sufficient to prevent the passage of the bill. Indeed, one of the arguable strengths of this bill is that it extends the benefit of superannuation to such a small class of people that the cost impact will be insignificant in the overall scheme of things. In this respect, I rely entirely upon the silence of the Treasurer on this observation.

The assertion that this bill undermines the notion of the importance of the family unit is perhaps superficially attractive. However, I think that the debate in the early and mid 1990s about what constitutes 'family' is sufficient to deal with that argument. The notion of 'family' as understood in the mid 20th century has changed dramatically. Indeed, the debate which occurred then succeeded in attracting the

concurrence of the now Prime Minister John Howard that the notion of family is far broader than mum, dad, two kids and the granny concept.

The final argument is the thin end of the wedge argument. I must say that in this case I cannot agree. This area of the law and law reform has been marked with slow progress. Indeed, it seems to have progressed only through the good grace of Liberal governments and Liberal members, except of course in this case the member for Florey deserves recognition. Indeed, there was some comment about the importance of the terms 'husband' and 'wife'. The existing legislation, ignoring this proposal, has moved away from that, and has done so for some considerable time. Indeed, most people now in a non-marriage situation refer to their husband or de facto wife as their partner, and perhaps that is a more accurate description of the relationship between two adults than the description in some cases of husband and wife.

The Scalzi bill does deserve consideration, although I suspect it would be far too radical for this timid, poll-driven government. We all await with some interest its approach in this respect. The only argument that might be developed that could justify opposition to this bill, in my view, is that it will cost too much, either to the Treasury in the case of a defined benefits scheme or to fellow participants in the case of a pooled benefits scheme. In October last year, the Treasurer disclosed that the cost would be a maximum of $500 000 per annum. I suspect that that would be on the high side. I am not sure how many people would benefit and I have no information of savings in the payment of pensions, impacts on public housing and the like as a consequence of this measure. It is in this context that I believe that the bill should be supported, and I indicate my support.

I have only one concern, and I invite the Hon. Gail Gago to carefully consider it. Indeed, the issue also has some relevance to the De Facto Relationships Act as well. There are many people, I suspect, who are in homosexual relationships who would be horrified at the prospect of having the fact that they are in such a relationship or, alternatively, the detailed circumstances of such a relationship being made the subject of media publicity. The process of applying to the District Court would, in many circumstances, be publicised, adding to the distress of the surviving partner. The circumstances of the relationship may also, under this bill, be the subject of publicity, and in some cases would discourage people from making such applications. We have seen in the media significant details of people's lives—ordinary citizens who are non-public figures—in relation to de facto property arguments.

I invite the Hon. Gail Gago to seriously consider an amendment so that these people are afforded the same protection from media publicity as heterosexual couples in the Family Court. It seems to me that the same reasoning as applies to the promulgation of section 121 of the Family Law Act also applies here. In that sense, I have taken the liberty of instructing parliamentary counsel to draft such a provision and I will approach the Hon. Gail Gago to discuss the suggested amendment, but I certainly would not seek to hold up the passage of this bill or anything associated with it in order to address those concerns, although I believe they are significant concerns. I thank members for their patience.

**The Hon. R.K. SNEATH** secured the adjournment of the debate.

## PUBLIC FINANCE AND AUDIT (HONESTY AND ACCOUNTABILITY IN GOVERNMENT) AMENDMENT BILL

In committee.

(Continued from 25 March. Page 1950.)

Clause 5.

**The Hon. R.I. LUCAS:** When we last sat, the minister brought back a response in relation to clause 5. I assume that a copy of the Premier's answer has been circulated to all ministers and others and the Premier has made it quite clear that, if the Treasurer's instructions are not followed in the circumstances that are covered by this legislation, the treasurer of the day—or, indeed, ministers—if found guilty, could be fined up to $10 000, and that the Premier has indicated that that would come out of the pocket of the individual minister as opposed to the department.

To be fair to the government, that is at least consistent with the claims that were being made on talk-back radio by the Premier, to which I have previously referred, where the Premier indicated that the government could be penalised. The question that was obviously being put was, 'How would the government, or individual ministers, be penalised, if for example the department or the minister's office was to cover the circumstances?' I offer no comment in relation to the Premier's response, other than to say that it was certainly consistent with what he had been saying on talk-back radio and publicly, and I acknowledge that it is the government's position: it is not something that the Liberal parliamentary party room has addressed, given that the response was only provided, I think, yesterday or the day before. I acknowledge that this is the position of the government and the Premier in relation to this matter and that the Treasurer and ministers, should this legislation pass, will be expected to be held to that very high level of accountability whereby they would personally have to pay the penalty of up to $10 000 should they be found guilty.

**The Hon. P. HOLLOWAY:** In relation to the penalty for any breach of this provision (and I think I made this point when we were debating this clause last year), if a minister were to be charged in relation to one of these matters, I would have thought that being asked to resign as a minister was the most significant penalty that could be imposed. I am pleased that we have cleared up the matter to the leader's satisfaction.

Clause passed.

Clause 6.

**The Hon. R.I. LUCAS:** I intend to make some comments in relation to this clause, but I advise the committee at this early stage, so that members of the cross benches can consider their positions, that I intend to move to report progress, for the reasons that I will outline. We have made progress on virtually all the clauses of the bill, with the exception of this remaining key clause, which applies to the preparation of the pre-election budget update report, and that the Under Treasurer—obviously, together with his two assistants, the two deputy under treasurers—would produce this pre-election budget update report within 14 days after the issue of writs for a general election. 'Within 14 days' will mean that probably, with a 25-day election campaign—of that order—this pre-election budget update report will be produced 10 or 11 days prior to the election, and seven days before the closure of electronic media coverage. Clearly, it is a most significant—

*The Hon. Nick Xenophon interjecting:*

**The Hon. R.I. LUCAS:** I add the words 'electronic media advertising', as suggested by my colleague the Hon. Mr Xenophon. Clearly, this issue is potentially controversial. It is certainly critically important in relation to the conduct of state elections and, indeed, the potential results from state elections. Certainly, from the parliament's viewpoint—and I can speak on behalf of the state opposition's viewpoint—it is absolutely critical that there be a clear understanding by everyone under what grounds and conditions the Under Treasurer and his two senior deputy under treasurers would produce this—

*The Hon. P. Holloway interjecting:*

**The Hon. R.I. LUCAS:** Of course it will be all Treasury officers. But, believe me, as a former treasurer(and I am the only one sitting in this chamber, I can assure members, who has had experience of it), I can say that this process is driven by the Under Treasurer and the two deputy under treasurers and one or two other key officers within the appropriate division of the—

*The Hon. P. Holloway interjecting:*

**The Hon. R.I. LUCAS:** Similar processes have had to be carried out before, obviously, with both the budget and the mid year budget review. The key people will be the Under Treasurer and, clearly, the two deputy under treasurers and, as I said, one or two key people working within the appropriate division of the Department of Treasury and Finance.

This report will be—as is claimed, anyway, in this clause—not interfered with by political direction. It is also to be indicated that it is intended that politicians, the government, the opposition and others would have no power of direction in relation to how this update report is to be prepared. Clearly, it is a critical report, and the only person who can provide some clarity as to how this process is conducted would be the Under Treasurer, speaking on behalf of the department.

The government's response thus far has been, in my view, lacklustre and nonsensical—that is, that the Under Treasurer will do what the legislation outlines. As we have seen, the reality of the past 12 months in relation to the fictitious claims about a supposed black hole in the 2001-02 budget (which I have repeated before and which I will repeat again in this debate) has indicated that, irrespective of the legislation and the requirements of preparing these reports, depending on one's approach and the assumptions that one makes, one can produce an infinite array of budget bottom lines in terms of either a mid year budget review or a pre-election budget update report.

The simple decision that this government took to defer the transfer of $300 million from SAFA and from SAAMC (South Australian Asset Management Corporation) from the year 2001-02 and delay it until 2002-03, clearly impacted the budget bottom line by just $300 million in that one decision. Governments of all persuasions, back to the Bannon years with SAFA, through the Liberal years with SAFA and superannuation and others, as acknowledged by the Auditor-General, have used budget balancing items. But on this occasion we will have an Under Treasurer—a non-elected officer—making assumptions in relation to this key area.

As it is not possible for a committee of this chamber to ask questions of an adviser (members must direct their questions via the minister in charge of the bill—as, indeed, would be the case), it is nevertheless important that this committee be given the opportunity to hear, via the minister, answers to some key questions in terms of how this update report would be approached. I will give two simple examples. Members will have heard ad infinitum my criticism of the 14 March report produced by the Under Treasurer and released publicly—and, as I have indicated previously, I think it is unfortunate that the Treasurer publicly released the 14 March update from the Under Treasurer to the Treasurer—

*The Hon. P. Holloway interjecting:*

**The Hon. R.I. LUCAS:** No, it was a memo to the Treasurer from the Under Treasurer and, unfortunately, in my view, the Treasurer released the Under Treasurer's memo to him. I think that was released on 14 March (the date of the memo might have been just prior to that). That has, therefore, embroiled the Under Treasurer in a political controversy between the government and the opposition ever since 14 March—through a conscious decision of the now Treasurer, I might add; it was certainly not a decision taken by the opposition. I cannot recall, certainly, in my circumstance or, indeed, that of the previous treasurer, the Under Treasurer's confidential advice being released to a treasurer on a controversial matter of distinction between the treasurer and the opposition.

**The Hon. P. Holloway:** Do you remember Peter Emery? You just sacked him!

**The Hon. R.I. LUCAS:** I had nothing to do with Peter Emery. The two events that I want to refer to relate to this 14 March report. As I have indicated on a number of occasions, the government constructed a fictitious black hole, and the audited figures show it was wrong. It claimed that the former Liberal government left a $60 million cash deficit in 2001-02 when, in reality, it was a $20 million cash surplus. The government claimed we had left a $400 million accrual deficit, when in reality we had left only a $124 million accrual deficit. This government deliberately overstated the claims of a fictitious black hole by almost $300 million on the accrual measure and $80 million on the cash measure for the last Liberal budget in 2001-02.

The critical issue has been our concern that the Under Treasurer indicated that he had, in essence, reversed cabinet decisions and also reversed decisions that a treasurer had taken because he had made judgments, either himself or based on other Treasury officers' advice (but he signed the memo), that certain decisions were politically unacceptable. Those were the words used by the Under Treasurer in his advice to the Treasurer and released publicly. That is, in the Under Treasurer's judgment, certain decisions were politically unacceptable and cabinet decisions were therefore reversed in this production of the supposed true state of the finances, according to Mr Foley, the member for Port Adelaide, the one that we should have released in the mid-year budget review but had deliberately concealed, because if we had released that sort of information, it would have shown a massive black hole in the budget in 2001-02.

In the construction of this pre-election budget update report, we need to know some simple answers to some simple questions. For example, is the Under Treasurer, in constructing the pre-election budget update report, going to disregard cabinet decisions? That is a pretty simple question. He did so in relation to the 14 March update released by the new Treasurer. That is, specific cabinet and Treasurer's decisions that had been taken as to how the budget would be conducted were reversed, or not agreed to, or disregarded, by the Under Treasurer. This parliament is entitled to know whether the Under Treasurer, in constructing this report under clause 6, if it is passed, will not feel constrained by cabinet decisions.

If in producing the budget the Under Treasurer looks at a cabinet decision and decides that it is politically unaccept-

able, he may construct the accounts in a different manner from the way the cabinet of the day—a Labor cabinet—and the Treasurer—a Labor Treasurer—have constructed the accounts. If he has had a specific direction from the present Treasurer, but he believes it to be politically unacceptable, in essence, he will make his judgment about what is politically acceptable and what is politically unacceptable, and construct his pre-election budget update report on that basis.

There are a significant number of other questions that I think this committee needs to address, but I will not go through them now because the purpose this afternoon is to indicate to members of the cross bench that there are a significant number of questions, and I have referred to only two or three. They can be answered only by the Under Treasurer via the minister in charge. With the greatest respect to the Treasury officer present, for whose competence I have some regard, as I do for other Treasury officers, he is not the Under Treasurer. He is not in the driving seat and he has not been directed by the parliament to produce a pre-election budget update report. He is a manager within the department. He will provide advice and it will be the Under Treasurer, ultimately advised by two deputy under treasurers, who will produce this critical pre-election budget update report.

With the greatest respect to the Treasury officer present, he is not in a position to speak on behalf of the Under Treasurer. With the greatest respect to the Leader of the Government, he, too, is not in a position to speak on behalf of the Under Treasurer. Our processes do not allow us to quiz the Under Treasurer, and I accept that. It may well be that, even with the Under Treasurer present here, as an individual member I might be dissatisfied with the answers, but other members might be prepared to accept the answers and assurances given. If there are a majority of members next week, that will be sufficient for the passage of this clause and the legislation, as well. I accept that is the situation.

However, I have indicated my intention to move to report progress on clause 6, because on two or three occasions during the passage of this bill I have asked for the Under Treasurer. I will move to report progress so that he can be present next week and so that these questions can be directed via the minister to him. That will assist us to understand how he is going to construct these pre-election budget update reports.

The government's response as to why the Under Treasurer should not be here has so far rested on some illogical reasons. That it was unprecedented for the Under Treasurer to be at Parliament House was the first position from the Leader of the Government, and then he qualified it by adding 'for the committee stage of a debate'. During the committee debate on the Appropriation Bill, on the last two sitting days of the last session of the parliament last year, the Under Treasurer and senior officers were available to advise the minister to respond to questions in committee, as is completely within the procedures of debate on the Appropriation Bill, as you would know, Mr Chairman.

Because of government problems handling myriad bills during the last week of the session, the possibility of the Under Treasurer appearing to provide advice did not eventuate until late on the final day. Indeed, the Under Treasurer walked through the back of the chamber doors at one stage and sat in the advisers' gallery with some other officers. I indicated to the Leader of the Government that, whilst I was aware of the problems that the leader was having in terms of managing the program and the bills, I did not want to keep the Under Treasurer waiting here for ever, so I would pursue the issues through questions on notice or by way of letter to the minister or Treasurer, and I have done so and through other mechanisms at my disposal.

The proof of the pudding is that the Under Treasurer was available and spent most of that afternoon waiting in the Treasurer's office or in the confines of Parliament House somewhere to appear in this chamber to provide advice to the Leader of the Government in the committee stage of the Appropriation Bill.

**The Hon. P. Holloway:** On budget details. We are talking about legislation.

**The Hon. R.I. LUCAS:** It is a bill, and we were in committee. Yes, it is a once a year budget, but this is a once in a lifetime addition of powers and responsibilities to a senior public servant, who is unelected and who will undertake a critical role during an election period. I reject absolutely the notion that it is unprecedented to ask the Under Treasurer to make some time available to appear to provide advice to this chamber. I foreshadow that I intend to move to report progress. It may well be that other members want to briefly address the comments that I have made and, when they have done so, I will move to report progress.

**The Hon. P. HOLLOWAY:** What is unprecedented is that the opposition should be demanding who the government has to give it advice. I will remind members of exactly what the situation was regarding having advisers present during the debate of a bill. Until Frank Blevins was a minister, it was considered against standing orders. In fact, until that time, in the 1980s, there had never been a case when any adviser had been present during debate on a bill. When Frank Blevins first did so, there were objections from members of the opposition—the Liberal Party. So, the opposition's view then was: how dare we have any advisers present in the council. Now we have gone full circle, where the opposition—again, the Liberal Party—is demanding that it should choose which advisers a government has present for debate on a bill.

In relation to the Appropriation Bill, it is standard practice with estimates committees that the Treasurer answer questions before the estimates committees and that he have a series of advisers, including the Under Treasurer. Therefore, as a mirror image of that, it may be appropriate for the Under Treasurer to answer specific questions about the budget, should that be required.

Let us understand what we are dealing with here. We are dealing with new legislation introducing a new measure that will apply before the next election and before future elections. Through the legislation, this parliament will determine what the Under Treasurer will do on that occasion. It may very well be a different under treasurer from the current one. We have to pass legislation that will apply for all future under treasurers. Even if the current Under Treasurer were there in three years, there is no guarantee that he would be the Under Treasurer four years after that, or indefinitely into the future.

It is important that we in this parliament pass legislation that satisfies this parliament that it meets the specific requirements. It is all set out in clause 6. The leader keeps going back to the report that was prepared for the Treasurer on 14 March, and I believe that it was released by the Treasurer. I suggest that what was done on 14 March is not relevant, because that report was not prepared under clause 6. That report was—

**The Hon. R.I. Lucas:** Exactly the same process.

**The Hon. P. HOLLOWAY:** The leader says it is exactly the same process, but it is not because, in future elections, the Under Treasurer will be required to comply with the provi-

sions of the act that are set out in the bill under clause 6. Subclause (3) provides:

> A pre-election budget update must contain the following information: updating state government sector fiscal estimates for the current financial year and the following three financial years; the economic and other assumptions for the current financial year and the following three financial years that have been used in preparing those updated fiscal estimates; and any other information or explanation that should, in the opinion of the Under Treasurer, be included in that report.

Of course, there are other requirements about what the Under Treasurer has to take into consideration. To answer the question raised by the Leader of the Opposition earlier, the clause provides:

> The information in the report is to take into account, insofar as is reasonable in the circumstances, all government decisions and announcements and all other circumstances that (a) may have material affect on fiscal outlooks, and (b) were made or were in existence before the issue of writs for the general election.

Clause 4 is what this parliament would be telling the Under Treasurer to do before the next and future elections: he has to take into account, insofar as is reasonable in the circumstances, all government decisions and announcements. If the Leader of the Opposition is unhappy with that, if he believes that that is not clear enough, he has the opportunity to seek to amend the bill.

The point is that the words in this bill will ultimately dictate the behaviour of the Under Treasurer in determining his pre-election budget update report. That is what we are debating. It is up to us, as parliamentarians, to ensure that the legislation is clear for the present and all future under treasurers, so that we achieve the required outcome. If the leader is not happy with it, if he believes it is not clear enough, if he believes it can be improved, he ought to produce some amendments that provide the outcome that he wants so that it is absolutely clear. Certainly, it needs to be noted that the commonwealth has similar legislation.

*The Hon. R.I. Lucas interjecting:*

**The Hon. P. HOLLOWAY:** Again, the leader keeps going back to the 14 March report. I suggest that that report was not a pre-election report: it was a post-election report. It was not prepared in accordance with this clause. Whatever we might think about what the Under Treasurer said in relation to that report, it is not what we are debating, which is a pre-election report—a report that has to conform with whatever provisions we put in this section of the bill.

The 14 March update is not a precedent. That update, which was essentially the Treasurer's document, was the report that was made available. The only possible precedent that the Under Treasurer can call on in responding to any queries about a pre-election report is situations where he has previously exercised his best professional judgment. In relation to the requirements that are set out in this bill, it will be hypothetical. Equally, the Under Treasurer would not be able to guide how any future under treasurer would go about this task, because it is hypothetical.

I have at my disposal a senior officer of Treasury who is able to answer any of the questions that generally relate to this bill. I might not be able to relate questions to the 14 March budget update, but that is not what this bill is about. In relation to clause 6, I believe that I will be adequately advised in answering any reasonable questions as to what this bill means, and that is what we should be debating in committee. At this stage, I invite any other members to ask questions.

**The Hon. NICK XENOPHON:** Given my absences from the council last year due to illness, I did not have any opportunity to express my support for the broad thrust of this bill in terms of improving accountability in government. I acknowledge that the points raised by the Leader of the Opposition are of merit, and I believe that they ought to be further discussed. As I understand the explanation of clauses, under this proposed clause the Under Treasurer will have a significant degree of autonomy in determining a pre-election budget update. As the Leader of the Opposition has indicated, that obviously will be a crucial document in the lead-up to any election campaign. I note that the explanation of clauses states:

> The report will be prepared according to the financial standards that apply to a state budget and on the basis of the best professional judgment of officers of the Treasurer's department, without political interference or direction. The Under Treasurer will be able to exclude from the report information that the Under Treasurer considers should be kept confidential because of commercial confidentiality requirements or the interests of the state.

Whilst I acknowledge the point made by the minister about this being an unprecedented request by the opposition, this clause gives a measure of autonomy and discretion to the Under Treasurer that has hitherto not been provided. That is how I understand it, in terms of the Leader of the Opposition's point. Under standing orders it is not for me to ask the Leader of the Opposition any questions, but perhaps I can invite him to comment in the context of this debate.

*The Hon. R.I. Lucas interjecting:*

**The Hon. NICK XENOPHON:** Perhaps I will invite him to comment in terms of dealing with this particular concern. Given that the leader is a former treasurer of this state, what is his understanding of other jurisdictions—state and federal—in terms of charters of budget honesty in the lead-up to an election campaign? Obviously, this question can be put to the minister, as well.

**The CHAIRMAN:** That is a question you can ask the minister, I think.

**The Hon. NICK XENOPHON:** It is a question I can put to the minister, but with an invitation to the Leader of the Opposition to comment, given—

*The Hon. R.I. Lucas interjecting:*

**The Hon. NICK XENOPHON:** —that he is a former treasurer. How does this particular clause, in relation to pre-election reports, differ or is it similar to clauses in other jurisdictions? Have any particular guidelines been established? I understand that the Hon. Peter Costello, at the federal level, introduced a charter of budget honesty several years ago. How has it worked in that context? I think that that will go some way in assisting me to deal with what I think is a very relevant inquiry by the Leader of the Opposition. I also note that the minister has raised whether the Leader of the Opposition will be seeking to amend the bill or raise that as an issue. I do not know whether the Leader of the Opposition has considered whether there would be any scope to amend the bill to have clearer guidelines, or, at least, to deal in the committee stage with some of the concerns he has raised.

**The Hon. P. HOLLOWAY:** I am advised that this bill is largely based on the commonwealth legislation. We have not got the bill to give a word by word comparison, but the key point is that we are asking the Under Treasurer to use the best professional judgment of a senior public servant with expertise in financial and economic analysis. We argue that is the best standard that one could use. What else could we ask the Under Treasurer to do, other than to exercise his best

standard and take into consideration all information available to him. I do not see what other options we have. Actually, I have a copy of the charter of budget honesty. It is probably best if I provide a copy to the honourable member so he can make his own comparison.

**The Hon. R.I. LUCAS:** In response to the invitation—it gives me some nostalgia for 12 months ago answering a question—to answer the honourable member's question, it is my understanding that there are pre-election update reports in three jurisdictions. The commonwealth has a 10-day requirement, so prior to the election or following the issuing of an election writ it is 10 days; Victoria is within 10 days; Western Australia is within 10 days; and New Zealand's provision is for between 14 and 42 days prior to an election. When we discussed this matter on a previous occasion, when I was treasurer, South Australian Treasury asked for an extra four days; rather than 10 days, it is 14 days. If the Under Treasurer does come to parliament, it may be an issue that we look at. Most other jurisdictions require it to be produced within 10 days. Certainly, there is an argument to say that if the other jurisdictions in the commonwealth can do it within 10 days, the earlier you can have it during an election campaign the better it is and the more informed the public will be in terms of the state's finances. That is one potential area.

*The Hon. Nick Xenophon interjecting:*

**The Hon. R.I. LUCAS:** Well, that is one of the potential areas. I am seeking to have the Under Treasurer advise the minister to provide some advice on some of the questions that I have already flagged and some others that I want to flag, that is, technical issues such as smoothing of budget results over the next four years—which I will not explain now. Very simply, the bottom line is that Treasury produces numbers which will show budget results that go up and down in a quite irregular fashion. Traditionally, treasurers and under treasurers smooth those results by moving optional amounts between the years so it is a smoothing of results. What assumptions will the Under Treasurer adopt in relation to those? Will he be dictated to by the decisions the Treasurer has taken just prior to that with the mid-year budget review report, which is the Treasurer's document?

There is a series of general questions, which I have flagged, and a series of technical questions on which this house deserves the opportunity to get an answer. It might be that the Under Treasurer (even if he is here) chooses via the minister not to provide us with too much information—at least to my satisfaction, but it may satisfy other members—and the debate may proceed if the majority of members are present. I think this parliament deserves the opportunity to at least get some scraps of additional information—if that is possible; I would like to get lots—via the minister on some of these issues. Having done that, I believe there are some others I might need to canvass with the committee in terms of possible amendment.

Should it be 10 days, as most other jurisdictions have, rather than 14 days, as is predicated here? Should we put something even tighter in relation to whether or not the Under Treasurer has to abide by cabinet decisions? How do you draft something which prevents the Under Treasurer making judgments about political acceptability or unacceptability? As a result of my early discussions with legal people, I understand that it is very hard to draft something along those lines. The Hon. Mr Xenophon, as a lawyer, off the top of his head will probably have the same view, that is, that it might be very hard, although perhaps not impossible.

Until we have an opportunity to hear via the minister some of the views of the Under Treasurer on this issue, then it is very difficult for some of us, who have concerns about provisions of this bill, to look at how we need to amend it or, indeed, not amend it. Obviously, the minister has given the Hon. Mr Xenophon some information. I have some advice in relation to how the charters operate in other jurisdictions and I would be happy to share it with members of the cross bench if they are interested in this issue. In terms of how this is operating, the brutal reality is that governments, treasurers and under treasurers (now acting independently) can produce budget bottom lines within some broad parameters, however they want to, using smoothing assumptions, not taking into account various—

*The Hon. P. Holloway interjecting:*

**The Hon. R.I. LUCAS:** Well, we have seen that in the last 12 months. The $300 million that was meant to come in from SAFA and SAAMC was left in SAFA and SAAMC by this government because it would have shown a massive $300 million cash surplus. There would have been a $300 million cash surplus and members, such as the Hon. Terry Roberts, who go along to budget bilateral discussions and say, 'Give us a bit of money,' if the Treasurer is sitting on a $300 million cash surplus, might have become a little grumpy if they had known that that was the situation. I will not yet enter into what caucus and cabinet were told by this Treasurer: that will be for the appropriate debate when we get to the specific clauses of this bill.

In relation to the other question raised by the Hon. Mr Xenophon, I think there is an article by Tony Harris, a former New South Wales Auditor-General, a person for whom the Hon. Mr Xenophon has some regard, and some other columnists in the *Financial Review*, which has highlighted the fact that these charters of budget honesty, in essence, might have been a useful public step but, in the end, how you make assumptions about the accrual accounts, what you take into account, how you do the smoothing between years—all those assumptions—can construct a particular set of accounts for the public record that might be of that person's choosing. In this case, for the first time in South Australia we will give a non-elected person that capacity. That is why I think we should report progress and see if we can get the Under Treasurer to provide further clarity next week.

**The Hon. J.F. STEFANI:** I support the concept of being able to ask direct questions of the Under Treasurer, because the Under Treasurer needs to provide a certificate that he—not anyone else—has to sign and, therefore, I think it would be useful to have the person who will have the authority and the obligation to sign a certificate come to this chamber to answer some questions. I also have some other concerns in relation to the way that the preparation of this report is going to function. The Under Treasurer is not going to wait until the election is called, because 14 days will give him no time to get the information together. That is a fact.

I don't care what anyone says: I don't believe, whatever they say, that people can collate the whole of government activities in 14 days. So, the process starts somewhere in December or perhaps in November. That is the point that we need to understand and ask questions about.

The second point I want to raise is this. Having got the information collated before the election, of which we know the date, is the Auditor-General going to verify the information? Because otherwise I think that I would have great concerns as to how this process is all going to develop. We can all talk about how accurate it is, and I take the point of

the Leader of the Opposition—and I am an accountant—that you can play with figures and make them tell you different stories the way you want them. So, I do come from a very informed position to say that I am all for accountability and honesty in government, and to inform the public of the financial position that the state is in at the point when the election is called.

However, I have some concerns as to the process. No matter how good the Treasury office is—and I have great respect for the Treasury officers—if they can tell me that they can forecast accurately three years ahead, I would be very pleased to employ them and hire them out to anyone in the world. And they will make a lot of money.

**The Hon. P. HOLLOWAY:** I think the Hon. Mr Stefani is making some interesting points about the value of these sorts of financial statements, and perhaps they are given more importance than they deserve. Obviously, on the expenditure side one can have a reasonable amount of knowledge about what might be happening in the future but, of course, on the revenue side, clearly all sorts of impacts can come into future estimates. But what else do we do? We must operate on something. That is why good professional judgment is required by the Treasury officers in relation to that, and we are simply asking that the same sort of professional integrity should go into the preparation of this report.

The Hon. Mr Stefani talked about the time it would take to begin the process. With our new fixed four year terms, the next election will be on the third Saturday in March 2006, I think. The government does have mid-year budget reviews, which provide information on the state of the budget up to—

*The Hon. R.I. Lucas interjecting:*

**The Hon. P. HOLLOWAY:** In February. I would assume that this process will essentially be an update on what has just been released in the mid-year budget review. That will be the practicality of it, I would imagine. The difference I guess is that, in preparing that, the Under Treasurer will have to comply with the particular directions of this act. He will not be complying with the instructions that would relate to the mid-year budget review. I guess that is where the two might differ, and that is where we are relying on the Under Treasurer to make his professional judgment.

The whole reason why this is being done, why the government is putting this forward as an honesty and accountability in government measure, is exactly the reason the Hon. Mr Stefani gave. It was certainly my view in the past, and I criticised the former treasurer for the fact, that some of these figures were—as the former treasurer himself said, various assumptions can be changed to get a range of results. The very reason we need this legislation is so that someone independent—and who better than the Under Treasurer—should be able to provide that information using his best judgment. Who else is going to supply that information? He will also be in a position to do it within the time frames.

*The Hon. Nick Xenophon interjecting:*

**The Hon. P. HOLLOWAY:** Exactly. That is why they are covered in relation to new clause 41B(3)(b), which provides that the Under Treasurer has to put out the economic and other assumptions for the current financial year and the following three financial years that have been used in preparing those updated fiscal estimates. That is to address that very problem. If one believes that the assumptions are incorrect, then the politicians at the time—

*The Hon. R.I. Lucas interjecting:*

**The Hon. P. HOLLOWAY:** Growth figures, all those sorts of assumptions. The thing is that all those figures can then be part of an economic debate. But if this process is to have any value, we can look at it in terms of the commonwealth. From what I have seen as an observer of the commonwealth process, I believe that it has had some value; perhaps not as much as its originators had hoped, but at least it makes the political debate a little more honest than it otherwise might be, because the very existence of this measure means that the information put out there has been complied with—the reputation of the Under Treasurer on the line in doing that. Sooner or later I am sure that the leader will move that progress be reported. If there are any questions that can only be answered by the Under Treasurer, I have yet to hear them. I have access to the advice of a senior Treasury official who, I believe, could answer all relevant questions in relation to this bill. That is the position of the government.

**The Hon. NICK XENOPHON:** Given the matters raised by the Hon. Julian Stefani in relation to the Auditor-General having a potential role in signing off or checking the figures, is that something that the government has considered, in terms of bringing in the Auditor-General to look at any pre-budget figures? From my brief reading of the commonwealth bill, it does not appear to be in that act. Has it at least been considered by the government in terms of some oversight role?

Given that we do have fixed terms under the Constitution Act, so that in all likelihood we will have an election in the third week of March in 2006, doesn't that give some more flexibility for some independent oversight of this report before it is released? Further, on the issue raised by the Leader of the Opposition about the public pre-election budget update being released within 14 days, does the government concede that there may be some flexibility in terms of the timing, given the concerns of the Leader of the Opposition in relation to the public being as informed about pre-election budget updates for as long as possible in the lead-up to an election?

**The Hon. P. HOLLOWAY:** There are a couple of questions arising from that. In relation to the time, I think the critical date in relation to the next election is the date of the issuing of writs. That, in a sense, is the date that fixes the time by which work would need to be under way, but whether there is some flexibility in respect of a fixed term I would have to check with the Attorney-General.

**The Hon. Nick Xenophon:** But they will not be caught by surprise, will they?

**The Hon. P. HOLLOWAY:** No, they should not be, but I suppose they could be. Whereas one would expect the next election will be on the third Saturday in March 2006, under the fixed terms provisions an early election is still possible in certain exceptional circumstances. There is still provision for that, as I understand the constitution.

In relation to the Auditor-General, I do not think that any specific consideration was given to that, but I suspect that is largely because of the time frames. Given that you want this result as soon as possible and you would want the information to be out as soon as possible, if it is to have any value, if you are going to get the Under Treasurer to prepare it—and I would think we all agree that he is the only person who could do that job, or his office would have to prepare it—and if it has to go to the Auditor-General for verification, you are adding more time into the equation and, therefore, even though the information might be verified, it will probably be of less benefit if it is late into the process. I think the

fundamental problem is getting useful information out quickly enough. I would have thought, from the point of view of the Treasury officers, that this time frame is fairly tight.

To make another point, the Leader of the Opposition has continually referred to the 14 March situation and what happened then, but I think that all those reports show just how volatile, on the revenue front in particular, this financial information can be. If one looks at the expected figures in the budget at the end of May and then looks at the actual figures for the end of June, often there can be quite substantial differences. The difference this year was almost $100 million, I think. I believe there can be quite significant differences in just a short period of time because of the volatility of some of these figures.

I guess that is always going to be a problem when preparing these sorts of documents, but all we can do is rely on the Under Treasurer to use his best professional judgment in a way that is independent and objective when giving his advice—and that will be in statute if this is passed.

**The Hon. J.F. STEFANI:** I want to make an observation. The Leader of the Government in this chamber has correctly identified that we will not necessarily have an election in March 2006 because it may be earlier. Hence, it throws a very different question on the scenario that I have put, and that is that the Under Treasurer has to then gather information in a time frame that is unpredicted. I take it that government departments are not privy to any secret plan of a government to call an early election. That puts a very different light on how the Under Treasurer will collate the information from a thousand bits of paper or computers in departments to come up with accurate information to which he will put his moniker. Frankly, I would think that that brings in the question of the Auditor-General, and I would think that the Auditor-General should be involved in verifying the information. I foreshadow the filing of an amendment to ensure that some incorporation of his involvement is introduced into this legislation.

**The Hon. P. HOLLOWAY:** I understand that the Auditor-General is supportive of the legislation. I am not sure whether he would be supportive of the time frames, but that is something that would have to be explored. The only point I would make in relation to this is that, if this information is to have any value and if it is to have any purpose in getting independent information, it has to be provided within a reasonable time frame. Obviously, the more qualifications one puts on it, the longer it will take to get the information. Even if it is slightly more accurate, if that really means anything—or if there is less of a question mark over it, let us say—will that increased certainty be of any benefit if it delays the process unnecessarily? I think that really is the crunch issue in relation to that point.

**The Hon. NICK XENOPHON:** I understand that the opposition's position is that the report should be released four days earlier, or that is the preferred position—

**The Hon. R.I. Lucas:** If possible.

**The Hon. NICK XENOPHON:** If possible it should be released four days earlier. Given that we now have fixed terms for both houses—

*The Hon. J.F. Stefani interjecting:*

**The Hon. NICK XENOPHON:** The Hon. Julian Stefani says that we may not have that if they go early, because there are exemptions. Is there potential for a two-tiered timetable so that, if an election is held when it is meant to be held in the third week of March every four years, there may be some further requirements for increased levels of accuracy given that Treasury will have plenty of notice as to the timing of the election. If an election is held early, given what the Constitution Act says in terms of exemptions to fixed four year terms, it might be that we are stuck with this sort of timetable perhaps a few days earlier.

**The Hon. R.I. Lucas:** The commonwealth period is 10 days.

**The Hon. NICK XENOPHON:** The Leader of the Opposition makes the point that in the commonwealth it is 10 days following the issue of the writs. They do not have fixed terms. I think the distinction is that there is a longer period under the commonwealth act for an election, so that might be a factor to take into account. But I would have thought that if an election is held when it is meant to be held under the Constitution Act in terms of the normal course of events—in the third week of March every four years—there is no excuse in the ordinary course of events for further information to be provided so that this document is as meaningful as possible in terms of informing the electorate. I simply flag that as a potential issue for either an amendment or further debate in the committee stage.

**The Hon. P. HOLLOWAY:** I am advised that one of the differences between the commonwealth and the state measures is, of course, the timing. As has been pointed out, the commonwealth requires the report within 10 days. The state, under this legislation, would require it within 14 days. That has an impact on subclause (8) of the bill, which provides:

> . . . under this section, a public authority must, within seven days after the issue of writs for a general election, furnish to the Under Treasurer such information as the Under Treasurer may require by notice in writing published or distributed by the Under Treasurer in such manner as the Under Treasurer thinks fit.

That would probably mean that, if one were to bring back the amount of time that the Under Treasurer would have to do this report, through clause 8 we would probably have to tighten up, perhaps, to bring it back to three or four days. You would have to bring back that seven days in clause 8 to just three or four days after the issue of writs for the public authorities to provide the information, and I think it would be fair to say it would be the view of the government that that would probably be extremely difficult—that is probably putting it kindly. I just make the point that, if we were to amend this to reduce the reporting days, we would have to look at the impact under clause 8 as to how much time we would give the authorities.

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

That progress be reported.

**The CHAIRMAN:** Before I report from the committee, from the position of the committee chair, I have always tried to allow the widest debate. But I point out that we are spending a lot of time on some of these committees, and a lot of flexibility has been extended to all members. We have a responsibility to the parliament—I am not interested in the government or the opposition—to provide the services that the standing orders provide. I advise members that I will be particularly looking at standing orders 366 and 367 over the next few days. I feel that there has to be some tightening of the process.

Progress reported; committee to sit again.

## ADJOURNMENT

At 5.18 p.m. the council adjourned until Monday 31 March at 2.15 p.m.