LEGISLATIVE COUNCIL

Monday 14 July 2003

The PRESIDENT (Hon. R.R. Roberts) took the chair at 2.16 p.m. and read prayers.

OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION COMMITTEE

The Hon. J. GAZZOLA: I bring up the report of the committee on the Statutes Amendment (WorkCover Governance Reform) Bill.

Report received.

The Hon. J. GAZZOLA: I also bring up the report of the committee for 2002-03.

Report received.

CORRUPTION ALLEGATIONS INQUIRY

The Hon. P. HOLLOWAY (Attorney-General): I lay on the table a copy of a ministerial statement in relation to an inquiry into matters concerning Mr Randall Ashbourne and the former attorney-general made today in another place by the Premier.

GUERIN, Mr B.

The Hon. P. HOLLOWAY (Attorney-General): I lay on the table a copy of a ministerial statement in relation to resolution of the Guerin claims made today in another place by the Deputy Premier.

QUESTION TIME

FREEDOM OF INFORMATION

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make an explanation before asking the Leader of the Government a question about freedom of information.

Leave granted.

The Hon. R.I. LUCAS: Members will be aware that the details of the $967 million in budget savings is an issue that the opposition has been pursuing for some 12 months. Members will also be aware that the Leader of the Government in this council has indicated on a number of occasions that (to summarise his words), unlike his claims about the previous government, under the Rann Labor government freedom of information officers go about their task without any ministerial office input at all.

I have a copy of an email sent to a number of officers from a Ms Debi Chenoweth, Coordinator, Information Management, Corporate & Organisational Development. The subject of the email is 'FOI officers meeting (Lucas FOI). Location: 16th floor, boardroom, State Administration Centre. Start: Thursday 16 January 2003 11 a.m. End: Thursday 16 January 2003 12.30 p.m.'. In part, the email states:

> Further to the email yesterday I now confirm that 12 of the 14 ministers have so far received the Lucas FOI on budget savings. It is proposed that a meeting with crown law will be held tomorrow at 11 a.m. in the boardroom on the 16th floor of State Administration Centre.

Without going through the list of what is classified as 'required attendees', I note that there is a Ms Sally Glover (who, as you know, Mr President, from other dispatches, is a personal ministerial adviser to the Premier, appointed on a contract). I also refer members to a document headed 'FOI contacts in ministers' offices'. Listed there for the Premier, for example, is the chief of staff, Mr Stephen Halliday and the departmental FOI officer, Tony Nelson, and there is no ministerial FOI officer at all. So, Ms Glover is not an accredited FOI officer for the purposes of the Freedom of Information Act, as she is a personal ministerial legal adviser to the Premier—

The Hon. P. Holloway: Was.

The Hon. R.I. LUCAS: Was, I should say, as she has now left. I also note the leader's advice that Pat Jarrett, listed as PIRSA, I think, an officer in the minister's office, was a required attendee at that meeting. The agenda for that FOI officers' meeting on Thursday 16 January at 11 a.m. lists the introduction, and then the following:

> 1. External protocol. 2. Discussion on process. 3. Hon. R. Lucas MLC application. 4. Next steps. 5. Other issues.

My questions to the Leader of the Government are:

1. Did Ms Pat Jarrett from his office attend the meeting on 16 January in relation to the coordinated government response to the freedom of information application?

2. Given the leader's claim on a number of recent occasions that the freedom of information officers handle these processes themselves, why was Ms Sally Glover, the Premier's personal legal adviser and an officer who is not connected with freedom of information applications, a required attendee at that meeting, and what role did Ms Glover play at that freedom of information officers' meeting?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): The Leader of the Opposition, I think, did paraphrase what I have said in previous answers. I am not sure that I would agree with the actual wording. I would have to check that but, nevertheless, I do stand by the point that I have made that I believe this government has been much more open and accountable in relation to handling this sort of information. Under the previous government no such information was ever made available under freedom of information in relation to estimates. It was quite inconceivable that the previous government would release such information in relation to estimates.

The honourable member then referred to Ms Sally Glover who, I understand (as I indicated last week in answer to a question on a quite different matter), left the Premier's office some time back. However, to return to the leader's particular question about whether the FOI officer in my ministerial office attended a meeting on 16 January: I assume that if there was a meeting of FOI officers at that time that she probably did attend, but I would have to check with her whether or not she did. Obviously, I would not have a record of that, but I think that we could assume that she did; but, if she did not, I will let the honourable member know.

In relation to the presence of Ms Sally Glover, I can only assume that, if Ms Sally Glover was the legal adviser, and since the opposition has been, as we well know, pushing the Freedom of Information Act into new and quite unprecedented territory—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: —well, it is quite true—in relation to the quantity and nature of claims, it is probably not surprising that those freedom of information officers would seek some advice in relation to the task they have to undertake. The point that I have made on previous occasions—and

certainly it is true in relation to my office—is that I did not direct the FOI officer in relation to that matter.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: I do not accept that. The leader appears to be suggesting that the legal adviser in the Premier's office was suggesting to FOI officers what they should do. I do not think that claim could be drawn from the information he has provided.

The Hon. R.I. Lucas: What was she doing there?

The Hon. P. HOLLOWAY: Well, I presume that she was giving some legal advice in relation to these matters. As I said, the opposition has taken the Freedom of Information Act into quite uncharted territory in relation to the quantum and nature of claims. But I will examine the honourable member's question and, if I can provide any further information, I will get back to him.

The Hon. R.I. LUCAS: As a supplementary question, does the minister therefore support the involvement of the Premier's ministerial advisers—unaccredited FOI officers—in helping coordinate FOI responses to opposition questions?

The Hon. P. HOLLOWAY: If the leader is suggesting that a role was played by the Premier's office, I do not know whether that is the—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: No; the leader was suggesting something quite different in relation to his question. I am not aware what Ms Glover's role was but, as a legal adviser, I suggest that one could only presume that she was giving some legal advice. Obviously, I was not at the meeting and I am not aware of her particular role at that meeting.

The Hon. R.I. LUCAS: As a supplementary question, will the minister bring back a reply as to whether or not the Freedom of Information Act contemplates the provision of legal advice from a ministerial adviser to the Premier in terms of an independent FOI officer in a department processing a freedom of information request from the opposition?

The Hon. P. HOLLOWAY: The Freedom of Information Act is there for all members to read and understand. Of course, in recent times it has been amended, so there are some, I guess, elements of that act which have not been properly tested to the extent they might be. I will see whether I can provide any further information in relation to the operation of the act.

PRISONS, DRUG USE

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Minister for Correctional Services a question about drugs in prisons.

Leave granted.

The Hon. R.D. LAWSON: Members will have read in this morning's *Advertiser* the alarming news that new state government figures show that 385 people were banned from visiting South Australian prisons in 2001-02 on account of the fact they were carrying illicit drugs. However, this year only 74 have been banned as a result of such activities. These activities are operations carried out by the Correctional Services Department Intelligence and Investigations Unit in liaison with South Australia Police. I highlight in this explanation the fact that last year 385 persons were banned; this year only 74 have been banned. My questions to the minister are:

1. Given the significant reduction in the number of persons being caught taking drugs into our prisons, what is the explanation for the lessening of effectiveness of the activities of prison authorities?

2. Is there any process of independent evaluation of the effectiveness of the Correctional Services Intelligence and Investigations Unit? If so, who is conducting that evaluation and what has been the result?

3. How many prosecutions have been launched in respect of persons taking illicit drugs into correctional institutions?

4. Will the minister table the 'new state government figures' referred to by Mr Kelton in his excellent article?

The Hon. T.G. ROBERTS (Minister for Correctional Services): Some of the answers I will need to put on notice and bring back the replies, as I do not have the figures with me. In relation to the number of people banned in 2001-02 as compared to those who have been banned in this financial year, I suspect that it may have something to do with the fact that those who were included in the first figures were people who had a history of attachment to or a cohort with prisoners inside prison. In relation to the intelligence to which the article refers, I have no more information than the honourable member in relation to the operation of the program that is running and would be loath to make the details of that public in case they interfered with the operations out there, because they do appear to be successful. I will refer that question to the department and bring back a reply, even if it is to the honourable member privately.

The situation is that drugs in prisons is a real issue. The government has tried to put together programs that can intervene in the passing of drugs to prisoners by visitors during visits. The Dog Squad is one of those and personal searches is another program, but I also suspect that, from the information given in that article (it has not come through my office but through the *Advertiser* reporter Greg Kelton), there is a matching of information from outside the prison system that may include police and the Correctional Services officers who make up part of this new seven member unit.

The independent evaluation, again, is an operational matter. I suspect that that will have an affirmative answer, but I will endeavour to bring back a response to that question. As to the number of prosecutions, I recently inquired as to the number of prosecutions that have been taken and the number of sentences that have been handed down as a result of prosecutions. Those figures are in the making, so I will get them to the honourable member as soon as possible. The last question related to tabling the new figures. Again, that is an operational matter that is connected to a reporting process. I will also bring back a reply to that question.

GLENELG NORTH FLOODING

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I lay on the table a ministerial statement in relation to the Glenelg flooding incident made by the Minister for Infrastructure in another place today.

GOVERNMENT BOARDS

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

Leave granted.

The Hon. CAROLINE SCHAEFER: On 18 April this year, the Premier announced, with considerable flourish, that he intended to axe 100 government boards, saving, as he claimed, taxpayers hundreds of thousands of dollars. The article in the *Advertiser* said:

> Premier Rann has asked ministers to list each board and committee under their control and recommend which should be abolished. 'The cuts will begin in June and I will be publicly announcing those boards and committees I want abolished,' Mr Rann said.

On 28 April I asked the minister two questions, as follows:

> 1. Which specific boards under the minister's portfolio will he advise the Premier he will axe and how much money will be saved by doing so?
> 2. How does the minister intend to undertake the essential duties carried out by these boards once they have been abolished?

Given that under the Premier's requirements the minister has now provided his list of boards that are to get the chop, will he now answer my questions and will he let the parliament know whether he has informed any of the boards that are to be dismantled?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I would hope that tomorrow I am able to give notice of a bill which would get rid of a couple of boards following a national competition policy review. I suspect there will be others. I do not have the list of the boards before me. There are not as many boards within the Department of Primary Industries as there used to be, given that all the animal and plant commission boards, the soil conservation boards and a number of other boards have moved over to the Department of Water, Land and Biodiversity Conservation.

Certainly in relation to some of those competition policy reviews, several boards will no longer be necessary as a consequence of those competition policy reviews. Also, in relation to the operation of some of the boards within my department, I have been having some discussions in relation to ways in which some can be streamlined or their functions absorbed by other bodies. As I said in my answer to the honourable member when she originally asked this question, many of the boards within the department do have roles. Some, however, have become quite out of date, and we will certainly be reviewing them. Most of the boards that operate within the Department of Primary Industries are not those with significantly high salary or remuneration levels. The vast majority of them operate with sessional fees and some expenses.

There are obviously a number of boards in other government departments where there are much higher levels of remuneration and the operations of those boards are of a different nature. In relation to primary industries, most of the boards with which I have had dealings are not boards that cost a great deal of money but they do provide important services. I hope the honourable member will be in a position to see a couple tomorrow that have outlived their usefulness, and it is those boards the government has targeted for removal.

ABORIGINES, RECONCILIATION

The Hon. J. GAZZOLA: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question regarding reconciliation in South Australia.

Leave granted.

The Hon. J. GAZZOLA: I was interested to hear the minister talk about the importance of the University of Adelaide's reconciliation statement during question time last week. It was outlined that progress towards reconciliation was especially timely as it was NAIDOC Week last week. Can the minister outline what this government is doing to progress reconciliation, and what role is the minister's department playing?

An honourable member interjecting:

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I think the honourable member will find that the bill will be in good shape by the time it leaves this council. The Department of Administrative Services and State Records are running cultural awareness programs at Iga Warta and we are now negotiating with other community centres to try to build cultural awareness programs into training for public servants and for those people who are interested in expanding their knowledge of Aboriginal culture. The tourism centre in the Adnyamathanha country north of the Flinders Ranges has improved its services to accommodate more people who are interested in finding out about and understanding Aboriginal culture and heritage.

In Reconciliation Week in May, activities featured speakers, storytellers and musicians, and there were displays of reconciliation videos. The flying of the Aboriginal flag on Wakefield House was an important initiative, although I understand discussions are continuing in JPSC about what will happen regarding when and where we can fly the Aboriginal flag in relation to Parliament House. There was a statement of acknowledgment of the traditional owners of the land and an open day, reconciliation event and meetings.

Many other activities coincided with Reconciliation Week and with NAIDOC Week. NAIDOC in particular has historically been a celebration of heritage and culture, and it brings people together—particularly within the Aboriginal community—and then the opportunities to capture the imagination of the broader community can be directed into reconciliation activities through schools, particularly primary schools, to embrace a whole range of activities in trying to get or receive the cultural understanding that comes with meeting leaders and with understanding other Aboriginal kids within the school system.

A number of activities emanated out of Reconciliation Week and out of NAIDOC. We have the Bringing Them Home key advisory group that is starting to make recommendations on reconciling differences through history, through records, through Aboriginal people being able to trace their lineage back to their land through DAIS, through the state records system, and through the department's own work in putting together the policy framework for Doing It Right, which has been an important linkage for reconciliation and for bringing families together.

At this stage, I pay tribute to Jan Ferguson from DAIS who has done a tremendous amount of work in all those areas in bringing together reconciliation, in putting together the encouragement for the programs to be knitted into community organisations such as Iga Warta and Camp Coorong and, hopefully, Maree and other communities centres as they develop. So the department is doing a lot, and there are many individuals taking a lot of the responsibility seriously to achieve reconciliation through the processes in which they engage themselves. It is now being embraced more broadly than ever in the community, and let us hope that it continues to grow.

There were a number of activities, including the ball. I am not sure whether or not the Hon. Rob Lawson went to the ball on Saturday night, but I saw him at a number of other functions during NAIDOC Week, which were hosted and planned by Aboriginal groups throughout the state and which were enjoyed in a bipartisan way by many members of parliament. That augurs well for the future.

The Hon. R.D. LAWSON: I have a supplementary question. What role did the minister's department play in relation to the celebration of NAIDOC Week, if any, or was the role left to departments such as DAIS under the guidance of Jan Ferguson?

The Hon. T.G. ROBERTS: The NAIDOC Week celebrations were, in the main, organised and carried out by Aboriginal groups in the state, although the department was called on to make a small donation to some of the celebrations. For example, the office of Aboriginal affairs made some supporting gesture to the barbecue. Although there was no large expenditure from the department's funding base for NAIDOC Week, the ball is shared between Reconciliation SA and NAIDOC, and there is cooperation between the Reconciliation SA committee and the NAIDOC committee. Discussions will commence quite soon as to how best we can get cooperation between Reconciliation SA and NAIDOC to be able to spread the activities more evenly throughout the weeks of the celebration, and get more cooperation in some of the fundraising and management strategies that occur in putting both organisational activities together.

CHIPPENDALE RETIREMENT VILLAGE

The Hon. IAN GILFILLAN: 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 Chippendale Retirement Village.

Leave granted.

The Hon. IAN GILFILLAN: The residents of the Chippendale Retirement Village in Modbury have been served with not just one eviction notice but two eviction notices in the last few weeks. They were aware that there was a mortgage applying to the property, but four weeks ago the residents were astonished to find that court officers had affixed eviction notices to the two entrances to the village. It seems that the proprietor of the village, whose name I have but which I will not put into *Hansard* at this stage, had failed to service a second mortgage on the property and the bank, which I also will not name at this stage, was taking steps to recover its money.

The residents approached the Office for the Ageing, which contacted the lawyer acting for the plaintiffs. They were advised that the eviction order had been lifted. The Office for the Ageing also advised residents to seek independent legal advice, which they did at a cost of $1 300—not easy money for people to find in those circumstances. The first hearing into the matter was conducted on 3 July, but the residents were not advised until the following week, and three days ago the residents of Chippendale village were advised that the eviction was back on. A hearing will be held on Wednesday 16 July, the day after tomorrow. If they wish to contest it, they may need the services of a barrister, and I do not need to remind honourable members of this place that the services of a barrister will be a lot more expensive than $1 300.

The South Australian Retirement Villages Association has contacted the Office for the Ageing and requested that this matter be brought before the minister, but at this stage it has had no communication from the minister. I therefore ask the following questions:

1. Is it the minister's opinion that it is legal for any entity to affix an eviction notice to tenants and residents, as they are, of such an establishment as a retirement village?

2. More importantly, will the minister act, as a matter of extreme urgency, to see what role she can play in either assisting to provide proper legal advice or intervening directly, from her own ministerial sense of responsibility, at least, in having the hearing delayed? I think it is a rhetorical question, but surely the minister would agree with the Democrats that this is a case of abuse of the quality of life that residents of a retirement village are entitled to expect.

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I am not too sure whether it is to the Minister for Social Justice or the Minister for Consumer Affairs, but I will take that question on notice and refer it to my colleagues in another house and bring back a reply.

CHILD ABUSE

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the minister representing the Minister for Social Justice a question about requests for child abuse data.

Leave granted.

The Hon. A.L. EVANS: On 22 August 2002, I asked a question on child abuse. I sought to obtain statistical data on child abuse from Family and Youth Services on behalf of a constituent. The nature of the question was straightforward: I sought to clarify categories of statistical collection by Family and Youth Services in relation to child abuse.

I understand that my staff has had contact with the minister's office and assurances were made at various times that a response to the questions were on their way. This is the current state of play. Understanding that the department had written a draft response to the questions asked on 22 August 2002, my questions are:

1. Can the minister advise when I can expect to receive a formal response to the question on child abuse asked on 22 August 2002?

2. Can the minister provide a brief explanation, giving reasons for the unreasonable delay?

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

The Hon. A.J. REDFORD: As a supplementary question: will the minister undertake to deal with this issue as a matter of urgency, as with all questions we ask in this place?

The Hon. T.G. ROBERTS: I treat as important all questions that I am asked and all questions that are raised. When a member does not get a reply for some considerable time, if the question has been asked in this council. I would implore members to use my services to remind other ministers of their responsibilities.

The Hon. A.J. REDFORD: As a further supplementary question, has the minister carefully examined the contribution I made last Wednesday on the failure of this government to answer questions?

The Hon. T.G. ROBERTS: I read *Hansard* avidly when the honourable member makes his speeches, if I am absent

from the council; but I prefer to be here to see the spectacle as well as hear the content of the contributions.

The Hon. NICK XENOPHON: As a further supplementary question, what steps were taken by the minister's office, and when, to answer the questions of the Hon. Andrew Evans?

The Hon. T.G. ROBERTS: I will ask the minister to include an explanation, as the honourable member has asked himself, as to what happened that has caused such a delay in replying.

The Hon. A.J. REDFORD: As a further supplementary question: would the minister agree with the comment made in this place last week that the government's performance in answering questions from members of this place is lamentable?

The Hon. T.G. ROBERTS: Governments do have problems with some questions from time to time, but, overall, I think our record is quite good.

Members interjecting:

The PRESIDENT: Order!

The Hon. T.G. ROBERTS: I think that, for those members who were here when the previous government was in power, there were some ministers who were very good, there were some ministers who were good and there were some ministers who were very slow. Some ministers are weighed down with questions. The performance of each ministerial office is different. However, I think that our record is probably a huge improvement on the situation that existed previously.

The PRESIDENT: Order! I point out to honourable members that that last question was an expression of opinion and, as such, is out of order. The minister is too enthusiastic in providing information to the council when it is inappropriate.

GOVERNMENT CONSULTATION PROCESS

The Hon. D.W. RIDGWAY: My question is directed to the Attorney-General. As Leader of the Government in the upper house, Attorney-General and Minister for Agriculture, Food and Fisheries, can the minister please outline what is the appropriate and proper consultation process for the government to undertake when dealing with community stakeholders, whether they be individuals, small groups, large groups or corporate bodies?

The Hon. P. HOLLOWAY (Attorney-General): That is an extraordinarily large and rather vague question. Any consultation that is undertaken will, I guess, depend on the nature of the matters being discussed; and what is appropriate, obviously, will depend on the circumstances, what has happened before and how much negotiation has taken place. Obviously, there is a range of responses that governments might have—everything from issuing draft legislation (if that is appropriate) through to direct consultation with people. It really depends on the significance of the matters under discussion. I guess the short answer is that this government has refined its processes in relation to consultation. My colleague Rory McEwen (Minister for Industry, Trade and Regional Development) recently announced, I think, some details in relation to regional matters. Obviously, the amount of consultation necessary depends on the issue and on the stakeholders. If the honourable member wishes to give a particular example, perhaps I can enlighten him to a greater extent.

The Hon. D.W. RIDGWAY: I have a supplementary question. Was it, then, not appropriate to consult with respect to the river fishers, people affected by crown leases, the commercial boat levy, the Frickers from the Northern Tavern and in respect of the establishment of public parks?

The Hon. P. HOLLOWAY: Certainly, I can answer in relation to the river fishers—in fact, we had a debate at some length on this matter last week. I pointed out then that I met with the river fishers at a 2½ hour meeting with 30—

An honourable member interjecting:

The Hon. P. HOLLOWAY: No, it was not that at all. At that stage, the government had made a decision to phase out the fishery but, in relation to how that might have been implemented regarding ex gratia payments, certainly, at the time I met with them, that had not been finalised. Indeed, part of the process of meeting with them was to discuss how that calculation would take place. I can only repeat what I said last week: I am not sure that there were too many ministers opposite, when they were in government, who would have put themselves out for a 2½ hour public meeting, handled by lawyers, to discuss with 30 of their constituents whether they wished to make policy change. I do not apologise in relation to that at all.

The Hon. D.W. RIDGWAY: I have a further supplementary question. The minister mentioned that minister McEwen had refined the process. Can the Attorney-General please advise the council what the process was prior to minister McEwen's refining it?

The Hon. P. HOLLOWAY: The minister responsible for that matter at the time (my colleague the Hon. Terry Roberts) has answered that question, I believe, on a number of occasions in the past. I do not propose to answer questions for ministers in relation to matters for which I have no responsibility in the council.

MENTAL HEALTH

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Health, questions about the mental health crisis.

Leave granted.

The Hon. J.F. STEFANI: I refer to an article published in the *City Messenger* dated 9 July 2003. The article highlights the problem experienced by many boarding houses which are struggling to stay afloat under an ever-increasing number of mental illness cases. In the research conducted by the Messenger newspapers, it was revealed that police and hospitals are being overwhelmed by cases of mentally ill people. Crisis workers and public hospitals are experiencing a dramatic increase in cases of mental illness and illicit drug use. There is a shortage of beds in James Nash House for secure care, as well as a lack of psychiatric care in the prison system.

There is a long waiting list for young people to access mental health services. Mental health workers cannot cope with the workload and the increased incidence of carers suffering from depression. Therefore, a very sad state of affairs is facing many people in our community. With the anticipated downgrading of the Glenside Hospital and the

prospect of moving clients into suburban houses, my questions are:

1. Will the minister provide details of the funding which will be allocated by the Labor government to implement a five-year plan to manage the provision of mental health services as recommended by the South Australian Generational Health Review?

2. Will the minister provide details of where the Labor government will build and how it will fund supervised community-based housing?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will refer those important questions to the Minister for Health and bring back a reply. I add that the issue of the shortage of psychiatric services in prisons is being dealt with within the prison system, but I have raised the issue in this council on a number of occasions. I agree with the honourable member's assessment that it is becoming more vital that mental health problems be arrested and that treatment and services be allocated because of the growth of these problems within the community, and the honourable member has touched on many cases. Also, many cases are not diagnosed. For instance, many women suffering post-natal depression, as well as a range of other illnesses, do not receive any attention at all. Those illnesses are not categorised because, in the main, they are not reported. Therefore, they are neither diagnosed nor treated.

The honourable member raises a number of issues in his questions. There is a lot of sympathy in relation to the government's position in terms of dealing with the ever-burgeoning numbers of mental health cases that are emerging in the community. The honourable member touched on illicit drugs and alcohol (and, in the case of Aboriginal communities, petrol sniffing), substances which are leading to greater numbers of people with mental health service issues about which governments need to take cognisance.

These figures are increasing not only in South Australia but also right across Australia and, I suspect, throughout the western world. Mental health issues are becoming almost the number one health issue that needs to be dealt with now and in the future. The health review process has identified a number of areas with which governments will have to deal. I will refer those questions to the Minister for Health and bring back a reply.

FISHING LICENCES

The Hon. R.K. SNEATH: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about fishing licences.

Leave granted.

The Hon. R.K. SNEATH: A caller to the Matthew Abraham/David Bevan radio program named Judy claimed that she and her husband had purchased a commercial river fishing licence in 1997 and that that licence gave them a property right. How much might this caller have paid for a licence and how much compensation might have been offered?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I did actually hear the program and that caller last week. A number of licences were purchased around 1997 when licence transferability was introduced in that fishery by the previous government. The licence in question was purchased in September 1997 for $31 000. The value of that licence, adjusted for inflation (in other words, today's value) is approximately $36 600. As part of the most recent and final compensation offer, this particular licence holder was offered either $170 631 to exit the fishery completely or $160 531 should the operator of the licence choose to take up the option to remain in the non-native river fishery.

This was calculated at 1.5 times the gross income of the best year plus $25 800 for relocation, retraining and equipment. A licence is the purchase of access to an income stream. In other words, less than six years ago these fishers purchased the right to the income stream for $31 000. As the recent court case and the appeal to the full court has shown, the government is under no legal obligation to provide any compensation should it choose not to renew a licence, but the government did so because it believed that that was the right thing to do. I believe that the compensation offered, particularly in this case, has been fair both to the river fishers and to the taxpayers, and I would have thought that buying back the right less than six years later for over $170 000 when $31 000 was the original payment is very fair, to say the least.

The Hon. CAROLINE SCHAEFER: As a supplementary question, does the minister agree that the particular licence that he is discussing has been used as security for a mortgage and that the bank has agreed that it is worth a considerable amount more than the $36 000 he is discussing?

The Hon. P. HOLLOWAY: Whether the bank believed it was worth more than that or not is an interesting question; whether it thought that the income stream that was purchased for $31 000 a year ago has appreciated four or five times to $170 600.

The Hon. A.J. REDFORD: As a supplementary question, why will the minister not refer the issue of compensation to some independent body if he is so confident that he and his officers have come up with a fair package?

The Hon. P. HOLLOWAY: Different formulas apply in different states. An independent analyst made the assessment of the income in relation to the formula that was employed. I believe that the formula that we have applied in this state, as I explained last week, is every bit as fair as, if not fairer than, those employed in other states.

The Hon. R.K. SNEATH: As a further supplementary question, with the decision recently by Dr Kemp making Murray cod an endangered species, if the fishers were able to keep their licence now what would be the value of it?

The Hon. P. HOLLOWAY: That is a very interesting question. As the honourable member correctly reports, on 1 July Dr Kemp said that the Murray cod would be put on the list of threatened species and indicated that his permission would be required under the EPBC act of the commonwealth, as it is called, in relation to any activity that would have a significant impact on the fishery. So, if the minister were to exercise that power he has, which is entirely consistent with his press statement, even if those fishers did receive their gill nets, the major targeted species they were previously catching, which was the source of their income, is unlikely to be available under that decision.

The Hon. A.J. REDFORD: Does the minister agree that if the federal minister took the licences off these people the federal minister would be obliged to pay fair compensation?

The Hon. P. HOLLOWAY: That is an interesting legal question. Certainly under the commonwealth constitution the honourable member is quite correct in relation to property. The real issue would be whether the courts would decide

whether or not this was property; that is the key question. I am sure that in relation to Mr Kemp's decision on 1 July, the very day on which the state legislation came into force to remove these fishers, it would be interesting to see if there is a challenge to the High Court and, if it was subsequently overturned, what action the commonwealth would then take in relation to the commercial fishery. I hope for everyone's sake that it does not come to that and that this matter can be resolved with some sanity.

The Hon. A.J. REDFORD: Is the minister concerned that if the matter is referred to someone independent they may assess compensation on different criteria?

The Hon. P. HOLLOWAY: I think I have answered the question. This government has set a formula, determined by an independent financial analyst. A number of other governments in this country have set up various formulas for dealing with these matters and those formulas, although they have some differences from that which operates in this state, are certainly comparable with what applies here. In the circumstances such as we have in the river fishery, it is likely to be every bit as generous as, if not more generous than, those schemes.

EATING DISORDERS

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Minister for Aboriginal Affairs, representing the Minister for Health, a question about the treatment of eating disorders in South Australia.

Leave granted.

The Hon. SANDRA KANCK: On 28 April this year I asked a question about the accessibility of treatment for people with eating disorders. In reply, the minister stated that Women's Health Statewide provides counselling services. Since then I have been informed that, whilst Women's Health Statewide currently offers an important service for women on low incomes and suffering from eating disorders, the minister would be aware that findings of a lengthy review conducted into Women's Health Statewide suggests that this counselling service will not continue in its current form. As a result of the findings of the review, counselling is expected to be scaled back. I understand that staff are being urged to become project officers, limiting their counselling services to one or two sessions per week.

Secondly, the recommended aim of the agency is to become focused on child sexual abuse such that any counselling must be of women who have been sexually abused as children. Thus, if the findings of the review into Women's Health Statewide are implemented, there will be less counselling available to eating disorder sufferers, and treatment will be available only to those women suffering eating disorders who are on low incomes and were sexually abused as children. My questions are:

1. Will the minister confirm what changes are to be implemented as a result of the review into Women's Health Statewide?

2. Given that Women's Health Statewide is currently the only South Australian based agency offering a statewide service for sufferers of eating disorders, will there be a similar service available elsewhere to consumers should the focus of Women's Health Statewide change?

3. Will the minister outline the services available to male sufferers of eating disorders within South Australia?

4. Will the minister advise what steps will be taken to address increasing shortages in the availability of counselling to sufferers of eating disorders and their families?

5. Will the minister commit to allocating more beds in South Australian hospitals for the treatment of eating disorders?

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

PARLIAMENT HOUSE, IT SERVICES

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Administrative Services, a question about internet and email access in Parliament House, including IT services generally.

Leave granted.

The Hon. NICK XENOPHON: The previous government, under former minister Armitage in particular, trumpeted the importance of South Australia being an IT state with the internet and information technology industries representing significant growth and job opportunities for the state—a view that appeared to have bipartisan and cross-bench support.

Staff members from my office tell me that since last Friday there have been problems with internet and email access and that, as of a few minutes ago, my office and, I understand, other parliamentary offices still do not have internet and email access. It seems to be a case of members being subjected to freedom from information. I further understand that there were access problems over the weekend, so it has now been some 72 hours since there has been a glitch in the system, with members effectively being blacked out in terms of internet and email access, apart from intranet access. The limited information I have is that the problems may be due to the internet service provider, that there is a problem at that end. My questions are:

1. Will the minister investigate the breakdown in internet services to parliamentary offices in the last 72 hours and provide details of the cause of the problem and of steps taken to ensure that its recurrence can be avoided; and when does the minister expect that this problem will be sorted out?

2. Is the problem experienced at Parliament House offices a broader problem at other government offices and departments, and is it indicative of a systemic problem in terms of internet and email access for government offices?

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.

REGIONAL FACILITATION GROUPS

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Premier, a question about Regional Facilitation Groups.

Leave granted.

The Hon. J.S.L. DAWKINS: Last week I received an answer from the Premier to a question I asked in March this year about regional facilitation groups. As I mentioned in this place last Thursday, the six regional facilitation groups that have been established by the Commissioner for Public

Employment include representatives from most government departments and agencies. I have asked the Minister for Aboriginal Affairs and Reconciliation to ensure that representatives of DAARE are included on these groups. I have commended the government for implementing the regional facilitation groups following the successful regional coordination trial conducted by the former government in the Riverland. However, that trial included representatives of the relevant local government authorities and regional development board, mirroring the arrangements that were in place for the statewide Regional Development Issues Group. My question is: will the Premier take the necessary steps to ensure that the voices of local government and regional development are heard within each of the regional facilitation groups?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I think I did provide some information to the honourable member in an answer last week; I will refer the question to the Premier for the additional information he requires.

AQUACULTURE, ACTION AGENDA

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about South Australia's participation in the implementation of the Action Agenda for the Australian aquaculture industry.

Leave granted.

The Hon. CARMEL ZOLLO: The commonwealth recently announced that $2.5 million was available in 2003-04 to help implement the recently agreed Action Agenda for the Australian aquaculture industry. The Action Agenda contains 10 strategic initiatives, with a focus on streamlining state and commonwealth aquaculture and environmental regulations to reduce barriers to entry into the industry, and to promote increased investment in aquaculture throughout Australia. I understand other important initiatives contained in the Action Agenda encompass aspects that are very important to all Australians, and include growing the industry within an ecologically sustainable framework, protecting the industry and, therefore, the broader marine environment. I ask the minister: what is South Australia doing to capitalise on the initiatives being developed as part of the Action Agenda for the Australian aquaculture industry?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I am pleased to confirm that South Australia is well represented on Senator McDonald's Aquaculture Industry Action Agenda Implementation Committee, with the following people: Mr Ian Nightingale, PIRSA's Director of Aquaculture; an industry representative, Mr Bruce Zippel, an oyster farmer from Smoky Bay and Chair of the South Australian Aquaculture Council and the National Aquaculture Council; and Mr Brian Jeffriess, President of the Tuna Boat Owners Association.

I take this opportunity to congratulate the South Australian Aquaculture Council as it has taken the same framework and developed a comprehensive state aquaculture action plan, which is aligned to the commonwealth program outcomes. It is my understanding that a number of working groups are to be established that will have particular interest and benefit to both the government and industry. The working groups will cover a wide range of initiatives including, amongst other things: assessing environmental regulatory arrangements for aquaculture production; developing national standards for environmental monitoring and ecologically sustainable development codes of practice; and also protecting the aquaculture industry from aquatic diseases and pests.

One of the initiatives has identified the importance of involving indigenous Australians in the aquaculture industry and contributing to the industry's growth. South Australia has already been proactive in this regard with an aquaculture lease to be developed by local indigenous communities. South Australia is recognised as leading the ecologically sustainable management of aquaculture in Australia, and a number of the initiatives proposed under the Australian aquaculture industry agenda will complement the operation of the Aquaculture Act 2001.

The Aquaculture Act is the first legislation in Australia to comprehensively address the ecologically sustainable development of aquaculture through an integrated approach to licensing, leasing and policy development, and I compliment the previous government on its work in developing that legislation. Broadly, ecologically sustainable development relates to the equitable sharing of the benefits associated with economic development and responsibility of current generations to ensure that a healthy, diverse and productive environment is available for future generations. Development is an important, though frequently overlooked, component of this concept, since the environment includes humans, and aquaculture is bettering their environment by providing full-time employment and wealth to ensure economically and socially vibrant regional communities.

My recent announcement of the Innovative Solutions for Aquaculture Planning and Management Program is consistent with the commonwealth's direction and, as a result, the implementation of commonwealth initiatives will provide further benefits to South Australia's aquaculture industry. PIRSA's role in managing South Australia's aquaculture industry is especially critical in light of the rapid growth experienced over the past few years. This has been achieved through the attraction and retention of a team of highly skilled staff within the aquaculture group of Primary Industries and Resources South Australia, with a focus on the development and implementation of best practice management for the aquaculture industry.

PARLIAMENT HOUSE, IT SERVICES

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I have been given some information, which will probably interest all members, in relation to the question asked by the Hon. Mr Xenophon about the internet service breakdown that has occurred over the past 74 hours.

The Hon. R.I. Lucas interjecting:

The Hon. T.G. ROBERTS: It has nothing to do with the government, I am pleased to say, but it does impact on the service provider here. The WorldCom service provider is being contacted on a half hourly basis by the Parliamentary Network Support Group to try to get reasons for the breakdown and to get the problem fixed.

Members interjecting:

The Hon. T.G. ROBERTS: I am not sure how the contract runs, but that sounds a little bit too harsh for what has happened. If it is a simple problem or if, as the honourable member indicated, it is going to be a long-term—

Members interjecting:

The Hon. T.G. ROBERTS: I ask members to be patient. If it is a long-term problem that the government needs to deal

with, I am sure that will be indicated in the reply to the Hon. Nick Xenophon, which we will make available to everyone.

REPLIES TO QUESTIONS

FILM CENSORSHIP

In reply to **Hon. DIANA LAIDLAW** (2 April).

The Hon. T.G. ROBERTS: The Attorney-General has provided the following information:

1. Was the Premier and Minister for the Arts consulted prior to the Attorney-General's decision in January this year to refuse to give the film Irreversible an exemption from classification and, if not, why not?

The answer is that the Attorney-General did not, in January or at any other time, refuse to give the film Irreversible an exemption from classification. An application was received for the classification of a number of films for this festival. Most of them appeared to the officer processing the request to be clearly appropriate for exemption, but, based on the synopsis, the officer thought that Irreversible might not meet the exemption criteria. The officer therefore did not include Irreversible in the list of films recommended for the granting of an exemption, but unfortunately the officer omitted to draw it separately to the Attorney-General's attention for consideration. Therefore, the Attorney General was not asked to make a decision on the film until 1 April, 2003.

2. When did he first learn that the Attorney-General had refused the exemption?

The Attorney-General never refused the exemption.

3. At any time since learning of the Attorney-General's decision in January did the Premier or anyone on his behalf seek to influence the Attorney-General to reconsider and reverse his January decision?

There was no such decision.

4. Does the Premier consider that the current arrangements, both legislative and administrative, as exercised by the Attorney-General are satisfactory, or should they be amended to ensure this government no longer sends mixed messages around the world regarding film culture in this way?

It may help Members if I explain the exemption system. Our *Classification (Publications Films and Computer Games) Act 1995*, like the corresponding laws of the other States and Territories, requires that a film must normally be classified by the national Classification Board before it can be publicly exhibited. The classification process, which proceeds in accordance with the national Classification Code and the guidelines, assigns the film to a category and may attach consumer advice. The film's classification determines any legal restrictions on its exhibition. The purpose of this process is to help consumers to judge whether to see, or allow their children to see, a particular film.

There is, however, provision in the Act for the Attorney-General to grant an exemption from this general rule, either for a particular film or for a particular organisation. In practice, this exemption is most often used to permit film festivals to show unclassified films to an adult audience for a short time, sometimes a single screening. The chief reason for it is that the festival might not be able to afford to classify all its films, and it is possible to minimise the risk of harm from exhibition of unclassified films by imposing conditions. I trust that the honourable Member can see the desirability of allowing festivals to seek such exemptions. Without them, film festivals might not be possible.

The question then is who should grant the exemption? When the *Classification (Publications Films and Computer Games) Act 1995* was originally enacted, s. 76 provided that exemptions could be granted either by the Minister or by the National Director. This is also true of the corresponding laws in other jurisdictions. In most of them, it has been the practice to leave the making of exemption decisions to the National Director. In South Australia, however, it was the practice of the former Government invariably to make these decisions itself. Then, in 2001, it amended the Act to remove the power of the National Director to grant such exemptions, in the context of the Hughes decision by the High Court. As a matter of law, therefore, exemptions in South Australia can be granted only by the Minister to whom the Act is committed, in this case, the Attorney-General.

The Hon. Diana Laidlaw was a Cabinet Minister throughout the eight-year term of the previous Government and neither sought to change the rules nor dissent from the Liberal Attorney-General's using the rules to ban a film.

It was the practice of the former government, and has been the practice of the present government, to decide exemption applications based on a synopsis of the film submitted by the applicant (though of course nothing prevents the Minister from considering other information). If an exemption is granted, conditions will usually be set that the film is exhibited to adults only and on no more than three occasions, although these conditions may be varied where appropriate.

In the case of *Irreversible*, there has been no application for classification and it is therefore a matter of judgment how one thinks it might be classified. The Attorney-General has been guided in this case by exemptions having been granted for the exhibition of the film at festivals in New South Wales, Victoria and Queensland, and the film having been released with the equivalent of an R-rating in the United Kingdom.

From time to time, there will be occasions when the Attorney-General does refuse to exempt a film from classification. The Government makes no apology for this. It is a feature of the co-operative Commonwealth-State classification scheme that films can be banned. This is the effect of assigning a film to the category RC (refused classification). If the Attorney-General were to form the view that a particular film was likely to be classified RC, then he would not exempt it, even for the limited purpose of a film festival.

Some people hold that there should be no authority to ban films. The Hon. Diana Laidlaw, on the eve of her departure from Parliament, affects to be one of those. These people have grown up and formed their views, usually, in an environment sheltered from the most offensive material by a censorship or classification system. They are unaware of the sort of material that would, but for these systems, be in circulation. If, on the other hand, one accepts that some material should be banned, the question becomes where to draw the line. A judgment is called for. It is for this reason that Commonwealth and State Ministers regularly review the classification guidelines, taking into account public comment. Reviews are advertised in the press. Ministers consider submissions received and also take expert advice. The intention is that the guidelines should reflect the standards held by the Australian public from time to time. If they do not do so, the public should make this known in the review process, and the guidelines can be changed.

The exemption process has usually worked well in permitting film festivals to show a diverse range of films to an adult audience without having to pay for classification. The Premier sees no need to change it. The vast majority of exemption applications, and I am speaking of dozens if not hundreds of films each year, are granted promptly and with a minimum of red tape. Perhaps there are administrative changes that could improve the process. For example, perhaps the informal letters of application that have hitherto been accepted should be supplemented with statutory declarations. Perhaps critical reviews, as well as a synopsis of the film, should be provided where these exist. The Attorney-General will be giving thought to any possible improvements to the system, but the government believes that it already works well.

MIDWIVES

In reply to **Hon. SANDRA KANCK** (2 June).

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

1. The Department of Human Services (DHS) undertakes a bi-annual audit of nursing and midwifery vacancy rates across its health units. The last audit was undertaken in January 2003, when the midwife vacancy rates were 45 full time equivalents (FTEs) within the metropolitan area and 16 FTEs within the regional country areas.

Thirty-three of the 45 FTE vacancies within the metropolitan area in January 2003 were at the Women's and Children's Hospital (WCH). Vacancies within the regional country areas were across nine health unit sites, with the highest number of vacancies being three FTEs at the Whyalla Hospital.

Both the University of South Australia (UniSA) and the Flinders University of South Australia (FUSA) commenced direct entry midwifery undergraduate (pre-registration) programs in 2001, to begin addressing midwifery workforce issues. The first cohort of these students will be due to graduate at the end of 2003.

A total of 90 students enrolled for midwifery undergraduate (pre-registration) programs in 2003. The postgraduate midwifery programs continue at both FUSA and UniSA.

In relation to the number of midwives the State requires in order to meet demand, the Australian Health Ministers Advisory Council (AHMAC) commissioned the Australian Health Workforce Advisory Committee (AHWAC) to conduct a national review of the midwifery workforce.

AHMAC accepted the Midwifery Workforce in Australia 2002-2012 Report earlier this year and will be referring it to the Nursing and Nursing Education Taskforce, which will shortly be commissioned to address recommendations from the 'Our Duty of Care' Report, the review of national nursing education released by the Commonwealth in September 2002.

2. Health care practices are constantly evolving, as are the practices of midwives. It is reasonable for any nurse or midwife who has not practiced in their field of expertise for a period of time to consider undertaking such programs if they believe their competency or knowledge requires refreshing or up-skilling.

It is the responsibility of all nurses and midwives when they renew their practicing certificate annually to self declare that they are competent to practice. If they believe they are not, it is the nurses or midwives responsibility to then seek the additional education required to ensure their competency.

The overall vacancy rates of registered and enrolled nurses as of January 2003 were 418 FTEs, excluding the midwife vacancies. Of this number, 316 FTE vacancies were within the metropolitan area and 102 FTE vacancies were in the regional areas. Given that the greatest vacancies exist for registered and enrolled nurses, not ignoring the vacancy rates of midwives, DHS believes that funding priority needs to be directed to the provision of refresher and re-entry programs for generalist registered and enrolled nurses in the first instance.

Nevertheless, in recognition that some midwives may wish to undertake refresher programs in midwifery practice, DHS, through the Nurse Teaching Grant 2002-03, provided funding for a midwifery refresher course to be conducted at the WCH. The program commenced on 23 May 2003, with seven enrolments. It is a collaborative program of the WCH, the Flinders Medical Centre (FMC), Lyell McEwin Health Service and The Queen Elizabeth Hospital.

Initial discussions have also commenced between DHS and FMC for a midwifery refresher program to be run under the same funding arrangements as the nursing refresher and re-entry programs currently being conducted. Such programs are free of fee charges and provide a grant scholarship of up to $5 000, depending on the program being undertaken by the student.

DHS has also just completed a midwifery up-skilling program that was designed specifically for midwives in rural and remote areas. A total of 165 midwives participated in these programs.

3. The current nursing refresher programs have not been designed to up-skill or refresh midwives. They have not been advertised as such. Provision for specific programs designed to address the practice issues of midwives have commenced at the WCH, with another program planned for the near future.

SEXUAL ASSAULT COUNSELLING

In reply to **Hon. SANDRA KANCK** (26 May).

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

1. Sexual assault is a significant public health issue. Recent figures show that there was an increase of 27 per cent in the number of clients referred to Yarrow Place in the period 1998-2002, or 7 per cent per annum. The Australian Institute of Criminology reported in May 2003 that sexual assault costs the nation $230 million per year, and $2 500 per incident (Australian Institute of Criminology Crime Facts Info, No 50, 27 May 2003). There is a current estimate of more than 90 000 incidents of sexual assault in Australia per annum. The Department of Human Services (DHS) has provided an additional $228 000 to Yarrow Place since 1998, a 24 per cent increase in funding.

2. Allocation of funding to sexual assault services is difficult to compare. Each state runs a very different system of care. In South Australia we have approached the issue by providing a mix of dedicated services and access to specialist women's health services within local communities. Yarrow Place works in partnership with women's health services in the south, west and northern regions of Adelaide and with women's health services in regional centres. DHS also provides extensive funding to non government agencies to provide counselling services through the Family and Community Development Program. Many of these services provide counselling to survivors of sexual abuse.

3. A review was undertaken in December, 1991 into rape and sexual assault services. At that time it was decided to amalgamate the sexual assault services of the Queen Elizabeth Hospital and the Adelaide Rape Crisis Service. The network of services providing domestic violence and sexual assault services has grown considerably since that time. The government is committed to seeing a more coordinated approach to this difficult problem.

4. There is a strong network of women's health workers in regional centres. Women's Health Statewide and Yarrow Place jointly target and train workers to provide regional sexual assault services. Yarrow Place covers the costs associated with transporting sexual assault victims to Adelaide to enable access to specialist services. While this is not ideal, country agencies receive good backup and support from Yarrow Place, and Yarrow Place is available to speak directly to women via telephone counselling.

5. The government is working to assure victims of sexual assault that more timely sexual assault services in times of crisis are available. It is now able to achieve a better coordinated referral response since Women's Health Statewide has provided the lead role for child sexual assault, and it continues to work collaboratively with Yarrow Place. Adult sexual assault services are working with other key service providers in South Australia to provide a more coordinated referral response.

MENTAL IMPAIRMENT DIVERSION PROGRAM

In reply to **Hon. R.D. LAWSON** (12 May).

The Hon. T.G. ROBERTS: The Attorney-General has provided the following information:

- The Magistrates Court Diversion Program has been operating in the Magistrates Court since 1999. It has undergone a three-year evaluation, which is near completion. The assessment to date confirms that the program is meeting its aims of improving access to treatment and a reduction in contact with the criminal justice system for those with a mental impairment. Preliminary results show a reduction in the level, frequency and seriousness of offending for those who successfully complete the program.
- The original establishment for the pilot program in the Adelaide Magistrates Court was for three Full-Time Equivalents (FTE) with a budget of $160 000 in 1999-2000 with an increase in 2000-2001 to $228 000.
- The additional funding provided to the program in 2001 increased the number of staff to seven FTE. Total funding of $515 000 per annum enabled the expansion of the program into the four suburban Magistrates Courts and two courts in the regional centres of Port Augusta and Whyalla. This expansion has enabled the Government to identify the demand for the program.
- There has been an increase in defendants being referred to the program by lawyers, Police Prosecutors and Magistrates, producing a group of defendants waiting to obtain access to the program.
- In the 2003-4 budget, the Government announced additional funding of $1.4M over four years, which will deal with the current backlog and provide further services to regional South Australia.

CHILDREN AT RISK

In reply to **Hon. KATE REYNOLDS** (12 May).

The Hon. T.G. ROBERTS: The Minister for Social Justice has advised that:

1. I wish to reassure the Parliament that I have called for a report in relation to the 11 year old girl who is currently on remand in the Magill Detention Centre to ensure the Government is doing everything it can to provide appropriate care for this child. While I cannot talk of the specifics of the case in keeping with confidentiality provisions, I am able to respond to the question more generally. From time to time some children and young people exhibit behaviours that are sometimes dangerous to themselves and to others because of mental health issues, intellectual impairment or severe emotional or behavioural issues. Sometimes these behaviours result in the Police being called and as a result the child may have to appear before the Youth Court.

Many of these children have life stories that are tragic and finding immediately safe and appropriate therapeutic environments for their care is difficult and sometimes, regrettably, not possible. Whilst the

decision to remand a child in secure care is one taken by the courts it is my understanding that this is only taken as a last resort, when no other immediate suitable options can be found. Sometimes the behaviour of children is so challenging and detrimental to themselves and others, that a secure placement is the best option available and in this particular situation, whilst a juvenile justice facility is not ideal, it has provided a secure place and assisted in settling the child.

2 & 3. The Government intends to do everything it can to enhance the treatment and protect the interests of this most vulnerable group. The upcoming tendering of alternative care provision will include a call for providers who can offer a more diverse range of care options for children and young people with high and complex needs. Currently, alternative care is made up of mainly home-based foster care, which for many children is highly agreeable and meets their needs. However, some children with significant and complex needs require a more specialised and diverse range of care and service options. The Government is addressing this need and will ensure that where possible the best type of care arrangement is available for children who need to live away from home.

The Department of Human Services provides a process which enables a package of care to be provided for children with high and complex needs who cannot be suitably placed within traditional based foster care arrangements. The child in question is currently being referred through this process and a package of care will be available which can be used to secure a safe and stable placement which is suitable to her particular behavioural and intellectual needs.

A number of the recommendations from the Child Protection Review specifically address the circumstances of children who have high or complex needs and children who may be living in out-of-home care. Chapter 14 of the Review report specifically addresses children and young people with disabilities.

The review identified a need for an overall strategy to promote coordination and collaboration across all sectors of Government, including the non-government agencies, which are critical in supporting families and children at risk. The review recommends establishing a central and regional body focused on child protection which would not only develop protocols and guidelines within and across Government, but would identify particular child protection issues at the local level and put in place an interagency case management process to deal with serious cases.

Family and Youth Services client group often requires the services and support of many Government and non-government agencies. A coordinated and consistent approach is required for particularly complex cases, as in the case of this child. Whilst there is generally considerable good will and willingness to work together, we have seen over the past 10 years or so a shift towards agencies becoming narrowed or 'siloed' in the way in which they deal with problems and in particular how they deal with increases in demand. This has tended to result in a shifting of responsibility between agencies because of their respective financial constraints. As a result some children are not receiving the intensive level of support and services appropriate to their needs, even though many agencies may have some involvement.

The Government is intent on breaking down these silos so that children and young people do not fall though the gaps. We are looking closely at the structural and legislative reforms Ms Robyn Layton QC has proposed. We want to establish a system that moves beyond an incident based reactive approach to an approach based on intervening early with more strategic and targeted supports and services.

4. In relation to standards and guidelines for agencies involved in the provision of services to young people with an intellectual disability, there are National Disability Standards that all agencies in receipt of Home and Community Care and Commonwealth State and Territory Disability Agreement funding are required to meet. In relation to the specific development of quality service standards in SA, a detailed service excellence framework has been developed and is currently being rolled out throughout DHS funded agencies in the disability sector. Compliance with the service excellence framework will be externally audited.

In addition, as part of funding and service agreements, providers are required to build into policies and guidelines a key set of policies and principles. These principles are used to guide the provision of service and include such things as the right of a person with a disability:

- to be treated with respect and dignity
- to make choices
- to be able to access a range of services
- to be involved in decision making.

These principles are underpinned by legislation including the *Commonwealth Disability Discrimination Act 1992* and the *South Australian Disability Services Act 1993*.

CROWN PROSECUTORS

In reply to **Hon. R.D. LAWSON** (27 March).

The Hon. T.G. ROBERTS: The Attorney-General has received this advice from the Director of Public Prosecutions:

An additional 3 legal staff have been recruited to the Office since 1 July, 2000. The approximate cost of these additional staff is $210 000. The DPP budget was increased by $275 000 for the 2002-03 financial year. This means the DPP received a budget increase in real terms. I note in the question asked of the Hon. R.D. Lawson that he states "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". If the Hon. R.D. Lawson is referring to the comments made by the Attorney-General on 17 October, 2002 (see Hansard) I stated "Our priorities are police numbers and the timely prosecution of home invasion offences." I did not state that all $800 000 saved from crime prevention programs would be used to employ additional staff in the Office of the Director of Public Prosecutions.

Two hundred and nine prosecutions were commenced in South Australia for offences that might be classed as home invasion for the period 25 December, 1999 to 30 June, 2000. A total of 563 prosecutions were commenced for the period 1 July, 2000 to 30 June, 2001, a total of 603 prosecutions for the period 1 July, 2001 to 30 June, 2002 and 465 prosecutions were commenced for the period from 1 July, 2002 to 23 April, 2003.

In reply to the Hon. A. J. Redford's supplementary question, 22 legal staff have left the Office since December, 1999 and have been replaced. A number have left to work interstate or overseas, move to the private bar, others completed their contracts and still others left due to family responsibilities, one staff member retired and another died.

POWER SUBSIDIES

In reply to **Hon. A.L. EVANS** (17 February).

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

I assure you the Government is conscious of the hardships experienced by many South Australians on pensions and the impact that any increase in electricity prices has on their disposable income.

For this reason the Government has been in constant discussions with AGL and other electricity companies, including Origin and TXU, regarding the needs of low income consumers. We constantly impress upon them the need to consider the difficulties that are experienced by consumers, like pensioners, who are on a fixed income and have the least flexibility when it comes to electricity consumption. The Retail Code, as issued by the Essential Services Commission, requires all licensed retailers to ensure flexible payment options are available and that any customers experiencing payment difficulties are made aware of any Government assistance available, including the $70 per annum energy concession and the emergency energy payment scheme.

The Government provides a domiciliary oxygen concession for up to 50 per cent of the electricity used by eligible equipment.

Whilst it is appreciated that pensioners often have little flexibility regarding their electricity consumption, particularly where it is required to help maintain their health, EnergySA does provide an energy advisory service to assist consumers in their use of electrical appliances, for example, with the aim of using electricity more efficiently.

Energy SA's new Energy Friends program provides for community-based home energy audits to assist householders in participating communities to minimise their energy use.

More generally, this Government is pursuing various avenues in order to address electricity prices in the longer term by ensuring adequate supply and therefore minimising huge price spikes at times of high demand. These have included:

- Working with energy companies to ensure the SEAGas/TXU partnership to bring a new pipeline from Victoria. This will increase competition in both the gas and electricity markets. This pipeline should be on line by the end of 2003;
- Joining in legal action supporting the early development of the South Australia to New South Wales interconnector; and

· Providing the final approvals for the Starfish Hill wind farm, the construction of which has commenced and is expected to be completed in the middle of this year.

The Minister for Energy has also been involved in various forums with other jurisdictions, designed to improve the workings of the National Electricity Market for the benefit of end use consumers.

APPROPRIATION BILL 2003

Adjourned debate on second reading.

(Continued from 10 July. Page 2788.)

The Hon. J.S.L. DAWKINS: In supporting this bill, I recognise its importance in providing finance to the various programs that are incorporated in the 2003-04 budget. As someone who has a strong commitment to the provision of services and coordination of government assistance to the various regions of this state, I intend to take this opportunity to focus on elements of the budget that relate to regional development and regional affairs. I echo a recent statement by the Leader of the Opposition (Hon. Rob Kerin) in the estimates process of another place:

> One thing that is still not understood by the average South Australian is just how important the regions are to everything that happens in the state.

Initially, I refer to the Office of Spencer Gulf, Flinders and Outback and the Office of the Murray, which have been established at Port Augusta and Murray Bridge respectively. Originally, these offices were flagged last year by the then minister for regional affairs as regional ministerial offices, although there was also confusion within government as to whether this was the case or whether they were actually regional offices of the Office of Regional Affairs. Although either option would seem to have been reasonable, these offices have actually been established under the budget line of the Office for Sustainable Social, Environmental and Economic Development within the Transport and Urban Planning portfolio. I would be interested to learn the boundaries of the respective regions for which these offices are responsible.

Having been surprised that the regional ministerial offices do not come under the control and budget of the Minister for Industry, Trade and Regional Development, I was alarmed to find no particular reference to the Office of Regional Affairs (ORA). There is no mention of the Office of Regional Affairs under the Department of Business, Manufacturing and Trade, program 5: Regional Development, despite the fact that the government made much of its move in last year's budget to establish ORA from an amalgamation of the former office of regional development and sections of the former department of industry and trade (now part of BMT). It is difficult to establish what portion of the $8.304 million listed under program 5 is designated for ORA and what level of staffing it has. This contrasts sharply with the former ORD, which reported directly to the Hon. Rob Kerin as deputy premier and, subsequently, premier.

To highlight the current situation, I quote the Hon. Rory McEwen, Minister for Trade and Regional Development, when he was making some observations at the commencement of the consideration of the subdivision of the budget relating to Regional Development (which was Estimates Committee B on 23 June). He said:

> When you look at our budget some of it might look like it has disappeared, but it will reappear somewhere else—it will actually be in the Office of Economic Development. For example, I think you will find that 41 FTEs will actually appear under OED. The point is that you now have to actually look at the OED and mirror that to BMT when you try to get a collective view of what the government is doing.

This section of Budget Paper 4 also refers to regional development boards. Indeed, the BMT targets for 2003-04 refer to the facilitation of new investment in regional South Australia through the RDB network. Another target is to support the RDBs to identify strategic infrastructure priorities to expand industry production and capability through the Regional Development Infrastructure Fund (RDIF). It is unclear whether the regional infrastructure audit initiated, through the working group of the former regional development council and the former regional development issues group, by the previous government has been taken into account.

In relation to community speculation that some regional development boards may have been targeted for an amalgamation, I acknowledge the comments made by minister McEwen in this regard during his Estimates Committee B observations, which I referred to earlier. I would like to quote some further extracts from this contribution. He said:

> I could just run through a few other things to assist. Of the regional development boards, 14 of them have gone through the review process and have their new contracts in place. There is a little bit of fine-tuning. One thing we did not do was re-fund the North Adelaide Regional Development Board in its present form. We have pulled together now a number of agencies there. To my mind, it is within the urban growth boundary anyway and did not sit as the other regional development boards did with a quite clear geographical focus for regional South Australia.

Before continuing with the quotes from minister McEwen, I interpose that I presume that the agencies referred to include the Office of the North (which comes under the Transport and Urban Planning portfolio), and particularly the Office for Sustainable Social, Environmental and Economic Development and the Northern Adelaide Business Enterprise Centre (which is part of BMT). I would also emphasise that, while this area is within metropolitan Adelaide, the Virginia horticultural district needs to be given similar treatment to other regions with comparable primary production and export credentials. I return to the minister's observations. He said:

> The only other thing we have done is ask Kangaroo Island to have another look at some of its governance arrangements, as much as we will continue to support it, and it is important that we support a regional development board on Kangaroo Island. What we tend to find there is the same people who appear a number of times doing different jobs when they could collectively focus not only on local government but regional development, natural resource management and tourism in a more coordinated way. We do expect a lot of the leadership team on Kangaroo Island and I have just asked them whether they would like to explore other arrangements, to use their time better—no more or less than that. I certainly discussed that with the deputy leader, with Ian Gilfillan and with other people who know the island well.

I return to my earlier reference to the Regional Development Infrastructure Fund. Given that Budget Paper 4, page 2.25 (under BMT) lists the RDIF as having leveraged $88 million in total project investments since it was initiated by the previous government, it is interesting to ponder why the fund is being refocussed or, as is described in Budget Paper 4, on page 2.33, 'it is being reduced to $2.5 million'.

The BMT performance indicators listed in Budget Paper 4, on page 2.25, show the number of participants in community development leadership programs being maintained at 140. I am interested to know whether this level of participation includes only the Community Builders Program or whether other programs are included. I am also interested to know what period the government has gained continued funding support for Community Builders from the federal Department of Family and Community Services and whether the government has had discussions with the Local Government Association about possible future funding for Community Builders from the LGA's Research and Development Fund. Some members might recall that this was the case for the first three phases of the Community Builders Program.

I commend the government for continuing to fund Community Builders, which has had excellent results in building community leadership potential in a range of small to medium sized localities across the state. It is to be hoped that more regional centres and, indeed, councils which are members of the Provincial Cities Association are encouraged to participate in the Community Builders Program. I am sure that similar benefits would result in those more populous communities, which are just as much in need of expanding and developing their pool of potential leaders as their smaller counterparts.

I also commend the government for the establishment of six regional facilitation groups across the state, following on from the successful regional coordination trial conducted by the previous government in the Riverland. These groups have been established with representation from most state government departments and agencies. I have recently asked the Minister for Aboriginal Affairs and Reconciliation to ensure that representatives from his department are added to these groups.

It is also desirable, in my view, that representatives of the relevant local government authorities and regional development boards should sit on these facilitation groups, as was the case with the earlier Riverland regional coordination trial. In addition, it is worth noting that the Riverland trial held monthly meetings, rather than the quarterly meetings which have apparently been scheduled for the facilitation groups.

In conclusion, I also look forward to hearing more of the work of the Regional Communities Consultative Council, which started meeting earlier this year, as the current government's replacement for the former regional development council. I appreciate the opportunity that this debate has afforded me to note the funds appropriated in the budget to regional development and coordination programs. I support the second reading of the bill.

The Hon. R.I. LUCAS (Leader of the Opposition): I rise to address the second reading of the Appropriation Bill. I would like to commence with some comments on what the opposition has termed the anti-jobs perspective, or impact, of the 2003-04 budget. When one looks at the small table hidden at the back of Budget Paper 3, which looks at Treasury's estimates of the impact of this budget and this government's policies on the state's economy, one can see three important figures. There is the gross state product figure (which is the Treasury estimate of the growth in the state's economy); there is a secondary measure of the growth of the state's economy, as measured by SFD (state final demand); and the critical one is the employment growth projection of Treasury for the coming year and for future years. Before commenting on the outlook of those indicators, in broad terms, it is worthwhile comparing what the former government left the incoming government in relation to employment growth and the growth of the state's economy.

When one looks at the performance of the state's economy, as measured by employment growth and growth in the GSP (gross state product) over the past two financial years—2001-02 and 2002-03—one sees a state economy that was growing over those two years at roughly the same level as the national economy. So, if one looks at GDP (gross domestic product) growth in the national economy and gross state product growth in the state economy, one will see that, over the past two years, South Australia's economy has grown at roughly the same rate as the national economy. Similarly, over those two years, in aggregate, the employment growth in South Australia has been at roughly the same level as national employment growth.

In looking at those two years, I think it is probably fair to say that everyone—other than maybe Premier Rann and Treasurer Foley—would acknowledge that, in terms of measuring the economy's GSP growth and employment growth, there are significant lags in the actions that state governments, in particular, can institute that could impact on an indicator such as GSP growth and employment growth—that is, there is a significant time lag effect. Therefore, the policies that have been implemented over an eight-year period (in particular, towards the end of that eight years) will have been the key policy drivers that have impacted on the GSP growth for 2001-02 and for 2002-03, as well as being the employment growth.

I think it is fair to say that this new government has done precious little in its first 12 months that (to anyone other than Premier Rann and Treasurer Foley) it could argue would have an immediate impact on the state's economy. On various occasions the government has talked about the decisions in relation to Mitsubishi, but they were substantially set in place by the former government and they are, by and large, anyway, protecting existing employment, at least in the short term. Any growth will be over the future; it certainly has not occurred in the past two years. Other claims—such as a second gas pipeline from Victoria and a deepening of the harbour at Port Adelaide—are, again, policies set in place by the former government and, even if the new government wants to seek to claim some credit for those decisions, they are not decisions that would have set in place major changes.

The policy, for example, in relation to a rationalisation of naval ship building in Australia, again, is a policy set in place by the former government (and, we acknowledge, being supported by the new government). That is a policy that, if it is to be successful, will have future benefits. Certainly, we have not seen any benefit from that in the past two years. What we have seen in the past two years has been significantly the lag effect of the policies put in place by the former government.

As I said, in terms of employment growth and the growth of the state's economy, we have seen a state economy growing at the same level as the national economy. We have seen our state's unemployment rate almost halve since the peaks of the state's unemployment rate back in 1993, when the then minister for unemployment was Premier Mike Rann. We saw a peak in the state's unemployment rate in 1993 of about 12 per cent. We have seen unemployment rates drop to almost half (as I said, about 6 per cent—just above and just below) at various stages over the past 12 months. More importantly, we have seen a state unemployment rate that is now about the same level as the national unemployment rate.

Certainly, at some stages over the past 12 months, it was lower than the national unemployment rate at the same time. Some two to three years ago (and I do not have a specific date at hand at the moment), former premier Olsen outlined what was a quite specific and difficult target. He said that one of our economic goals ought to be to reduce the state's unemployment rate to the level of the national unemployment rate. I think that at that time our state's unemployment rate was a full 1 to 1.5 percentage points higher than the national unemployment rate at the time that that economic objective was given to the former government and its ministers. So, over a period of two or three years or so, after being 1 per cent to 1.5 per cent above the national unemployment rate, we have arrived at a situation where the state's unemployment rate is about the level of the national unemployment rate and, as I said, on some occasions it has been less.

When one looks at that table at the back of Budget Paper 3, one will see what Treasury is predicting for 2003-04 (that is, next year) for South Australia's employment growth. Treasury is predicting, under this government's policies, a 1 per cent employment growth, compared to Australia's 1.75 per cent; just over one half of the employment growth level of the national economy. When one looks at the economic growth projections, one will see that Treasury is projecting a 2½ per cent economic growth rate for 2003-04, which is significantly less than Australia's growth prediction of 3.25 per cent. As I said, there is a lag effect. Come 2003-04, this government will have been operating the economic levers for 15 months or so, and the lag impact of its actions—or inactions—will be apparent as we look at the economy's performance over the coming 12 months and, obviously, two years after that.

Sadly, what we are seeing is a state Labor government (which made many claims about being pro jobs and pro growth), in its first major budget statement, where the impact of its economic decisions can be seen, which is predicting an employment growth rate of just over half the national employment growth rate and a state economic growth rate significantly less than the national economic growth rate. They are significant turnarounds from what we have seen over the last two years or so. When one looks at the policies inherent in this particular document and other decisions that this government has taken, and one looks at its broken promises in relation to increases in taxes and charges contrary to specific commitments given prior to the election, one sees that clearly those policies impact on the available spending for families, and working-class families in particular, as more and more of their money has to go on more and more taxes and charges, such as the new Rann water tax, which we will be debating, I assume, in the next week, and increases in taxes and charges that have been implemented by the government.

We have seen in this budget a strange decision for a Labor government to increase the training costs by some 50 per cent for apprentices and trainees. Those apprentices and trainees who pay for their own training costs will have to find an extra 50 per cent increase to meet the costs of that training. Of course, under the awards that apply to some of those industries, in some cases the increase in training costs have to be met by the small and medium sized businesses that employ those apprentices and trainees.

Premier Rann and Treasurer Foley are living in cloud cuckoo land if they believe that there is a view in small and medium sized businesses that they are not already being penalised for having to employ more and more young South Australians. To be fair, for some time there has been criticism of all governments with respect to financial costs and other regulatory imposts on small and medium sized businesses in terms of employment particularly of young South Australians. But here we have a new government increasing the training costs by some 50 per cent for apprentices and trainees—a government that has cut significantly employment programs and, as I said, increased business costs significantly, as well as the costs to consumers that impact on their household budget.

I do not intend to go through all the individual impacts of the budget papers on employment, other than to say that Treasury has said it better than any opposition could ever say it: that when one looks at the totality of what this government is going to do to the state's economy and also to the state's employment growth, one sees that it is being put significantly in reverse. The handbrake has well and truly been applied by this new government, and we will, in the view of the Liberal Party and many other commentators, see over this coming year and three years prior to the 2006 election a significant under-performance by South Australia's economy in terms of the state's employment and economic growth when compared to the last couple of years in particular and also, sadly, when compared to the performance of some of the other growing states and, indeed, the growth in the national economy.

One will see in some of the budget papers claims being made in relation to the emphasis that the new government is giving to economic development. On another occasion I will address some comments in greater detail on what is, in my view, increasingly a mess in terms of the state's economic development. I commend to members my colleague the Hon. John Dawkins' Appropriation Bill contribution in terms of looking at the impact of some of the administrative changes made by this new government and its impact on regional development.

In commending the comments made by my colleague the Hon. Mr Dawkins, I would add to those the fact that similar comments could be made in relation to the whole economic development function being implemented by the new government. Again, when a greater period of time permits, I will go into more detail. However, to summarise, the new government was very critical of the former government in terms of having a separate Office of Information Economy, a separate Department for Industry and Trade and a separate major project section within the Department of Premier and Cabinet, as well as other sections within departments such as Primary Industries, Energy, and so on.

In particular, criticism was being directed at the Department of Industry and Trade, Premier and Cabinet and the Office of Information Economy. On reflection, I think there is some ground for consolidation of what the former government did. One understands how these things sometimes occur, but with the wonderful benefit of hindsight, to be able to look back and say, 'Okay, was that the best way to structure economic development?', sensible and rational discussion may well have been possible in terms of how that might have been able to be improved.

Certainly, the incoming government made quite clear that it would abolish the Department of Industry and Trade and that all industry functions would be put together into one department and, in particular, that the Department of Premier and Cabinet would have no role in this area. Indeed, the government highlighted what it saw to be weaknesses of the initial structural arrangements implemented under the first

Liberal government where there was a department for industry, the precise title of which now escapes me, under John Olsen, and a state development council structure within the Department of Premier and Cabinet.

The then opposition was very critical of that and said that there was duplication and overlap, and that it needed to be consolidated. As I said, it made specific commitments to abolish the Department of Industry and Trade. In my judgment we have seen no consolidation at all and no removal of duplication or overlap but, in essence, the creation of an absolute dog's breakfast in terms of industrial development. In fact, this government has been in power now for about 15 or 16 months, and senior positions within the new Department for Business, Manufacturing and Trade (or whatever it is called) have still not been confirmed.

For 15 months Premier Rann and Treasurer Foley have been trying to work out exactly how they will structure the industrial development function of government. For a government to lose 16 or 17 months from a period of four years whilst it sorts out its structures (and they are still not sorted out) is a recipe for disaster, and it is not surprising that Treasury is estimating a significant decline in terms of the state's economic and employment growth performance. What we have under the new arrangements—and I will not go through all the changes that have occurred over the last six to nine months—is a sort of de facto, Independent Labor minister in charge of the business, manufacturing and trade department.

We have had Treasurer Foley—and, for the life of me I have never been able to understand why the media never picked up on this—stripped completely of any responsibility for economic development. Whilst we in the opposition certainly have the view that we would never entrust Treasurer Foley with anything responsible such as managing economic development, we were surprised that Premier Rann came to that decision (perhaps under the advice of the head of the Economic Development Board, I am not sure) so quickly. The Premier has stripped Treasurer Foley of any responsibility at all in relation to economic development.

Treasurer Foley is now, in title only, Minister Assisting Premier Rann in Economic Development. Mr Champion de Crespigny reports now directly to Premier Rann, whereas under the other arrangements Mr de Crespigny had to report to Mr Foley through to Mr Rann or to both Mr Foley and to Mr Rann. Whereas previously Treasurer Foley had some authority over the old department of industry and trade, shared with minister McEwen, he has been stripped of all responsibility in relation to that responsibility as well.

To be fair to Premier Rann, I must give him some modest amount of credit for pretty quickly making this judgment that Treasurer Foley should not be given responsibility in this area at all. Certainly, there are some within the Labor government who have raised their eyebrows at the fact that the person now given responsibility for such an important portfolio is an independent de facto Labor member of the cabinet, the Hon. Mr McEwen, member for Mount Gambier when, as I am sure you will know, Mr President, there are members of the Australian Labor Party who believe that they are better suited to being ministers for industry in a supposed Rann Labor government than an independent de facto Labor member from the South-East. So, we have seen a mess in relation to the economic development function.

On another occasion I will address some detailed comments to the Economic Development Board report, but at this stage I indicate that from the opposition's viewpoint we will not be judging the success or otherwise of the experiment with the Economic Development Board by some measure in 12 months' time as to what percentage of the recommendations of the Economic Development Board have been implemented. Premier Rann has been quoted as saying that it is a huge success and that 85 per cent of its recommendations will be implemented by the Rann government. There are two aspects to that.

First, the 15 per cent may well be the absolutely crucial 15 per cent of decisions but, secondly, without being unkind to the Economic Development Board, it may well be that the board has not canvassed all the issues that are required to ensure economic and employment growth in South Australia. Without wishing to be seen to be too critical, when the report does not address significant comment to the level of business costs and our competitiveness as a state compared to our major interstate competitors; when it does not look significantly at such issues as WorkCover, at the importance of industrial relations, at the importance of the quality of services that have been delivered, together with some other important issues, it is certainly my humble view from opposition that the Economic Development Board makes some reasonable and sensible suggestions in some areas but is not the recipe in and of itself for the continued economic success of South Australian industry.

I think there are some key links missing in their analysis of what confronts South Australia, and South Australian industry in particular. We do not believe that a Premier reporting in 12 months that he has implemented 85 per cent of the Economic Development Board's recommendations indicates that South Australia is guaranteed economic growth and employment growth at levels around the national average. We believe that on an annual basis there ought to be an independent assessment of the hard economic indicators to demonstrate whether or not what this new government is doing, together with what the Economic Development Board is doing, has been successful.

Every 12 months we should look at measures of economic growth, of employment growth, of export growth, of inflow of population into South Australia: hard, economic indicators, as the only reasonable measure of whether or not what has been proposed by the new government and the Economic Development Board has been successful. Claims by the Premier, for example, that he wants hard economic objectives and economic targets, and then proceeds to indicate that by the year 2015 or 2020 he wants to see some massive increase in exports, will not be accepted by the opposition as reasonable measures of the success or otherwise of the new government's policies and the Economic Development Board experiment.

We accept the value of long-term objectives and plans, the State Food Plan being one example of the former government setting in place long-term objectives. But that is not how over the short term success will be measured. We need annual independent measurement of economic performance and, come 2006, the new government will be measured by its performance against those indicators. We and the South Australian community will not accept the contention of a Premier saying that he is on target to some significant increase in exports over a 15-year time period but he has just started slowly and will build up to it over the remaining 10 years of the economic growth program.

As I said, in that broad area of economic development, the Economic Development Board and others, I have some significant criticism of the way the Rann government has

structured all this and on another occasion will certainly enter, as will other members, I am sure, into an extensive debate on those issues. One of the issues that I want to briefly comment on is that, when one looks, as I am sure some members have, at the estimates committees in another place, the arrogance of the current Treasurer (in the words of many Labor members around the place, not just Liberal members and Independents), knows no bounds.

When one reads the estimates committee responses to reasonable questions being put by members of parliament, the arrogant response is something that, in my 20 years in the parliament and 30 years of being associated with it, I have never seen before. I think it is the first time that, significantly, members of the Treasurer's own party have been commenting more frequently than have members of the opposition. I note from looking at *Hansard* that the Treasurer opened up with a number of extraordinary statements, one of which I will quickly correct on the record. The Treasurer is obviously suffering amnesia or senile dementia at an early age, or something, but he did claim that the former treasurer, that is me, used to waste 15 minutes or so making preliminary statements to the estimates committees.

I had a member of my staff very quickly check because I knew that not to be correct, but I put on the public record that in 1999, 2000 and 2001 I made no preliminary statement at all and said that I did not want to limit the question time available to Mr Foley and would make no introductory statement to delay that. On all three occasions it was Kevin Foley himself who made a lengthy introductory statement. As I said, a relatively small matter, but his memory obviously failed him in that area and, as I will point out, in a number of other areas in his answers to questions during the estimates committees.

One of the things we saw in this budget was an extensive period of some three to four weeks of pre-budget spin, in particular by the Premier, with pre-budget announcements. I will be the first to acknowledge that all governments, Labor and Liberal, in the past have engaged in some element of pre-budget announcements, and I make no criticism of some modest level of pre-budget announcements, but I think that this year it was taken to a whole new level. We have only begun to compare claims made in the pre-budget spin with what is in the budget documents. I place on the public record a couple of areas where Premier Rann, together with Treasurer Foley, made a number of claims prior to the budget which, when one looks at the budget papers, are clearly not correct. The journalists were given exclusive stories and gave reasonable runs to those exclusive stories on the basis of statements made by Premier Rann and Treasurer Foley and, when one looks at the budget documents, those claims are not correct.

I will refer to two or three of them, and the first one entailed claims made by Premier Rann and Treasurer Foley that they would be cutting millions of dollars from their departments' budgets to give to hospitals and schools. On 5DN on 2 May 2003 Premier Rann said the following:

> I mean I've cut my own budget in my own department—cut about 11 per cent out of my own budget for the Premier's Department. I've told the Treasurer that I want to put that money into hospitals. He came out and matched it—cut his department by 11 per cent. That is money going into hospitals and schools. It's about priorities.

When one looks at the budget documents one sees that the actual expenditure in the Treasury department next year will be a $3 million increase, compared with spending this year—that is, $67 million next year instead of $64 million in 2002-03. So, instead of a supposed 11 per cent cut or $7 million going into hospitals from the Treasury Department, Treasurer Foley has increased his expenditure by $3 million. Similarly, when one looks at the Premier's claim of a $4 million cut to boost hospitals, the best that could be argued is that there has been a small cut of between $600 000 and $700 000.

I am sure that few members would have spent much of their time reading Treasurer Foley's performance in the estimates committees, but I must pay credit to my colleague, the Hon. Iain Evans, who pursued Treasurer Foley on this issue throughout the day—a day that was drastically shortened by Treasurer Foley to prevent extensive opposition questioning of him on the Treasury lines in particular and shortened also compared with the arrangements that I made when I was treasurer and Mr Foley was shadow treasurer. Putting that aside, Treasurer Foley was pursued all day during estimates to try to prove that a $3 million increase in his spending was equivalent to a $7 million cut. He tried valiantly on various occasions. He first claimed that really there was $25 million for TVSPs included in his expenditure that was not really his but was expenditure in his lines to be apportioned out to all other departments and agencies.

However, Mr Evans pursued Treasurer Foley on that later in the estimates committee and showed him that the $25 million he claimed was in his operating expenses was in a completely separate section of the budget—the administered items line for the Department of Treasury and Finance. Having been embarrassed by the first question, Treasurer Foley was then further embarrassed when his first explanation was shown again to be inaccurate and that the $25 million was part of administered lines. The Treasurer then came up with a spurious calculation that purported to demonstrate an 11 per cent cut. In fact, it was a 10.4 per cent cut rather than an 11 per cent cut. He then put on the public record that there was in the budget papers savings across both the departmental line and the administered lines, which added up to some $6.9 million, and he took that amount as a percentage of the $67 million to come up with his 10 per cent to 11 per cent cut.

I place on the record a question to the Leader of the Government in this place so that he can explain to members in committee or in reply to the second reading how the government can justify taking savings from the administered lines of the Treasurer's budget, that is, those savings which have been incorporated in the $6.9 million supposed savings on the operating budget, and then claim that they are reductions in the Treasury department's own budget, the $67 million budget. That is a specific question to the Leader of the Government to explain how savings on the administered lines can be included with departmental savings to be taken as a percentage of the total operating budget of the Treasury department. That is important because the administered items of the Treasurer amount to almost $1 billion.

The budget for the Treasury department is about $67 million for operating expenses. Relatively minor expenses in administered items, such as savings on the administration of the government fleet contract as claimed by the Treasurer, which are not part of the operating budget of Treasury, are part of this claim in terms of a 10 per cent to 11 per cent cut. The bottom line is that the Treasurer and the Premier still need to explain how these savings were taken out of the Treasury department and out of the Department of the Premier and Cabinet and put into hospitals when there were

no savings but increased expenditures in the Treasury department between 2002-03 and 2003-04.

There are many other areas. The *Advertiser* of Saturday 24 May included a photograph of Premier Rann down at the Festival Centre. In the accompanying article he said—and he mentioned this in radio interviews—that the total arts budget would increase to $85.28 million, up 5.1 per cent from $80.93 million last year. An article written by the arts writer, who was given an exclusive, stated that there will be an almost $5 million increase for the arts in the 2003-04 budget.

When one looks at the actual arts budget for Arts SA and Budget Paper 4, Volume 1, page 1.39, the budget for total operating expenses for the arts in 2002-03 was $117 million. It looks as though it will spend about $113 million. The budget for next year declines to $99 million. There is a reduction of some $14 million against the actual result for this year, or a reduction of some $18 million against the estimated budget for 2002-03. Yet, when talking to the arts journalists and arts community prior to the budget on an exclusive basis, Premier Rann was claiming an almost $5 million increase in the arts budget.

My second question to the Leader of the Government is: does the government concede that the claimed $5 million increase by Premier Rann in the total arts budget, as shown in the *Advertiser* of 24 May and in a number of other radio interviews done at the same time where the same claim was made, was wrong? There was a significant reduction in the arts budget. There are other areas we are trying to underground. We do not have answers to estimates committee questions. Not surprisingly it has been only some two to three weeks, and we generally have to wait about 12 months before we get too much at all. It is, therefore, difficult to confirm or otherwise some of the other potential misleading statements made, but one which we are investigating (and on which we reserve judgment at this stage) is a claim made in the *Sunday Mail* of 25 May that there would be a $56 million upgrade of the Glenelg tram service. It is hard to see where all that is in the government budget papers.

Certainly, in Budget Paper 5 there is reference to the development of a modern light rail transit system from Glenelg to Victoria Square, with an estimated total cost of $26 million as opposed to $56 million, but we stand to be corrected. There may well be other references hidden somewhere which include the other $30 million in terms of the Glenelg tram service upgrade. We certainly leave the third question with the leader of the government. I ask him to confirm for us that the claim made by Premier Rann on 25 May in the *Sunday Mail* of a $56 million upgrade is, in fact, an accurate statement.

Again, a number of other claims were made by Premier Rann and Treasurer Foley prior to the budget which, at this stage, we do not believe. We are seeking further information, and as soon as we are in a position to do so we hope to produce an analysis of what Premier Rann claimed in all these exclusive statements prior to the budget (by way of pre-budget leaks) and compare those to what has actually occurred. We hope that members of the media, when we provide them with a copy of this, will be a little more cautious next year, because this year Premier Rann was giving exclusive statements to the media on the strict proviso that they were not to consult the opposition prior to the publication of the story.

The Hon. T.G. Roberts: Hear, hear!

The Hon. R.I. LUCAS: The Hon. Terry Roberts says 'Hear, hear,' and one is not surprised. If, for example, Premier Rann is making up a figure, and that can be demonstrated by checking with the opposition, it would clearly be in the government's best interests to put a strict embargo on the journalist. However, as we hope to point out, it will be the credibility and integrity of the journalist that will be impacted if they continue to accept the word of the Premier and Treasurer regarding what they claim to be in the budget documents.

The next area on which I want to touch (and I know this is an issue of some interest to a number of ministers and also, I suspect, to the Hon. Terry Roberts) is how, when one looks at the budget documents, Treasurer Foley has treated his own department differently, and much more favourably, than other departments and agencies in relation to the impact of cuts and expenditure reprioritisation, as Premier Rann likes to spin it.

I refer firstly to the area of carryovers of expenditure. As ministers will be aware, coming towards the end of a financial year agencies sometimes have not been able to spend all their budget. That is called underspending, and it is recorded in some way, and agencies then have to go to the Treasurer and/or the cabinet to get approval for any agency underexpenditure. When this government first came to power in March 2002, it was confronting a number of agencies (and it also put a hold on some spending) that were facing underexpenditure within their agency. So, all those agencies made requests to the Treasurer regarding whether or not they could carry over that expenditure into 2002-03; that is, if they had underspent their budget by $10 million, they asked whether they could keep that $10 million and continue that program in the following year, 2002-03.

As the Hon. Terry Roberts will know, all ministers were refused some carryover expenditure. Some ministers received some approval for carryover, that is, they could keep some of the money that was underspent, but even in areas such as education and health, supposedly priorities of the Rann government, ministers and agencies sought carryover of their under expenditure and were refused it by Treasurer Foley. So, even in education and health, money was taken out of those portfolios. The one agency that had 100 per cent success in its carryover requests was the Department of Treasury and Finance.

It underspent its budget by $6.9 million and it argued to the Treasury that it wanted all that money, it did not want to hand back any of it to the budget, and it was given 100 per cent approval for carryover. In other words, all of the $6.9 million was kept in the Treasury budget so that it could be spent on the various initiatives that Treasury wanted. The ministers for education and health asked for carryovers, and they had to hand back some of their money to the Treasury consolidated budget. That is the first area.

The second area that I refer to is the number of full-time staff. In the Labor policy costings document released prior to the election, then shadow treasurer Foley was very critical of the number of full-time equivalent staff within the Department of Treasury and Finance. He indicated that there were 710 and said that there were far too many fat cats within Treasury and there would be significant reductions in the number of full-time equivalent staff.

In the last financial year of the Liberal government, 2001-02, there were 721 full-time equivalent staff. That has now been increased to 846, an increase of 125 full-time equivalents in Treasury in the first 15 months under Treasurer Foley. All other ministers have been looking at significant cuts, such as in correctional services and in the central office of the Education Department—all those other departments

and agencies—and have been cutting their numbers, but Treasurer Foley has basically told Treasury not to worry about that because it will get another 120 full-time equivalent staff on a base of only 720. We are talking about an increase of 15 to 17 per cent in just over 15 months in Treasury.

A small percentage of that increase has occurred because of decisions taken by the government to give lower house members an extra 0.4 staff. Lower house members were entitled to 1.6 staff and, prior to this last budget, it was increased to two. That is for lower house members and certainly not opposition members of the upper house. A small percentage of that number is attributed to extra employees for House of Assembly staff. Even if those figures were removed from the numbers, which I would be happy about, I ask Treasurer Foley, through question 4, to bring back a justification as to where all these additional staff are going in the Department of Treasury and Finance. Another question in estimates sought the number of full-time equivalent staff earning $100 000 or more in terms of their total employment packages. We did not get an answer to that in the estimates, and we would be interested to look at that, as well.

The third area in terms of the Treasurer favouring his own Department of Treasury and Finance, whilst requiring all other ministers and agencies to cut back, is in the area of consultancies. The former government significantly reduced consultancies in the last two years of its term, and the new government indicated that it would be even tougher again and that they would be halved. Total costs would be $40 million and there would be a halving to some $20 million of the total cost of consultancies used by the government.

Let us look at what has occurred in Treasury. In the last year of the Liberal government, 2001-02, $457 000 was spent on consultants. In the first year of the Foley administration, that was almost doubled to $917 000. So, in the first year, the Treasurer managed to double the expenditure on consultants in his own department. What is he projecting for next year? He is projecting the $900 000 spent on consultants to go up to $2.93 million next year. He is estimating that they will be trebled. He doubled them in the first year and, off that new base, he will more than treble it. That is an increase from $457 000 to $2.93 million in just two years!

In those three areas, one can see that, whilst Treasurer Foley has been preaching restraint across all government departments and agencies and for all ministers, saying that tough decisions need to be taken, when it comes to his own department he has not been prepared to demonstrate that same restraint. He gives them 100 per cent of the carryovers, he gives them significant increases in full-time equivalent staff and he allows them to double and then treble their expenditure on consultants, when, as I said, health, education and other departments and agencies are facing savings and expenditure reprioritisation in their areas.

Whilst on the issue of consultants, I place on the record another question, and that relates to what looks to be another attempt to redefine the government's target in terms of consultancy savings. When asked this question in the estimates committee, the Treasurer started to refer to the expenditure on consultants in the general government sector. The Labor costings document and the discussion prior to the election were based on the expenditure on consultants across the board by the government. That is, it included expenditure by agencies such as SA Water, the electricity privatisation and the TAB privatisation. They were included in those calculations on consultants. The total estimated expenditure across the state sector was estimated to be just under $40 million—I think it was $39 million—and the Labor opposition promised to cut $20 million off that to bring it back to $19 million.

In the estimates committee we saw an attempt by Treasurer Foley to talk about one sector spending in terms of whether or not savings are being achieved, and that is in the general government sector. He is excluding from that a range of agencies such as TransAdelaide, the Passenger Transport Board, the Housing Trust and a variety of others. They are not included in the general government sector, and we are seeing an attempt by this Treasurer to redefine the government's commitment in terms of savings on consultants and, from the opposition's viewpoint, we are not going to allow that to occur.

In the estimates committee, the Treasurer incorporated into *Hansard* a table showing what he claimed to be deficits or surpluses within the general government sector. I seek leave to have incorporated into *Hansard* a purely statistical table headed 'Underlying non-commercial sector cash result: surplus/(deficit)' over the past eight years.

Leave granted.

Underlying non-commercial sector cash result surplus/(deficit)								
1993-94	1994-95	1995-96	1996-97	1997-98	1998-99	1999-2000	2000-01	2001-02
(200)	(239)	(101)	(57)	48	(55)	(25)	21	22

The Hon. R.I. LUCAS: The first seven or eight figures were calculated by Treasury prior to my leaving office, and the last two numbers have been taken from the actual results for 2000-01 and 2001-02. For the non-commercial sector, the cash result shows a significant reduction from the cash deficits inherited by the former Liberal government from the former Labor government in 1993. There were cash deficits in the non-commercial sector of $200 million, $239 million and then $101 million and, over a period of time, those deficits were reduced. The last two Liberal budgets, in the non-commercial sector, on the cash result, showed surpluses of $21 million and $22 million and, in the previous year, a modest deficit of $25 million. So, certainly on the non-commercial sector cash result, there was a very significant reduction in terms of inherited Labor deficits being reduced to balanced results in the non-commercial sector.

I pose another question to the Leader of the Government for advice from Treasury, and that concerns the decision in 1993-94 (or around about then) to use as the target sector for budget preparations the non-commercial sector. On my recollection, I was advised by Treasury that that had come out of a recommendation of the state Audit Commission (which was established in 1994 by the incoming Liberal government). I was told that the non-commercial sector was actually a better measure of government public sector activity than was the more narrow general government sector, which is now the focus of the state budget papers. I was told that the non-commercial sector was specially constructed, after the

Audit Commission, by Treasury to include some of these other agencies, such as, I think, TransAdelaide, the Passenger Transport Board and others, which most people would see as being part of public sector operations in South Australia but which, for definitional reasons, for one reason or another, are not included in the general government sector.

In summary, what we now have as a general government sector as part of our budget documents is a much narrower definition of public sector activity in South Australia. Key agencies (such as TransAdelaide and the Passenger Transport Board, which run our buses, for example) are not included in the general government sector. A number of other key agencies—including also, I think, the South Australian Housing Trust, in which you might be interested, Mr Acting President, but I stand to be corrected on that—are also excluded from the general government sector. So, when we look at the budget documents, which say that we have either a deficit or a surplus, we are not actually including significant sectors of the state public sector in South Australia, for some strange reason.

The argument for it is that the general government sector is used by many other state governments and that that, therefore, is the consistent sector to allow comparisons across the board. That has been the case for a long time in terms of the production of government financial statistics, anyway. Nevertheless, the non-commercial sector was constructed back in that time to give what was then argued, as I understand it, a better understanding of the activities of state governments and, therefore, of state budgets as well.

Another question I have arises if I look at the Access Economics budget monitor documents which do not actually refer, in their analysis of the interstate budgets, to the general government sector. They look at something called the state sector, which is the general government sector plus what is called the public non-financial corporation sector (PNFC). They call that the state sector. Access Economics argues that that is a better description of what state governments do across the board and it does comparisons between the states of the state sector. I am assuming that their thinking is similar to that which led to the construction of the non-commercial sector in the 1994-95 period and that is the reason why Access Economics does not like looking at the general government sector but prefers to look at the state sector.

When one looks at the state sector in terms of the general government accrual performance—although I am happy to look at both—in 2000-01 (which was the second to last year of the former Liberal government), the net borrowing or lending figure shows a deficit of $399 million on the actual results. By the last year of the Liberal government that had been reduced significantly to $124 million. In the first year of the Labor administration, there was actually a surplus on that measure of $312 million. I might say, as Tony Harrison of the *Financial Review* has commented, that that aberrant surplus of $312 million was constructed only by removing some $300 million of SAFA and SAAMC dividends from the 2002-03 budget to make the 2001-02 budget look worse than it really was to try to construct this fictional black hole and to transfer that $300 million into the 2002-03 year. It was always in the last Liberal budget and if it had been left there there would probably have been almost a $100 million to $200 million surplus on the accrual measure of general government net borrowing or lending rather than a $124 million deficit. Then, in the first year of the Labor government, instead of a $312 million accrual surplus, it would probably have been a balanced budget.

I highlight those figures because Treasury is now predicting a $20 million accrual deficit on the general government sector next year and then for the following three years is predicting accrual surpluses. What it shows is that the hard yards in terms of reducing the accrual performance were actually achieved in that big year between 2000-01 and 2001-02, under a Liberal government, when the deficit was reduced by about $270 million from $399 million down to $124 million. Then, as I have said, through the $300 million fiddle, Labor constructed that $124 million deficit as opposed to a surplus in 2001-02.

If one goes to the Access Economics measure of the state sector (which is the general government sector plus the public non-financial corporations sector), for 2000-01, there was actually a $883 million surplus under the last Liberal government, largely driven by asset sales. In 2001-02, when there were no large asset sales, there was actually a $5 million surplus on the accrual measure in the state sector. It is only under the Labor government, in 2002-03, that you then see a $207 million deficit—a state sector net borrowing or lending accrual measure—and for next year a $126 million deficit as well.

What you saw in the state sector in the last two years of the Liberal government was an accrual surplus of $883 million and $5 million. As I have said, I accept that the first one was largely driven by a significant asset sale, but certainly in 2001-02 there was a $5 million surplus and, in the first Labor budget, that was turned around to a $207 million accrual deficit.

For other than the very small group of accountants, auditors and others who have a great passion and interest in what these measures are, a lot of that might be gobbledegook. However, in relation to this critical issue of the performance of the respective state governments in terms of trying to reign in the budgets and the claims made by Treasurer Foley and Premier Rann about massive black holes being hidden, even Treasurer Foley has had to back off that particular claim in this budget round. Members will note from his rhetoric that he no longer refers generally to that; he is using other words and phrases. The reason is that the actual results, when they were released, demonstrated that the claims he made to his caucus, to his ministerial colleagues, to the media and to the community generally about the fictional black hole were untrue.

There are a number of other areas, which I will not go into now. Certainly, in terms of public sector wage settlements, there is no doubt that this government, in terms of managing its budget, will be judged on its capacity to keep reasonable levels of wage increases. Certainly, when one looks at a number of the new government settlements already, one will see that it is settling at rates over longer periods and at higher levels than other state Labor governments. I highlighted in last year's budget reply my concerns about treasury's role in this, as well as the new government's, and its willingness, in particular in relation to the total cost of the teachers' dispute, to try to sheet that home to the former government for under-provisioning.

We were going to adopt a much stronger line than treasurer Foley and Treasury. It is sad to say that, but Treasury in the past under former leaders of Treasury has adopted a much stronger line in relation to these issues. Based on advice from Treasury to the new Treasurer, and, I presume, with the political views of the new Treasurer and the new Premier, they are willing to settle at levels in terms of total cost, not just wages but the total cost, that are much

higher than had been approved by the former cabinet. They are certainly much higher than I, potentially, as a member of an incoming cabinet, would have argued for, and certainly, and more importantly perhaps for Labor governments, much higher than their Labor colleagues in other states. I know, from some discussions with Treasury officers from other states, that they have raised their eyebrows at the Treasury position and the government's position in relation to public sector wage settlements in the last 15 months in South Australia, compared to what those Labor governments in other states have been battling for.

With those comments, I indicate that the opposition is prepared to see this Appropriation Bill second reading move into the committee stage. I look forward to having some of those answers provided by the Leader of the Government in the Council, and it may well be that there are some further questions to be explored during the committee stage of the Appropriation Bill debate.

The Hon. T.J. STEPHENS: I wish to make several points regarding the revenue raising measures taken by this government in regard to this bill. While governments must finance their expenditure somehow, I struggle to see the need to raise yet more taxes, especially when the party in government made such an unequivocal statement as it did on 18 January 2002, just before the last election. The leader of that party (now the Premier of South Australia) stated on radio, 'None of our promises will require new or higher taxes and charges.' Then the Premier promised that he would save the River Murray. This year, his policy to keep that promise was to break the first promise. The Rann water tax is a slap in the face for the minority of people who voted for him. Each household will pay $30 and businesses will pay $135, regardless of usage, for the right to use water. It is a regressive tax, which will punish low income families the hardest.

Apprentices are also punished by having to pay an extra $160 a year. This is an increase of 50 per cent, and now it is a sum total of $480 per year. Most people can see the correlation between a Rann water tax and a policy outcome. Even though it does break a promise and it does punish people unfairly, it fails to address other components of the problem. Most people cannot see the correlation in taxing apprentices who seek to increase their skills base so that they can get decent jobs and a policy outcome. Does this encourage people to seek apprenticeships? No. Will this increase employment? No. What will it do? It will punish people unfairly.

Then there is the Rann car slug. Registration for a six-cylinder car will be $37 extra this budget, which is up $85 over the last 12 months, totalling $641 annually. If you find that this is too expensive and decide to take public transport, you will be hit again by a 3.9 increase in all fees and charges, including public transport fares. That is nearly 1 per cent above the projected inflation rate. Why? Because, as the Treasurer has pointed out before, they can.

There is also the matter of the increase in the mining royalty rate. But I wish to discuss this in greater depth later, so let me make some comments about expenditure in relation to revenue. Despite the fact that revenues are up over $600 million, there are corresponding increases in the supposedly key government portfolios of health and education of only about 1 per cent. The ghost of financial mismanagement haunts this government so much that it fights tooth and nail to keep $150 000 from the Cora Barclay Centre, a centre that well and truly falls into its key portfolio of health. Rather than spend $150 000 to help some of the most vulnerable members of our community, the Treasurer would rather keep that money—what is a very moderate surplus, built on higher taxes and harsh spending cuts.

One of the areas that is clearly not a priority for this government is the regions. The Rann government has slashed the primary industries budget and cut regional infrastructure spending since coming into government, and this budget does nothing to address that. In fact, the capital investment budget for the State Library and the Art Gallery is larger than the capital investment budget for the entire primary industries and resources portfolio. There is no expenditure for new police officers. Although new police stations will be built, no new officers will be commissioned. Our police resources will be stretched even further than they already are. How does that make families feel safer, knowing that fewer police will be available in their area if there is an incident? The Treasurer would respond that families can rest easy, knowing that he has the moral fibre to go back on his promises. The government, in its budget advertising, told us that it was tough on law and order. That has been the mantra for a long time. So, it demonstrates this by placing zero new police officers on the street.

I wish to look in some detail at the impact that the increase in the mining royalty rate would have on that industry and, in doing so, the impact that this might have on the economy and, perhaps, on future appropriations. To provide some context for the council in terms of economic benefit to the state, I want to briefly state some statistics about the mining industry, to illustrate the full impact that this increase will have on that sector and on the economy as a whole. Mining is worth $2.2 billion to the South Australian economy, and it provides direct employment to over 3 800 South Australians. In fact, mining makes up some 13 per cent of South Australia's total exports.

Clearly, it is a vital South Australian industry, and currently supplies the state with $33 million in royalties. In fact, mineral exploration affects over 28 per cent of South Australia's geography. Members can see that this industry is a major employer of people, a provider of income and economic benefit to South Australia and, clearly, affects a large area of the state. This budget increases the royalty rate to 3½ per cent, up 40 per cent from the 2½ per cent. This would increase the mining royalties contribution from approximately $33 million to a projected $74 million. This removes one of the key advantages of investing in South Australian mining. Exploration and development will be adversely affected because of this increase. In addition, this increase sends the wrong message to business. Already, the government has form with the mining industry. When it was in opposition, it was happy to peddle untruths and fabrications to score cheap political points, and it has continued to do so in many debates about this industry.

The government has opened a regional Office for the Far North to promote that region, but its actions speak louder than its spin. Mining provides much of the economic activity of that area, either directly or indirectly, and this government threatens that by its high taxing mentality. I recently visited the Far North to assess the impact that this might have on the local communities, and I quite clearly saw (as would the government if it went beyond Gepps Cross occasionally) that mining is a crucial employer and economic driver. I also saw, equally clearly, that the decline in the mining industry would be a social and economic disaster for the Far North of South Australia, and the livelihoods of the hard working men and

women who are employed as a result of the mining sector. The government continues to punish this industry.

I believe that this is a government of retribution, delivering a budget of vengeance. Just ask the Cora Barclay Centre. Ask the apprentices, and ask the average motor vehicle owner. This is a high taxing budget from a high taxing government that has turned its back on the people and families of South Australia.

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

CRIMINAL LAW (SENTENCING) (SERIOUS REPEAT OFFENDERS) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 10 July. Page 2791.)

The Hon. P. HOLLOWAY (Attorney-General): I thank members for their contributions to the debate. I welcome the support of the Liberal Party for the bill and note the opposition to the bill. It is odd, though, that the government finds itself savaged by some, such as the Law Society and the Democrats, for the toughness of the proposal and criticised by some, such as the Liberal Party, for the weakness of the proposal. In cases such as this any government is likely to think that it has reached the right result. The government agrees with the assessment of the position of the Law Society offered by the Hon. Mr Lawson.

Some, including the Law Society, seem to think that this proposal involves mandatory sentencing. It does not. The sentencing judge retains full discretion as to whether to invoke the additional sentencing powers this bill would give to the court. The only element of lack of discretion lies right at the end of the process—at the setting of the non-parole period—and that comes only after the judgment has been made that society needs protection from the offender. The Hon. Ian Gilfillan suggests that the bill breaches the doctrine of the separation of powers and forces judges to set higher non-parole periods for offenders 'dubbed' serious repeat offenders by the legislation.

He suggests that the bill 'forces' the judiciary to act. This is simply not true at all. The bill does not dub a person a serious repeat offender and nor does it force the judiciary to make a declaration, but rather it sets up a mechanism for a court to make such a declaration in its discretion. The court can make such a declaration when the preconditions are satisfied and the court is of the opinion that the person's history of offending warrants a particularly severe sentence in order to protect the community. Only when courts make such a declaration would the provisions in new section 20B(4) come into play.

It is true that the provision proposes a minimum non-parole period, but that is the only part of the sentencing discretion that it affects and it is the final step in what is otherwise a discretionary process. It necessarily follows that the bill does not propose anything that could remotely be described as an interference with the separation of powers. Does the existing South Australian habitual criminals provision breach the separation of powers? Of course not. Do the existing and varying provisions in the legislation of other Australian jurisdictions and analogous overseas countries breach the separation of powers? Of course not.

Throughout history the correct version of the doctrine of the separation of powers has always contemplated that the parliament sets the framework within which the judiciary operates, and that is true for the general law as well as sentencing. The separation of powers as a constitutional doctrine has always been a more closely focused policy balancing exercise in individual circumstances based on reasoned analysis of governmental functioning rather than the mere invocation of the general words of Montesquieu written more than 200 years ago at the very beginning of the idea of representative democracy.

The Hon. Mr Gilfillan argues that the bill amounts to an assertion that 'judges are not setting appropriate non-parole periods' and that judges already take into account an offender's prior record. Of course, sentencing judges take into account the prior record, but judges are constrained by existing legal doctrine on sentencing. One of the most significant rules developed by the High Court is the constraint of proportionality. Whatever the sentencing judge actually thinks on the issues of deterrence, rehabilitation, retribution and danger to the community the judge may not legally set a disproportionate sentence. That is a proper general principle but, in the opinion of this government and in the opinion of governments in every other Australian jurisdiction, there should be exceptions.

The bill proposes the extent of those exceptions. In so doing it gives judges more power not less. Rather than force judges to do something, rather than curtail their powers, and rather than breach the separation of powers, this bill proposes to give judges more powers than they have today. The Hon. Mr Redford has raised questions about DPP policy on the use of the habitual criminal legislation and the proposed new serious repeat offender provisions. The Director of Public Prosecutions does not have a specific policy on this matter; rather, each case is taken on its merits. Given the nature of the provision, the DPP advises that few applications would be expected.

The Hon. Mr Redford asked: what will be the policy of the Director of Public Prosecutions in the event that this legislation goes through? It should be noted that the position taken by the DPP is less relevant under the bill as the scheme is different to current law. The provision does not depend on the DPP's making application, as is currently the case. Existing section 22 and the amendment moved by the Liberal Party depend on the DPP's making application to the Supreme Court for an order of preventive detention. By contrast, the bill provides that, if a court convicts a person of a serious offence and the person is liable or becomes liable as a result of the conviction to a declaration that he or she is a serious repeat offender, the court must consider whether to make such a declaration and, if it is of the opinion that the person's history of offending warrants a particularly severe sentence in order to protect the community, it should make such a declaration.

The legislation will empower the court. That power does not depend on any application being made. The court is obliged to consider the matter in any event. The honourable member's final question is whether the Attorney-General will give a direction to the DPP as to when the provisions under this legislation will be applied. At this stage, I do not propose and would not expect to give any such direction. The Liberal Party wants to amend the bill in two ways. It wants to restore the label 'habitual criminal' and it wants to give the court power to impose a sentence of indefinite imprisonment.

The opposition moved both amendments in another place and now it wants to do so again in this place. The government opposes both amendments. As to the matter of label, I

suppose that, in the end, it is a matter of taste. The government's position is that serious repeat offenders are what the bill is aimed at, and 'serious repeat offenders' accurately describes the measure. The Hon. Mr Lawson calls this 'mealy-mouthed'. I answer that, if the Liberal Party wants to revert to the language of the 19th century, let it persuade members that that is desirable.

The proposal to include a power of indefinite detention is more serious. The government opposes it because it mistakes the aim of the bill. No more is this evident than in the Hon. Mr Lawson's choice of example. He calls to his aid the case of Mark Erin Rust, who has pleaded guilty to two murders and a rape. The Mr Rusts of this world are not really the aim of this bill. Mr Rust and his like will be sentenced to very lengthy periods of imprisonment without this proposed power. Serious repeat offenders legislation will not really bite with those who are going to spend a substantial amount of time in prison in any event. In the case of murder, the head sentence is life anyway.

It is true, however, that in a very limited number of cases a sentence of indeterminate duration as proposed will result in a longer effective sentence than a determinate one. It is, of course, impossible to predict the real effect in advance, but these are rare and marginal cases indeed.

This bill will really bite in the range of offenders below that. Without naming names, let me give an example of a criminal record that might be a candidate for this bill. On 31 October 1999, unlawful wounding (two counts); 26 February 2000, unlawful wound and wounding with intent (three counts); 20 September 2001, robbery with violence and armed robbery; and 6 October 2000, robbery with violence. Each of these offences, unlike murder, would receive a determinate head sentence and a non-parole period. It may be that the court, in looking to the record of this kind of offender, will think that social protection requires a longer than proportionate sentence. But it would still be determinate—not, as the opposition might desire, indeterminate.

There is reason for that. Sentencing theory and practice has for decades turned its face from indeterminate sentencing. That is why judges do not impose it. The Mitchell Committee, in its First Report on Sentencing and Corrections, as long ago as 1973, found that there was no correctional justification for indeterminate sentences and said:

> The indeterminate sentence has three serious defects. The first is that, if an offender is to be detained until he is believed to have attained some imprecise state of cure from his propensity to criminal behaviour, he is likely to serve a much longer sentence than would otherwise be thought just or reasonable because those charged with his supervision will tend to err on the side of caution. Secondly, a situation in which a person may be detained indefinitely by others has obvious potential for abuse. Thirdly, the effects on prisoners of an indeterminate sentence are known to be deleterious. The absence of any definite date for release induces a hopelessness and resentment which is counterproductive in correctional terms because it diminishes the offender's capacity to become fit for release.

Again, then, one can conclude that the opposition's amendment urges a return to the sentencing practices of the nineteenth century. It is contrary to known good sentencing practices for decades. The government firmly opposes it and so, I suggest, should this chamber.

The council divided on the second reading:

AYES (16)

Cameron, T. G.	Evans, A. L.
Gazzola, J.	Holloway, P. (teller)
Lawson, R. D.	Lensink, J.M.A.
Lucas, R. I.	Redford, A. J.
Ridgway, D. W.	Roberts, T. G.
Schaefer, C. V.	Sneath, R. K.
Stefani, J. F.	Stephens, T. J.
Xenophon, N.	Zollo, C.

NOES (3)

Gilfillan, I. (teller)	Kanck, S. M.
Reynolds, K.	

Majority of 13 for the ayes.

Bill thus read a second time.

The Hon. SANDRA KANCK: Mr President, I draw your attention to the state of the council.

A quorum having been formed:

CRIMINAL LAW CONSOLIDATION (SELF DEFENCE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 July. Page 2793.)

The Hon. A.J. REDFORD: Prior to my seeking leave to conclude last Thursday, I had made a number of observations. First, that this legislation is ludicrous, having regard to the complexity and difficulty in directing juries when one looks at the provisions before the Legislative Council; and, there appears to be an absence of any general underlying principle, other than politics, associated with this. Secondly, the criticisms made by the courts relate to the old law and not to the current law, and one would not be surprised if those criticisms return as a consequence of the passage of this law.

Thirdly, the judgment of the late Justice Murphy, which endorses the subjective test in relation to the level of force used in an act of self-defence, seems to be compelling and, if adopted, leads to a greater simplicity and application of the law in this area. Fourthly, juries are in a unique position to make appropriate judgments and enforce community standards vis-a-vis whether an accused person should receive the benefit of this defence. Fifthly, juries have discharged their duties in this area responsibly.

Sixthly, the notion of 'excessive self-defence' and 'as a partial defence to murder' seems incongruous. After all, by definition the intent to end another's life is there, and a person who moves to that position is no longer genuinely defending themselves. Seventhly, the law, whether judge made or parliamentary made, suffers from a tendency to elevate factual arguments or issues into legal tests, which can be erroneous and confusing. Eighthly, it is impossible to direct a jury, having regard to the language used in the legislation.

Today I will make specific comment in regard to the provisions before this place. First, it is not clear whether or not clauses 15B and 15C change the law in such a way that a defendant confronted with a home invasion in the circumstances set out in this bill can use whatever force he wants to as opposed to what he genuinely believes to be necessary. In other words, it is not clear to me whether this gives a person carte blanche to use quite unreasonable force, having regard to the circumstances. Secondly, the provision is cast so narrowly it will give little benefit to accused persons, creating an illusory benefit. Thirdly, under clause 15C(2) the bill introduces a reverse onus of proof, that is, for the first time in the history of homicide law in this country the accused must prove or exclude the facts on the balance of probabilities. A person on trial for his life should not have to bear any

onus of proof and to do otherwise sets a strange and worrying precedent.

In its policy announced prior to the last election Labor said that it would return to South Australia the right to use such force as an accused genuinely believed to be necessary against an intruder or burglar. It said that it would adopt a select committee's recommendations on this issue. First, in response, the law in this state has never been as the Labor policy asserts. Secondly, the select committee recommendations have not been adopted wholly within this amendment.

So, having spent some time criticising the measure before parliament, I think I should endeavour to put some constructive suggestions. It seems that the law should have some important features. First, it should be expressed in simple terms so that a person picking up the law can understand it. Secondly, it should be expressed in simple terms so that a judge can readily explain the law and answer questions in a simple and direct fashion in a manner that a jury would understand. Thirdly, it should, consistent with simplicity, reflect community values. Fourthly, it should not be subject to arbitrary or artificial exceptions.

To that end the law should: first, provide for a subjective test in relation to whether an accused person is entitled to use force to protect life or property; and, secondly, provide for a subjective test, taking into account community value standards and expectations in the protection of life regarding the level of force used. In assessing the facts and determining these two issues, juries will I suspect apply their own common sense. However, we as a parliament can give the court and juries some direction.

The issues in that respect include: first, the increased apprehension or fear experienced by a defendant or person when they are confronted by an offender in their own home; secondly, the unlikelihood of someone forming a genuine belief that lethal force is required where the victim is a police officer; thirdly, the unlikelihood of someone forming a genuine belief where that person is engaged in a criminal enterprise or activity, for example, a drug dealer or a thug picking a fight; and, fourthly, the state of mind of a person who is intoxicated and, in particular, any malice or intent they might have had, whether to the victim particularly or generally, prior to or at the time of consuming a non-therapeutic drug or alcohol.

It has been my experience that juries are perfectly capable of making these assessments. A jury has the benefit of hearing evidence and of then listening to prosecution and defence counsel and, at the end, consider a summary from the judge. In addition, a jury can ask questions of the judge during its deliberations. Juries, however, have a number of factors stacked against them: the complexity of the law, the complexity of outdated rules of evidence, the lack of a transcript, and other outdated practices that I will not go into here. To inflict a law of this narrowness, complexity and inconsistency will hardly lead to a better system of justice, and I have no doubt that we will be revisiting this area of the law in the not too distant future. Finally, I have not endeavoured to provide an analysis of the law in other states and jurisdictions: I understand that my colleague the Hon. Robert Lawson will cover that, so I will not seek to traverse that ground.

The Hon. R.D. LAWSON: In 1990 a select committee of the House of Assembly came to the view that householders should be entitled, in their own homes, to take such defensive action as they genuinely believed to be appropriate to defend themselves against a home invader. The Liberal Party supported that view in 1990, and we support it now. We will support the second reading of this bill and we will be moving significant and important amendments during the committee stage.

It should be said at the outset that this bill will be a deep disappointment to members of the public who have accepted, at face value, promises made by this Labor government that this bill will give them real protection from home invaders. It will be harder for a householder to gain access to this new defence than it would be for a camel to pass through the eye of the proverbial needle. It is a tight and stingy defence. The bill does not match the government's rhetoric on this issue and is a cynical public relations exercise. It has been cobbled together to enable the government to claim that it has met an election promise, but in a literal and technical sense this bill has, in fact, created a new category of self defence against home invaders. The best illustration I can give of the limited nature of this new category of self defence is the fact that it casts the onus of proof upon the householder. If a householder wants to avail himself or herself of this defence, the householder will have to discharge an onus of proof.

Contrast this with the existing categories of self defence (which incidentally will continue unaffected by this bill) under which a person who is set upon by a gang of thugs in the car park of a hotel does not have the onus of proving that he acted in self defence. In a case such as that, the onus of proof lies upon the prosecution. If a women defends herself against an attack outside her front gate and kills her attacker, the onus of proof is not upon her to prove that she acted in self defence: the onus remains upon the prosecution. However, in this new category of self defence, the innocent householder alone at home fighting off a vicious home invader will have cast upon him or her an onus of proof. We consider that the reversal of this onus is inconsistent with what the Labor Party has been telling the public, and we propose to hold it to its promise by moving amendments that will ensure that the burden of proof remains upon the prosecution at all times.

One measure of the ineptitude of the government in this matter is the fact that quite recently a number of changes to the legislation that was first mooted have emerged. The former attorney-general, the member for Croydon, has been talking about the issue of self defence ever since 1997, when the last amendments were made. This issue was at the forefront of the Labor Party's campaign for re-election. However, the bill took over a year to materialise. Listening to the former attorney-general on radio, I thought he was suggesting that his proposal was easy to implement and would be implemented quickly—a little like his promise that the first thing the Labor government would do if it got into power would be to reopen Barton Road.

After the bill was introduced, a significant amendment was produced on 14 May, the day before the committee debate in another place. The amendment was prompted by a suggestion from Ian Leader-Elliott of the University of Adelaide law school, and it is indeed a significant amendment. The government adopted it, but it certainly gave the lie to the notion that it is an easy matter to create a defence of this kind.

One saving grace of this rather artlessly drawn provision is that it does not deprive the householder of the conventional self-defence that is set out in sections 15 and 15A of the Criminal Law Consolidation Act. Those defences will continue to apply and householders who do not seek to rely

upon the new defence but who respond with so-called excessive self-defence, that is, where their response is not reasonably proportionate to the situation in which the householder finds himself or herself, will still be able to rely upon the conventional self-defence, and that is something to be applauded because the existing provisions relating to self-defence are cogent and understandable. However, the coexistence of two differing defences will, I predict, in the fullness of time be productive of much difficulty in application to particular fact situations.

Some political proponents of this bill will seek to proclaim that they have secured for the householder the right to use whatever force they desire to repel a home invader. That is what the political proponents will be saying, but they will not add the important rider: provided that you are able to discharge the onus of proof that has been cast upon you. They will not be saying, 'You now have a right of self-defence provided you are able to climb through the eye of the needle.' In order to keep some truth in this issue and in their proclamations, our amendment will seek to ensure that the onus of proof contained in this bill is reversed.

The Hon. Ian Gilfillan: Had your invitation to Bob Francis yet?

The Hon. R.D. LAWSON: I am not one of those people who will criticise Bob Francis. I think that he is a very talented and entertaining broadcaster. However, Mr Francis, like many other people in the community, will be deeply disappointed by this bill. He will be pleased by the government's rhetoric about it: he will be pleased at what they say about it. However, when someone has to rely upon this defence and is unable to satisfy the onus of proof, he will be quick to attack the government.

The Hon. Ian Gilfillan mentioned Bob Francis, and I heard him speaking on 15 January this year on the 8 p.m. to midnight slot, when a caller raised this question of self-defence. Bob Francis said, 'If somebody gets into my house uninvited and is walking up the stairs at 3 o'clock in the morning, I'll kill the bastard.' 'The simple fact is that you've got no right to shoot anybody,' said the caller. Bob Francis appropriately responded, 'Pig's bum! This new law will allow you to do that.' The caller responded, 'Serious?' Bob Francis then stated, 'Absolutely. You can take whatever measure. . . ' Caller: 'You deem necessary to protect yourself.' Francis: 'This is the new law they are bringing in. It hasn't come through yet, but this is the law. All I have to say to the court is, "I could have sworn he said, 'I'm going to kill you."'. That is the perception that is being presented in the community by the rhetoric of this government in relation to this—

The Hon. Sandra Kanck: By the former attorney-general.

The Hon. R.D. LAWSON: By the former attorney-general, and I do not blame Bob Francis for repeating what he had been told about the effect of this law. Unfortunately, Bob will be sadly mistaken when the law is actually in operation. On the subject of the former attorney-general, in an article that appeared in the *Sunday Mail* earlier this year, he began his argument in support of these new laws with a quote from William Pitt the Elder in 1763. I repeat that quote, as follows:

> The poorest man may in his cottage bid defiance to all the forces of the Crown. It may be frail—its roof may shake—the wind may blow through it—the storm may enter—the rain may enter—but the King of England cannot enter.

What a lovely and colourful homily. A great political principle; unfortunately, bad law. William Pitt the Elder was not a lawyer, but the question we are now being faced with is not whether the King of England can enter our humble dwellings but what rights we as citizens have and where we stand in relation to the criminal law if we exercise the undoubted right of self-defence that the common law has always conferred. The member for Croydon went on to describe the situation of Albert Geisler, the elderly gentleman who shot an intruder but who was never charged with anything. He mentions the fact, I assume it to be true, that the Democrats called for Albert to be charged with an offence which carries a mandatory sentence of life imprisonment. As I say, under the existing law, Mr Geisler was never charged with anything, and one does not imagine that any householder in the fact situation that then existed would have been charged.

The Hon. Sandra Kanck: The former attorney-general came around to my room and apologised for having misquoted me.

The Hon. R.D. LAWSON: I note the comment from the Hon. Sandra Kanck that the former attorney-general apologised for having misquoted the Australian Democrats. It is a pity that he did not put that on the *Hansard* record. There is not much point making apologies in the quietness of rooms in the basement of this place: he ought to make them publicly. The government was happy enough to accept the amendments, albeit late, of Ian Leader-Elliott from the University of Adelaide law school. Mr Leader-Elliott, on the same day and on the same page of the *Sunday Mail*, had some pertinent remarks to make. He said:

> South Australia's self-defence law is a thing of shreds and patches. Current legislation dates from 1991, when a Labor government first tried to clarify the right of self-defence. In 1995, the Supreme Court said the legislation was unintelligible. It was patched up by a Liberal government in 1997. Now we are in for a new set of patches. Details of the government proposals are not available and debate, since the new legislation was promised, has proceeded in a fog of almost complete ignorance.

I think that was a pertinent comment. The government, having said that it would introduce these new measures, took a very long time introducing them and then they were found to be defective. Once again, when the bill has come forward to this house, the government has once again introduced new amendments to refine this proposal.

Mr Leader-Elliott is correct when he says that the law of self-defence in this state is a thing of shreds and patches. Notwithstanding that criticism, we in the Liberal Party accept, as I said in my opening remarks, the fundamental principle that householders should be entitled in their own homes to take such defensive action as they genuinely believe to be appropriate to defend themselves against a home invader.

I think it is worth putting on the record that this issue is not one that is peculiar to South Australia. Indeed, in many other jurisdictions and overseas as well, the issue of self-defence has been a hot political topic. In the United Kingdom, a man by the name of Tony Martin, living in a remote part of the country in a lonely house, which had been burgled on a number of occasions, did fire at and kill one home invader and was charged with murder, and pleaded self-defence unsuccessfully. The court took the view that Mr Martin was not entitled to the defence, and he was sentenced to a term of imprisonment. There was a huge public outcry and a web site for his supporters has been established. I commend that web site (www.tonymartinsupportgroup.org) to members: it will give, for the benefit of members, one perspective of the need for more appropriate self-defence laws.

Another measure of the government's unpreparedness for this legislation is the way in which it treated the Law Society, which, over the years, has participated in debates on this and most other law reform issues. The Law Society is invariably provided with details of government proposals—whatever government is in power—and, speaking for myself, I have always been grateful for the material that Law Society members gratuitously provide to the community. On this occasion, the government did not provide this bill until very shortly before the matter was to be debated. I read from a letter, dated 14 May this year, from the President of the Law Society to the then attorney-general. The letter begins by stating that the society noted that the bill was to be debated in parliament on 15 May. It goes on:

> The Bill and. . . explanatory notes were only supplied to the Law Society on 8 May 2003. Accordingly, there has been insufficient time in which to provide a thorough and considered response. This submission summarises the various concerns that have been raised to date. However this response is not exhaustive and further debate ought be undertaken before any legislation is introduced.
>
> The Law Society requests that the parliamentary debate be deferred to allow further consideration of the proposed amendment by the Criminal Law Committee and the wider community as the Bill represents a substantial change to the existing law.

I might interpose here that the Criminal Law Committee (which was described by the former attorney-general as the 'notorious Criminal Law Committee') has provided valuable service to this parliament, and the committee itself ought not be denigrated by any government member, or member of this house, let alone the attorney-general. Of course, it is popular to bag the legal professional generally and to portray members of the Criminal Law Committee as supporters of their clients, but that is not the way they ought be considered. They are professionals doing a professional job, and to be denigrated by the first law officer of this state, albeit he might say in a humorous way, is inappropriate. Mr Goode went on:

> It is to be noted that the history of the legislative amendments to the laws of this State concerning self-defence have been the subject of extensive research and analysis and this is well documented in the *Hansard* extract. This includes the Parliamentary Select Committee on self-defence recommendations and reports, parliamentary debates and the like. These need to be considered in depth in light of the proposed changes to the Bill. The application and operation of the existing self-defence laws needs to be traversed as well. The assumptions underlining the proposed bill need to be considered and tested. The Law Society is keen to be involved in this process.

I might interpose here that, notwithstanding that plea, the government proceeded to debate the bill in the House of Assembly and have it passed in short shrift. On page 2 of the Law Society's letter, it indicates strong opposition to the proposed reforms, in their current form, for a number of reasons. The letter goes on:

> The Bill allows property owners to use excessive force against intruders so long as the perception of danger to themselves or another is genuine. The Bill removes the requirement for the reasonable proportionality test for the use of force in the case of an innocent defence against home invasions. Self-defence therefore will be judged by the perceptions of the defendant no matter how unreasonable. It follows that any mistaken perception of threatened danger will provide the basis for an acquittal on the ground of self-defence. Will this leave the community more exposed to serious danger?
>
> The conferral of this additional power on property owners cannot be justified. The New South Wales Bureau of Crime Statistics and Research indicates that home invasion in New South Wales is nowhere near as common as the media treats the problem. On a per capita base, the recorded rate of home invasions recorded in Sydney in 1995 was just 0.334/10 000 of population.
>
> The same can be asserted for South Australia. In 2001, South Australia ranked fourth compared with other states of unlawful entry with intent offences, with Western Australia recording the highest rate.

The Law Society goes on to state:

> Unfortunately, up-to-date, South Australian offender rates have not been available following the Criminal Law Consolidation (Serious Criminal Trespass) Amendment Act 1999. . . The Act now encompasses several offences: serious criminal trespass; serious criminal trespass—places of residence; serious criminal trespass—aggravated offence; and criminal trespass—places of residence.

The Liberal Party does not agree with the Law Society's strong opposition to the reforms on the point of principle. We believe that the principle is right, and we believe that it should adopted in appropriately worded provisions.

The Law Society raises a number of general comments which, whilst I do not necessarily agree with all of them, should be read into the record to highlight, for history, some of the objections that are around the place. They are as follows:

> 1. If the legislation is to apply to home invasion situations, should a person be deprived of their right to defend themselves if they are in their vehicle in for example a road rage situation, is in their office working back late; is in their caravan on holidays; or if they are camping in a designated area or otherwise? It is respectfully submitted that there should be no discrimination in favour of a home invasion situation. A person is entitled to protect themselves or their person wherever they may be.

There is reference to paragraph (c) of subsection (c)(i), which paragraph has been removed by government amendment in another place. The third point raised by the Law Society is:

> The temporal reference in paragraph (d)—

which is still included—

> that the defendant was not engaged in any criminal misconduct 'before—

and I emphasise 'before'—

> the time of the alleged offence' is of concern. There should be some sort of nexus in time specified.

That is a matter to which I will refer later. The Law Society continues:

> 4. Paragraph (e) concerning mental faculties of a defendant is unfairly discriminatory. A person in their own home is generally entitled to conduct themselves as they wish.
>
> 5. If a person is to be deprived of self-defence because their mental faculties are so substantially affected by the voluntary non-therapeutic consumption of a drug there must be a causal connection between the person's use of force, its lack of reasonable proportionality and those circumstances being directly caused by or attributable to the substantial effect of the intoxication. The section does not sufficiently address these issues. It is unclear what 'substantially affected' means.

That is another point to which I will refer later. The letter continues:

> 7. Subsection (2) not only reverses the onus of proof but also requires a defendant to prove all the matters in subsection (1). This is in our opinion unfair.

The letter concludes:

> The Law Society would like to have been more constructive in assisting to resolve the concerns we have highlighted. However time has not permitted us to do anything other than flag what we think are possible defects in the proposed legislation. The Criminal Law Committee of the Law Society is more than happy to meet and discuss the proposed law with a view to providing further suggestions to address your concerns.

The letter was signed by Mr Goode and by Marie Shaw QC, Chair of the Criminal Law Committee. I ask the Attorney to indicate, at the conclusion of the debate on the second reading, whether or not the former attorney availed himself of the opportunity to meet with the Law Society and the Chair

of the Criminal Law Committee regarding this matter. What response did the former attorney provide to the Law Society to the letter to which I am referring? Has the Law Society provided any further information and/or comments regarding this matter?

I ought to refer briefly to some of the history in this matter, because our attitude to the principle is, of course, affected by the history in South Australia. Before the 1989 election, there was public agitation about the adequacy of our laws of self-defence. There were widespread claims that the law favoured the criminal rather than the victim, and the Liberal Party announced that it would conduct a review of the law if it was elected. The Labor attorney-general at the time (Hon. Chris Sumner) said that there was nothing wrong with the law as it stood.

After the 1989 election (in which the Labor Party was narrowly returned), two citizens, Mrs Carol Pope and Mrs Ewers, gathered 40 000 signatures on petitions praying that action be taken to give householders greater rights to protect their property. The Liberal Party at that time supported their cause. In July 1990, the Labor government established a select committee to inquire into 'the adequacy of the laws and rights of citizens in the area of self-defence'. The committee was chaired by Mr Terry Groom. The Hon. Roger Goldsworthy was a member of the committee, as were Martyn Evans, Colleen Hutchinson and Dorothy Kotz. The select committee tabled its report in December 1990, and its essential recommendation was:

> The committee resolved to recommend that the accused be judged on the basis of genuine belief as to the circumstances of the case, even if that belief was unreasonable.

I interpose that it is not entirely clear whether the select committee was speaking there of the proportionality of the defender's response. However, the committee was unanimous in its views. A draft bill was included with the report. The bill was passed, not in precisely the same terms as it is reflected in the select committee's report, but it became section 15 of the Criminal Law Consolidation Act, which came into force in December 1991. The effect of the 1991 act was succinctly and correctly summarised in Judge Lunn's work on criminal law in South Australia, as follows:

> The common law requirement as laid down in Zecevic v The DPP that the belief must have been based on reasonable grounds is no longer required, and the test is therefore entirely subjective. The test looks not to what is necessary and reasonable but to the defendant's belief on the subject.

Further on, the learned author continues:

> At common law, the force only had to be necessary and not also reasonable [citing Zecevic v The DPP]. But the effect of section 15 is apparently to make reasonableness a subjective instead of an objective requirement for self-defence in law.

However, the section proved difficult to apply in practice, especially in relation to section 15(2), which deals with the case in which a defender kills an attacker. It is worth saying that most people thinking about these self-defence laws think of the situation in which a death results from the response to an attack. But, of course, in most cases, death will not occur, and a householder will not be at risk of prosecution for murder or manslaughter but for some lesser, but still serious, offence. Section 15(2) under the 1991 act did allow a partial defence if the defender used disproportionate—that is, excessive—self-defence, and that partial defence would have reduced murder to manslaughter.

As has been mentioned by others, there was specific criticism of the 1991 act in two reported cases (both of which were mentioned by the former attorney-general in his second reading explanation), namely, the cases of Gillman and Bednikov. Neither of those, incidentally, were cases that were remotely related to the situation of a home invasion. Gillman was a case in which a man was struck by an assailant at the corner of Morphett and Gouger streets. He was hit by an iron bar seven times and died. Gillman was convicted of manslaughter. He pleaded self-defence. But the Full Court overturned that conviction and ordered an acquittal. Justice Mohr, in giving the judgment of the Court of Criminal Appeal, indicated that section 15 was unworkable. Bednikov was a case in which a young man pulled a pistol and shot and killed, at very short range, one individual (I think that he actually shot two). But neither of those was a case really related to the issue of the state of mind of the assailant.

The 1997 act was introduced in November of 1996, in a speech (to which I will give the reference, but not refer in detail) by the then attorney-general, the Hon. Trevor Griffin (*Hansard*, 14 November 1996 at page 521). The Labor Party opposed the 1997 act on grounds which included the fact that the new requirement of proportionality that was introduced would make it harder for the battered wife to kill her husband. That was the view of the Hon. Carolyn Pickles, then leader of the opposition in this place, in a contribution made on 4 February 1997 (*Hansard*, page 794). Notwithstanding Labor's opposition, the bill passed and came into force on 27 March 1997, and it remains in force to this date. In relation to this bill, in his second reading explanation, the former attorney justified the bill on the following grounds:

> The Labor government is of the opinion that the 1997 act moved away from the intent of the 1991 act towards increasing the objectivity of the test. The government's policy is that the intent of the 1991 act be restored and, in particular, that innocent people should be given increased rights to protect themselves against home invaders.

It is interesting to see that the justification for this bill is not some decision of a court, not some considered judicial or academic analysis but simply 'the Labor government is of the opinion'. That is hardly justification. Notwithstanding that, as I have said right from the very beginning, we do support the principle. It must be said that these provisions contained in this bill are complex. They are expressed in negatives. The 1990 select committee claimed that the old law was too complex. In its report, the committee said that the criminal law should be made 'accessible to the citizens'.

But I must say that this law contained in this bill is highly complex and difficult to understand (especially for lay persons); and one would have to say that these provisions are a lawyers' paradise. It is also simplistic and quite misleading to suggest that provisions of this kind can be made absolutely simple. That is not being patronising to ordinary citizens: it is a fact that this is a complex area of law. One has only to read the decisions of the cases and to read the academic analysis to appreciate the complexity of this area of the law.

I am not intending to be critical of parliamentary counsel or of the advisers to the government who have had to embody the government's instructions in this legislation. I commend them for the fact that they have left intact sections 15 and 15A of the act and that they have engrafted a new provision, because it would have been undesirable to tamper with those earlier provisions. However, the government's intention is to reverse the onus of proof, and we consider that that is undesirable. I should say that, on the complexity of the law, in New South Wales a piece of legislation was introduced in

the New South Wales' upper house, I believe by the Shooters Party representative, the Hon. J.S. Tingle.

That legislation, the Home Invasion (Occupants Protection) Act 1998, which was passed in 1998, is a fairly short provision that contains definitions which would be readily understood by ordinary citizens. I will read a couple of the sections because they highlight the drafting style. Section 5 provides:

Safety within homes

Parliament expressly declares that it is the public policy of the state of New South Wales that its citizens have a right to enjoy absolute safety from attack within dwelling-houses for intruders.

Section 6. Self-defence

An occupant of a dwelling-house may act in self-defence against an intruder if the occupant believes on reasonable grounds that it is necessary to do so.

Section 9. Reasonable grounds

Whether grounds are reasonable grounds for the purposes of sections 6, 7 or 8 is to be determined having regard to the belief of the occupant, based on the circumstances as the occupant perceived them to be.

There are provisions on onus of proof and immunity from civil and criminal liability. That route, notwithstanding the route taken by the New South Wales parliament and notwithstanding its simplicity, could not easily, in my view, be translated into our Criminal Law Consolidation Act. I mention the fact that the code states of Queensland and Western Australia have statutory provisions relating to self-defence either against unprovoked assault or provoked assault. In the case of unprovoked assault, 'the defender may use such force upon an assailant as is necessary to defence, even though such force may cause death or grievous bodily harm.'

Once again, there is in the code a requirement for an objectively reasonable response, and similarly in the Tasmanian criminal code. The Northern Territory criminal code has slightly different provisions dealing with non-lethal and lethal forms of defence. Again, there is an objective element in those defences. There is no specific provision relating to the right of a householder to defend himself or herself.

It is appropriate, it seems to me, for the Attorney-General to place on the record when he responds answers to the following questions: has the government sought the advice or comment of the Director of Public Prosecutions on this bill? Did he provide advice or comment on the bill as now amended, and what was the effect of the advice or comment of the Director of Public Prosecutions? In particular, has he expressed any view about the practice at that time of applying the new provisions in the sort of situations in which the DPP will find himself? Has the government received any advice or comment from the judiciary generally or from individual judges or magistrates?

The former attorney in another place said that it would be inappropriate for the judiciary to pass comment on this bill or this proposal. However, the fact is that, on occasions in the past, such comments have been made, and if they have been made on this occasion I ask the Attorney to indicate what comment or advice was provided. It is also appropriate to ask whether the government sought the advice or comment of any practising criminal lawyer or academic lawyer on this bill and, if so, whether such advice or comment was obtained and what was the effect of the advice or comments received on this important measure.

To take up a point raised by the Law Society, but a point that is very important, this bill will provide a very limited form of self-defence. It is a form of self-defence that is available to someone who is attacked within their own home but, if the person steps outside the front gate, they will not be entitled to rely upon this form of defence. A woman walking down the street, having her bag snatched, will have one law apply to her but, if she steps inside her gate, another law will apply. It will apply to an opal dealer who works from home and who might be the subject of a robbery when he is at home but it will not apply to the same opal dealer doing precisely the same thing at a shop.

If this defence is as good as the government suggests it is, why should a woman who is attacked in the park by a rapist not be entitled to use the same defence? But she is not. Or a woman at home who is attacked by her husband or her lover, who is not a trespasser: why should she not be entitled to this beneficial defence? I emphasise once again that this law is supposed to clarify matters. It is supposed to let people know where they stand, but it fails that test because of its obscurity from all but the most expert criminal lawyer. It is worth stating that we will be the only jurisdiction in the commonwealth to adopt a rule of this kind. Some will champion that, and we should not be afraid of taking the first step in any direction, but the step we take ought to be one that is easily explained and understood in the community.

During the committee stage of the bill I will pursue some of the elements of the legislation in greater detail. I ask the Attorney to place on the record for the community the following statistics for the last three years:

- How many instances of serious criminal trespass were reported to the police?
- What have been the number of charges laid for serious criminal trespass?
- What is the number of convictions for serious criminal trespass?
- How many instances of aggravated serious criminal trespass were reported to police?
- What was the number of charges laid for aggravated serious criminal trespass and the number of convictions for aggravated serious criminal trespass?

I look forward to the committee stage of the debate and the introduction of the amendment that I foreshadow, which will seek to reverse the onus of proof.

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

STATUTES AMENDMENT (NUCLEAR WASTE) BILL

Adjourned debate on second reading.

(Continued from 10 July. Page 2818.)

The Hon. T.G. CAMERON: Before I adjourned the matter last week I was running through a number of questions that I was putting to the government, and I thank the government for getting those answers back to me promptly today. I have not had the opportunity of going through them at this stage, so I will need to comment on those whilst we are in the committee stage. I have received a lot of correspondence in relation to this matter, both for the dump and against it, but I wanted to just briefly read into *Hansard* some comments that were made by Dr Stephen Milazzo AO FRACP, who sent me a copy of a letter he sent to the *Advertiser*. I will not read the whole letter, but just some sections of it. He stated:

As I understand it, objections being voiced with such fervour to the low level waste repository being sited in what is acknowledged

to be technically the most suitable location in Australia are based on the following:

1. Such a dump would be a danger, or somehow otherwise unpleasant.
2. Transporting low level nuclear waste from elsewhere would be dangerous.
3. South Australia's 'clean green image' would be subverted.
4. We should not be asked to accept waste from other parts of the country.

In relation to the first question, Dr Milazzo stated:

It is a matter of public record that scores of 'mini dumps' for low level waste have developed on an ad hoc basis throughout the densely populated capital cities over the years. Though not purpose designed, simple precautions have ensured that these temporary arrangements have not led to any adverse consequences so far. Nevertheless, such a situation is far from ideal and should not be allowed to continue indefinitely.

In relation to the second question, Dr Milazzo states:

For more than 40 years, the radioisotopes needed in order to provide contemporary standards of medical diagnosis and treatment, and for industrial applications such as flaw detection in jet engines and monitoring of sewage dispersal, have been safely transported throughout Australia (with appropriate precautions), for the most part using the standard forms of air and surface transport also used for passengers and general freight. The radioactivity of used syringes, gloves etc. in low level waste in no way compares to that of freshly prepared isotopes, and the notion that it presents any danger during transport is quite fanciful.

That the material is just not dangerous is a view that has been expressed by the minister. In relation to the third matter, that South Australia's clean green image would be subverted, Dr Milazzo states:

If anything would be likely to degrade our image, it would surely be the noisy expounding of irrational, misleading and anti-scientific slogans rather than quietly adopting good housekeeping practice in nuclear waste disposal.

In relation to the fourth point, and this is a very salient one, Dr Milazzo's response is:

Since the early 1960s, we have been happy to accept the benefits provided by our New South Wales neighbours to the whole country, including ourselves, by hosting the facility (including a nuclear reactor) that is needed to produce medical and industrial isotopes. It happens to be located not in a remote, scarcely inhabited region, but a mere 30 or so kilometres from the centre of the country's largest densely populated area.

It surely has to be seen as ungracious, not to say churlish, for us to expect to continue forever to be purely a recipient of benefit while vociferously obstructing the availability of a much needed facility that would be of benefit to all. Dr Milazzo goes on in his final statement and says:

I sincerely hope that enlightenment, reason and good commonsense will prevail.

Unfortunately, there has been no enlightenment from the government's position nor from its answers. There has been a lack of reason in this debate and we have not seen a great deal of commonsense. In fact, we have seen some quite hysterical and histrionic statements made in relation to this whole matter.

As I have indicated, it is not my intention to trawl through all the various matters affecting this. The Hon. Angus Redford has already covered most of that. I am well aware from the research he is doing that the Hon. Julian Stefani is chaffing at the bit and I am sure he will finish off what Mr Angus Redford started. Briefly, before 6.30—and I assure members that I will conclude tonight—I will talk about the great uranium industry we have currently in South Australia. South Australia is host to, I understand, the largest producer of uranium oxide in the world. It is certainly the largest deposit of uranium oxide in the world. They have not determined either the depth or width of the ore body at Roxby, but the uranium oxide at Roxby Downs contains something like 25 to 27 per cent of the world's uranium.

Western Mining is currently examining the feasibility of an open pit operation there which, instead of seeing something like 4 000 tonnes of uranium oxide trundled through our streets every year, that figure could be raised to anywhere between 12 000 and 20 000 tonnes per year. In other words, Roxby Downs is the biggest uranium mine in the world, the biggest uranium deposit and will continue to be one of the largest providers of uranium oxide to the world nuclear market. I understand the price for uranium oxide at the moment is currently high. Here we are, in little old South Australia, playing host to the world's biggest uranium mine.

I will place on the record how we got to this stage and will mention some of the people who ought to be congratulated for their commitment not only to Roxby Downs but also to the uranium industry in general in South Australia and their commitment to the world uranium industry with Western Mining Corporation supplying some 4 000 tonnes of uranium oxide annually to world markets. I can recall going to Roxby Downs when there were only a handful of drillers up their living in a very small caravan park. Bob Stanfield was living in the caravan park and become the first site representative for the Australian Workers Union. I was an industrial officer with the Australian Workers Union and for a number of years I used to go up and service the site both as an organiser and in my capacity as an industrial officer.

Members who come from the trade union movement probably wonder why on earth they let an industrial officer go near an organiser's job. The reason was that there was a dispute between the South Australian Branch of the Australian Workers Union and the federal branch and with all the other branches and the federal secretariat. South Australia was anti-Roxby Downs and anti-uranium, whilst having constitutional coverage for the industry, whilst every other state branch of the AWU in Australia as well as the federal secretariat was in favour.

A few people should be acknowledged for the contribution they have made. One is Ian Cambridge, who was one of the first organisers for the Roxby Downs site. He used to look after the site from Port Pirie and worked alongside me during the mining construction phase. Other people whose contribution I should recognise is John Dunnery, former secretary of the Australian Workers Union, who had the courage to go up to Roxby when president of the South Australian Branch, despite the fact that the then secretary, Alan Begg, was against the project. Somebody else I should acknowledge—not that he would perhaps do the same for me—is the role Jim Doyle, a former organiser with the Australian Workers Union, played during the early days.

The Hon. R.K. Sneath interjecting:

The Hon. T.G. CAMERON: I am coming to you—just wait. Whilst Jim Doyle was a member of the Labor Party, and maybe still is, he was also well known for his support of the communist party, ever since the early nineteenth century when he was a turnkey man. Terry Roberts would be the only one who would know what I am talking about, being a fellow traveller there for a while. I also acknowledge the role Jim Doyle played in the early stages, despite the fact that he was from the left. He was a strong supporter of Western Mining. Jim used to follow the Moscow line: if uranium was good enough to be used in Russia then it was good enough to be used here. I also acknowledge the work that Jim Doyle did behind the scenes.

I should also acknowledge, for the wonderful contribution he has made to the uranium industry here in South Australia, one of our comrades from this council, the Hon. Bob Sneath. I confess that I had a few misgivings when Bob became secretary as to whether or not he would continue to fully support and give the AWU members working up there at Roxby his full attention.

The Hon. R.K. Sneath interjecting:

The Hon. T.G. CAMERON: I need not have had those fears because, during the time the Hon. Bob Sneath was secretary of the AWU, he fully supported the Roxby Downs site. He was known to even go up there on the odd occasion to visit the site. From all reports I have had back on site, Bob was a big supporter of Roxby and a big supporter of the uranium industry whilst secretary of the Australian Workers Union, South Australian Branch. He is to be commended for that and for putting members first, even if some years later he would arrive at a different conclusion. If one could have been a fly on the wall, I do not reckon he would have supported this, but as I am not a fly on the wall I guess we will never know. It was people like Bob Stanfield, Ian Cambridge, John Dunnery and Bob Sneath who saw the Western Mining Corporation's operation at Roxby go from drill hole to one of the most efficiently run copper/uranium mines in the world.

I wish to make it quite clear, as I conclude, that I do not list myself as one of those opposed to the uranium industry. Sure, the uranium industry has its problems—and now is not the appropriate time to debate those—but who in this place would argue for coalmining and the generation of electricity from coal, particularly that brown rubbish that we use from Leigh Creek and that they use in Victoria. I do not know where the uranium debate will go: as I said, that is to be held in another place.

At this stage I indicate my support for the second reading, but I would not like too many people to read too much into that—I support all second readings. My view is that debate should not be cut off. Bills should be allowed to go into the committee stage so that governments can be tested on the veracity of their claims. Unfortunately, I cannot find any commonsense, enlightenment or rationale in the government's position on this, but I will support the second reading to allow the debate to continue.

The Hon. T.J. STEPHENS secured the adjournment of the debate.

ADJOURNMENT

At 6.27 p.m. the council adjourned until Tuesday 15 July at 2.15 p.m.