LEGISLATIVE COUNCIL

Tuesday 16 September 2003

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

QUESTIONS ON NOTICE

The PRESIDENT: I direct that written answers to the following questions be distributed and printed in *Hansard*: Nos 16, 231, 262, 266 to 268, 280 and 281.

FINES, LATE PAYMENT

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

1. Can the treasurer list all government departments, agencies, corporations or entities that charge a late fee or fine for late payment of accounts?

2. What is the rate of each of these fees for late payment of accounts?

3. What criteria is used to set the rate of the late fees or fines for late payment of accounts?

4. Why are the rate of late fees and fines different between individual government departments, agencies, corporations or entities for late payment of accounts?

5. For the period 2000-01, how many fees or fines were issued by each of the government departments, agencies, corporations or entities for late payment of accounts?

6. For the period 2000-01, how much revenue was collected by each of the government departments, agencies, corporations or entities for late payment of accounts?

The Hon. P. HOLLOWAY: The Treasurer has provided the following information:

I refer to my correspondence to the Hon. T.G. Cameron MLC dated 14 August 2002 advising that Treasury and Finance would coordinate a whole of government response to this question.

As indicated at that time, it was necessary to consult with all Ministers in relation to this issue in order that a comprehensive answer could be provided. Ministers have circulated a questionnaire to agencies within their portfolio to gather this information.

The returned questionnaires identified a total of 244 434 late payment fines being issued in 2000-01, resulting in a total amount of $4.5 million collected.

The majority of this revenue was collected from:

- Revenue SA has indicated that $1 109 732 was due through a combination of interest and penalty tax imposed through the issue of 3 201 late payment notices for defaults on land tax accounts;
- Industrial Relations, Workplace Services collected $1 040 000 through the issue of 6 958 late payment notices;
- The Courts Administration Authority collected $765 537 through the Issue of 67 465 late payment notices;
- The Office of Consumer and Business Affairs collected $630 000 through the issue of 5 070 late payment notices issued under the Second Hand Vehicle Dealers Act, 1995;
- SA Water collected $375 620 through the issue of 75 124 late payment notices; and
- Transport SA collected $367 400 through the issue of 7 348 late payment notices.

The authority under which these fines are determined and applied are set out within the legislation governing the activities of each agency. The basis for setting the rate is predominantly controlled by the relevant legislation. However, in some instances the legislation sets the rate by reference to a third party such as the Reserve Bank of Australia (RBA). The RBA issues a Prime Bank Rate that can be used by an agency as a basis for determining the level of interest charged on late payments. Other external parties such as debt collection agents may also be involved with determining the cost of recovering the outstanding monies and therefore influence the sums imposed as penalties.

Further information regarding each fee can be obtained from the relevant Minister.

CHILD PROTECTION REVIEW

231. **The Hon. T.G. CAMERON:** What was the total cost of the recent Child Protection Review, undertaken by Robyn Layton, Q.C., including:

1. Consultancy payments;
2. Staff time;
3. Printing; and
4. Other costs?

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

The total net cost as at 5 May 2003 of the Child Protection Review undertaken by Ms Robyn Layton QC is $582 318, which includes:

(i) Consultancy payments—$311 429;
(ii) Staff time—3 staff employed full time for 1 year—$183 735;
(iii) Printing of the Child Protection Report—$30 571; and
(iv) Other costs—$56 583 in equipment and contingencies (major contingencies include all other printing costs, design costs, travel and venue hire associated with public consultations and advertising costs).

It is anticipated that some cost recovery will occur through the sale of the report.

RAIL, SOUTH-EAST

262. **The Hon. SANDRA KANCK:**

1. What progress has been made on the tender process for the south-east rail system since October 2002 when Australian Southern Rail withdrew as the successful bidder?

2. What was the last date that the Department made contact with those companies remaining in the tender process?

3. On how many occasions has the Department made contact with those companies since Australian Southern Rail withdrew?

4. When does the Minister expect that this matter will be finalised?

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

1. An assessment has been completed and the Government is considering its recommendations.

2. On 16 May 2003.

3. Since 15 October 2002, on at least 15 occasions, through meetings and written correspondence.

4. It is expected that this matter will be finalised shortly.

SPEED CAMERAS

266. **The Hon. T.G. CAMERON:** For the years 2001 and 2002:

1. How many:
(a) cars;
(b) motor cycles;
(c) buses;
(d) trucks; and
(e) other vehicles
were caught by speed cameras and issued with infringement notices and how much revenue for each was raised as a result?

2. How many:
(a) cars;
(b) motor cycles;
(c) buses;
(d) trucks; and
(e) other vehicles
were unable to be issued with speed camera infringement notices due to the picture being unusable?

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

SAPOL's Expiation Notice System does not collect data in the categories or fields reflecting the types of vehicles referred to in the question and, therefore, cannot be provided.

COURTS, JUDGMENTS

267. **The Hon. A.J. REDFORD:**

1. In relation to the outstanding judgements referred to in the Attorney-General's answer to my Question on Notice No. 71

provided on 17 February 2003, which of those judgements are still outstanding?

2. Are there any judgements in any court in South Australia currently outstanding for more than six months?

3. If so, how long has each such judgement been outstanding?

The Hon. P. HOLLOWAY: The Chief Justice has provided the following information and has no objection to you making this public.

The following judgments remain outstanding in the Supreme Court:

Name of Matter	Date Reserved	Judge(s)
Edwards & Ors v Olsen & Ors	4 October 2001	Full Court: Mullighan, Williams and Wicks JJ and, subsequently, Besanko J replacing Wicks J
The Shed People Pty Ltd v Frederick Turner & Ors	13 March 2002	Wicks J

As to Edwards & Ors v Olsen & Ors, that matter has been delayed by the resignation of Wicks J due to ill health, and by an application by one of the parties to re-open the hearing.

The other matter mentioned has also been affected by the resignation of Wicks J. That matter has been referred to Sulan J who is endeavouring to bring it to a conclusion as quickly as possible.

As of Friday, 6 June, the following further judgments were outstanding in the Supreme Court:

Name of Matter	Date Reserved	Judge(s)
Renton Resources v C Codling Pty Ltd	19 July 2002	Wicks J
NZI Insurance Australia Ltd v Baryzcka	24 October 2002	Full Court: Duggan, Debelle and Williams JJ
1-3 Alexander Tce Pty Ltd & Ors v Glenelg Backpacker Resort Pty Ltd	14 October 2002	Full Court: Duggan, Debelle and Williams JJ
South Parklands Hockey and Tennis Centre Inc & Ors v Brown Falconer Group Pty Ltd & Ors	15 November 2002	Debelle J
Trustees of the Kean Memorial Trust Fund v Attorney-General	27 May 2002	Wicks J
IOOF Australia Trustees	27 May 2002	Wicks J

As to the above cases, I add the following information.

The matter of Renton Resources v C Codling Pty Ltd has been referred to another Judge. An order has been made for a mediation.

Judgment was delivered in the second and third cases mentioned on 20 June, 2003. Accordingly, judgment is no longer outstanding in those matters.

As to the last two matters, they were not referred to in my letter of 12 December, 2002, because they were not drawn to my attention at the time. They are matters which would not necessarily be regarded as outstanding judgments in the ordinary sense of that term, because of the nature of the matter before the Court in each case. Each of those matters has been referred to another judge who is bringing them to a conclusion.

In my response to your Question On Notice No. 71, I referred to one matter outstanding for more than six months in the District Court. Judgment was delivered in that matter on 24 December, 2002.

I am informed by the Chief Judge that, as at 6 June, 2003, the only judgment outstanding in the District Court is in the following matter:

Name of Matter	Date Reserved	Judge(s)
Millar & Ors v Sotiroulis & Ors	20 November 2002	Judge Simpson

As to that matter, I am informed by the Chief Judge that judgment was delivered on 20 June, 2003.

This information is provided by me and by the Chief Judge by reference to our computerised case management system, and after making inquiry of our Judges.

The Senior Judge of the Environment, Resources and Development Court has informed me that there are no judgments outstanding for more than six months in that Court as at 6 June, 2003.

The Senior Judge of the Youth Court has informed me that there are no judgments outstanding for more than six months as at 6 June, 2003, in that Court.

The Senior Judge of the Industrial Court has given me a list of decisions of that Court outstanding for more than six months. I include a copy of that list. I understand that the date shown in relation to each case is the date on which judgment was reserved.

The Chief Magistrate has asked the magistrates to inform him of any judgments reserved for more than six months. The Chief Magistrate has told me that none have been brought to his attention. On that basis, I assume that there are none.

Magistrate Hardy's reserved decisions as at 6/6/03

4392/01 Siviour v RJ & EB Kerr
7/8/01 (Handed down 3 June 2003)
7696/01 Police Association of South Australia Inc.
31/9/01 v South Australian Police Department
Handed down 16 June 2003)
7930/00 Egan v Riverland Regional Health Services
13.9.01 (In final draft—to be handed down week of 14 July 2003)
265/01 Warwick v Conroys Smallgoods Pty. Ltd.
20/9/01 (In final draft—to be handed down week of 14 July 2003)
271/01 Fricker v Conroys Smallgoods Pty. Ltd.
20/9/01 (In final draft—to be handed down week of 14 July 2003)
5957/01 Branson v Kingston Leader
18.10.01 (In final draft—to be handed down week of 14 July 2003)
5190/01 Scott v Blackwood Florist
24/10/01
4814/01 Ho v S. Krasnov & I Sing t/as Seido Hair
4817/01
7/12/01
912/01 Harker v Naval, Military & Airforce Club of S.A. Inc.
9.12.02
5760-5762Carr, Dobie & Hundertmark v Dairy Farmers
12/12/01
8628/01 Jones v AQ Australia
21.1.02
5111/01 Minagall v Alex Milne Plumbing
24/1/02
119/02 Reid v Elaura Enterprises Pty. Ltd. T/as
18/2/02 The Stables Restaurant
7826/02 Taylor v N J Arnold Pty. Ltd.
20/2/02
1042/01 Maher & Lamb v ADI Limited Operations Group
1044/01
12/4/02
6121/01 Lang v Peter Keliouris t/as Statewide Alarms
16.4.02
7825/02 Rawlings v Burdon Properties Pty. Ltd.
27.2.02 (At Berri)

2113/01 8/5/02	Drewniak v Airbags Australia Pty. Ltd.
5144/01 29/5/02	Slater v George Weston Foods Ltd.
458/02	Fearn v M & H Dwyer t/as Lonsdale Lets Lunch
8814/01 19/6/02	M & H Dwyer t/as Lonsdale Lets Lunch v Fearn
7545/01	Peter Franzonv Peter Franzon and Sons Pty. ltd.
7546/01 26/7/02	Anthony Franzon v Franzon's Hilton Hotels Pty. Ltd.
6364/01 19/8/02	Watkins v Caddsman Pty. ltd.
5040/02 2/9/02	Croft v John F and Annette Lukins t/as Ye Olde Oven
9259/01 22/10/02	O'Connor (Health & Safety Rep. For Salisbury Down Primary School v Awwad (inspector)
2280/02 20/11/02	Campbell v the University of Adelaide
6741/01 6704/01 19/12/02	Liddle & Heaney v Macmedia Australia Pty. Ltd.

SOUTH AUSTRALIAN PHYSICAL ACTIVITY COUNCIL

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

1. How many advertisements were placed in newspapers for positions on the South Australian Physical Activity Council?

2. In what papers did they appear?

3. How much did each advertisement cost?

The Hon. T.G. ROBERTS: The Minister for Recreation, Sport and Racing has provided the following information:

Advertisements were placed in 28 metropolitan and regional newspapers throughout South Australia for a two-week period commencing on 17 May 2003 and concluding on 30 May 2003.

The advertisement appeared in the following papers. The costs outlined are per week costings.

The *Advertiser* (Saturday)	856.50
Sunday Mail 1201.20	
Messenger Newspapers 11 papers	1056.00
Weekend Australian	2572.05
SA Country papers	
Angaston Leader	117.39
Barossa & Light Herald	112.71
Border Chronicle	95.55
Loxton News	101.40
Gawler Bunyip	109.20
Mt Barker Courier	193.05
Yorke Peninsula Country Times	134.55
Mt Gambier Border Watch	110.76
Murray Valley Standard	173.16
Pt Augusta Transcontinental	133.38
Pt Lincoln Times	122.46
Renmark Murray Pioneer	115.83
Victor Harbor Times	142.74
Whyalla News	112.32

DRUGS SUMMIT

280. **The Hon. T.G. CAMERON:** Considering the Drugs Summit website promised $3.25 million for the first year of implementation of the Drug Summit initiatives:

1. Was 2002-03 the first year of operation of the Drugs Summit, or will it be 2003-04?

2. Why do the 2003-04 State Budget figures in the Social Inclusion Initiatives Budget show no expenditure in 2002-03 and only $1.862 million in 2003-04?

The Hon. P. HOLLOWAY: The Premier has provided the following information:

1. The first round of Drugs Summit initiatives commenced in January 2003. Funding totalling $3.253 million was committed by Government for the implementation of 21 priority initiatives. These initiatives are centred around:

- Building resilience in young people through education (funding of $750 000 in the first year)
- Young people and amphetamine-type drugs use (funding of $853 000 in the first year)
- Strengthening support for Aboriginal people (funding of $111 500 in the first year)
- Saving lives through timely treatment (funding of $1 210 500 in the first year)
- Timely Intervention linking people into treatment (funding of $328 000 in the first year)
- Increasing community protection
- Improving integration of strategies, programs and services.

2. The 2003-04 State Budget figures in the Social Inclusion initiatives show no expenditure in 2002-03 as funding was not allocated to the Social Inclusion Unit. Each of the Drugs Summit initiatives has a lead agency to which funding is allocated. That lead agency is then responsible for distribution of funds to follow agreed actions. As the 2003-04 initiatives have yet to be finalised, the $1.862 million has been temporarily allocated to the Social Inclusion Initiatives Budget. When finalised, this money will then be allocated to respective lead agencies.

ARTS SA

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

1. How does Arts SA plan to support the State Opera of South Australia in relation to the first production of Wagner's Ring Cycle with general admission tickets starting at $1 500, as stated in Budget Paper 4, Volume 1, page 1.31?

2. (a) Will the Government be subsidising seats; and
(b) How will these subsidies be allocated?

3. Why is Arts SA assisting the promotion of an expensive and often-performed German opera while having no target of assisting young South Australian composers?

4. What is the South Australian Government doing to promote young South Australian composers and assist them in staging their productions?

The Hon. P. HOLLOWAY: The Premier and Minister for the Arts has provided the following information:

1. This will not be the first production to be presented in Australia of Wagner's Ring Cycle. (The first production was mounted in Adelaide in 1998 when State Opera of South Australia presented a season of three full cycles of the Paris Chatelet Opera's production, each consisting of four operas.)Rather, in 2004, State Opera of South Australia will be presenting the first fully Australian production of the *Ring Cycle*.

The fact that State Opera of South Australia's 2004 production of Wagner's *Ring Cycle* is seen as an event of national significance is reflected in the funding being provided by both the Commonwealth and State Governments.

Of the total Government subsidy allocated for the *Ring Cycle,* the Commonwealth Government is providing 63 per cent, and the State Government is providing 37 per cent (15 per cent through Arts SA and 22 per cent through Australian Major Events).

Tickets do not start at $1 500. Only the tickets for premium seats cost $1 500, and it is pleasing to note that all of these premium tickets have already been sold.

The cheapest tickets will be $600 each and it should be taken into consideration that this is for 16 and a half hours of opera.

2. (a and b) One hundred tickets will be made available to music students at a cost of $150 each.

In addition, arrangements will be made to provide a live direct telecast of the entire final *Ring Cycle* in The Space Theatre at the Adelaide Festival Centre. This direct telecast will be free of charge to the public thanks to support through the Adelaide Festival Centre Trust and to sponsorship from Santos.

3. The decision to mount the first fully Australian production of Wagner's *Ring Cycle* was made by the previous State Government.

I understand that this decision was made in light of the great success, in 1998, of the first production in South Australia of the *Ring Cycle*.

An economic impact study revealed that this major production drew 3 600 first time visitors to SA. In 1998, the *Ring Cycle* provided an economic benefit of $10 million to the State and created 260 full time equivalent jobs. It also created enormous interest in the international media.

4. Arts SA offers twice-yearly rounds of Project Assistance to artists, and both emerging and established composers have tapped into this funding to develop their compositions and present new works.

In addition, many performing arts projects have presented opportunities for musicians/composers to create new works for performance. These have included recent projects like the theatre piece *Time She Stopped*, for which Zoë Barry composed and

performed, and Juha Vanhakatarno's *Beach Project*, for which Elena Kats Chernin contributed compositions.

Some of the composers (and musicians working as composer/performers) and performances of new compositions that have been approved for funding through Arts SA's Project Assistance grants program in the last three years include:

- Tristram Carey: $5 000 to prepare orchestral parts for sections of film scores for live performance
- John Polglase: $4 000 for composition of a new string quartet for the ASQ
- The Firm: $5 700 for three concerts of new compositions
- John Polglase: $6 965 for travel to Switzerland to attend the premiere of two of his compositions
- The Firm: $7 600 for three concerts of new Australian music
- Australian Society for Music Education: $3 160 to commission a new work from composer Quentin Grant
- Pat Rix: $25 000 fellowship towards development and composition of *My Life, My Love*
- Thinktank (musicians/composers): $8 000 for a three-week tour performing throughout Europe and the UK
- Natalie Williams: $3 105 for a new choral and orchestral composition *Towards Unlit Skies*
- John Polglase: $25 000 fellowship for composition, performance and recording
- Musica Viva Australia: $6 000 for the commissioning of a new string quartet by Graeme Koehne
- Adelaide Girls Choir: $5 000 to commission an Australian choral composition
- Port Pirie Regional Tourism and Arts Centre: $19 000 for a performance of the new composition *Smelter Symphony*
- Stellar Collective: $9 000 for the production of two chamber music concerts (including works by emerging SA composers)
- Hilary Kleining: $8 700 for Kaleidoscope—a multi-arts performance consisting of four newly-commissioned works
- Graham Strahle: $5 610 towards *The Diary of Samuel Pepys*, a new spoken word and music composition.

In addition, the composing/performing new music group The Firm received $20 073 in annual funding for 2003 through Arts SA's Industry Development program.

In terms of specific support for opera, since State Opera of SA established its Opera Studio at Netley, young artists including singers, designers, musicians and composers have had access to the venue and its facilities for professional development activities and performance opportunities. For example, SA composer Graeme Koehne's opera *On the Beach* was presented in the Opera Studio as a work in progress.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Agriculture, Food and Fisheries (Hon. P. Holloway)—

- Reports, 2001-2002—
  - Langhorne Creek Wine Industry Fund
  - Primary Industry Funding Schemes Act 1998—
    - Riverland Wine Industry Fund
- Advisory Board of Agriculture—Report, 2002-03
- Citrus Board of South Australia—Report for the year ended 30 April 2002.
- Government Boards and Committees Information (by portfolio) as at 30 June 2003—Volumes 1-3
- Regulations under the following Acts—
  - Branding of Pigs Act 1964—Tracing of Livestock
  - Children's Services Act 1985—
    - Remake
    - Revocation
  - Fair Trading Act 1987—Related Acts
  - Fisheries Act 1982—
    - Abalone, Undersized Fish
    - Scheme of Management Variation—Abalone Shark Length, Finning
  - Hairdressers Act 1988—Qualifications
  - Land Acquisition Act 1969—Native Title Variations
  - Liquor Licensing Act 1997—Dry Areas—
    - Copper Coast
    - Golden Grove
    - Meningie
    - Port Pirie
  - Primary Industry Funding Schemes Act 1998—
    - Adelaide Hills Variation
    - Adelaide Hills Wine Industry
  - Subordinate Legislation Act 1978—Expiry Postponed
  - Victims of Crime Act 2001—Fees, Applications Amended
- Rules of Court—
  - District Court—District Court Rules 1991—Definitions Suspended
  - Magistrates Court—Magistrates Court Act 1991—Complaint, Review Application
- Director of Public Prosecutions Act 1991—Direction under Section 9(2)
- Generation Lessor Corporation Charter
- Response to the Report of the Legislative Review Committee—Giant Crab Regulations Nos. 259 and 273 of 2001

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

- Flinders University—Adelaide—Australia, Report 2002
- Murray-Darling Basin Commission Report, 2001-02
- Regulations under the following Acts—
  - Construction Industry Long Service Leave Act 1987—Remake
  - Controlled Substances Act 1984—Pesticides
  - Development Act 1993—
    - Development Assessment Variation Requirements Clarified
    - 18A Revoked
  - Freedom of Information Act 1991—Fees and Charges
  - Harbors and Navigation Act 1993—Quarantine Extension
  - Native Vegetation Act 1991—2003 Regulations
  - Occupational Therapists Act 1974—Qualifications
  - Passenger Transport Act 1994—Maximum Taxi Fares
  - Pitjantjatjara Land Rights Act 1981—Food, Medicine, Mining Access
  - West Beach Recreation Reserve Act 1987—Remake
- Response to the Inquiry into the Passenger Transport Board—32nd Report of the Statutory Authorities Review Committee.

LEGISLATIVE COUNCIL STATISTICS

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I seek leave to make a ministerial statement.

Leave granted.

The Hon. P. HOLLOWAY: Yesterday the Hon. Angus Redford asked a number of questions relating to the answering of questions taken on notice in this place. In response to the honourable member's question I refer to the Legislative Council of South Australia's statistics. It is worth while to compare the statistics from the fourth session of the Forty-Ninth Parliament, the final session of the previous government, and the second session of the Fiftieth Parliament, our most recent session. The fourth session of the Forty-Ninth Parliament ran from 4 October 2000 to 15 January 2002—a period of some 15 months. During that 15 months the Legislative Council sat on 69 days for a total number of 518 hours and nine minutes.

I am advised that in the second session of the Fiftieth Parliament, which ran from 7 May 2002 to 31 July 2003—about 14 months—the Legislative Council sat on 91 days, for a total of 501 hours and 58 minutes. This means that the Legislative Council sat for an extra 22 days in the last session, with an extra 22 hours of question time, although the total sitting time was about 16 hours less.

Members interjecting:

The PRESIDENT: Order! Members on my right and on my left will come to order.

Members interjecting:

The PRESIDENT: Neither leader is helping the situation.

SALISBURY LEVEL CROSSING

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I lay on the table a ministerial statement regarding the Salisbury level crossing made on this day by the Hon. Michael Wright.

CORRECTIONAL FACILITIES

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I seek leave to make a personal explanation.

Leave granted.

The Hon. A.J. Redford: This is not entirely unexpected.

The PRESIDENT: Order!

The Hon. T.G. ROBERTS: Yesterday, I was asked a question by the Hon. Rob Lucas about whether the Department for Correctional Services or anyone else had made recommendations in relation to the location of a new women's prison or a new youth detention centre. Last night I indicated that I would seek clarification and give a fuller explanation to the council today. I prefaced my answer to the question by saying that I had not recently received any such recommendations—and that is the case—however, I would not want my answer to be interpreted to mean that I have never received any recommendations in the past.

The Hon. R.I. Lucas: That's what you said.

The Hon. T.G. ROBERTS: I was talking in a contemporary sense. Recommendations as to a preferred site for these facilities were made subject to a range of considerations, including consultation with stakeholders. However, as it stands, it is the government's position that there is no preferred location for a new women's prison or a youth detention centre at this time. All options are being considered. As I have said, the Minister for Infrastructure has responsibility for this project at this stage, and I understand that in the near future the matter will be considered by cabinet.

AUSTRALIAN HEALTH CARE AGREEMENT

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I lay on the table a copy of a ministerial statement relating to the COAG Australian Health Care Agreement made earlier today in another place by my colleague the Premier.

QUESTION TIME

SHEARING INDUSTRY

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about Andrew Brown's reporting on shearer training.

Leave granted.

The Hon. CAROLINE SCHAEFER: The Minister for Employment, Training and Further Education in another place recently released a report which she commissioned into shearer training in South Australia. The person contracted to prepare the report was Mr Andrew Brown. My questions are:

1. Is the minister aware of the terms of reference given to Mr Brown in conducting his assessment of the shearer training program?

2. Did the minister have any input into the formulation of the terms of reference in his capacity as Minister for Agriculture, Food and Fisheries?

3. Is the minister satisfied that the Brown report was conducted in line with the terms of reference?

4. Does the minister know the cost of the report?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): The Brown report on shearer training is the responsibility of my colleague the Minister for Employment, Training and Further Education. I will get the answers from her and bring them back to the honourable member.

The Hon. CAROLINE SCHAEFER: I have a supplementary question. Did you have any input?

The Hon. P. HOLLOWAY: The honourable member has, as a supplementary question, asked me whether I had any input into it. The answer is no. I have full confidence in my colleague the minister for further education and she has—

The Hon. J.S.L. Dawkins interjecting:

The Hon. P. HOLLOWAY: I am sure that my colleague the minister for further education is perfectly capable of ensuring that this important subject has been adequately addressed, and I understand that my colleague has already made an announcement in relation to increased resources. It was my understanding that it had been warmly welcomed by the industry.

PRISONERS, SEXUAL OFFENDERS PROGRAM

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

Leave granted.

The Hon. R.D. LAWSON: On 29 May this year, in response to a question from me concerning an announcement made in the context of the budget that $1.5 million was to be allocated to a sexual offenders rehabilitation program, the minister said:

> We will thoroughly examine programs that are being run both interstate and overseas. I understand a lot of work is being done in this area in the United Kingdom. The type of program that we introduce will not be experimental but based on evaluations by overseas practitioners. . .

He went on to say:

> So, we will probably look at a whole suite of programs. The responsibility for the introduction of these programs will be handled by health in consultation with psychiatrists and psychologists and in conjunction with tertiary institutions.

He then went on to say:

> As to when, we will be doing that as soon as cabinet endorses a program for evaluation to be introduced into South Australian state prisons.

On Tuesday 9 September, the minister issued a media release which stated, 'New prison rehabilitation programs set to begin.' I was delighted at the prompt action (as were, I am sure, many people in the community) and the apparent immediate commencement of the sex rehabilitation programs in our gaols. The media release further stated:

> Cabinet has approved a wide range of new prisoner rehabilitation programs within our South Australian corrections system.

Although later it said:

In the first year, there will be funding for program selection, appointing specialists and establishing effective assessment processes.

That seems to be a contradiction to the headline which stated that the programs were set to begin, and that cabinet had approved the programs which are to be implemented. My questions to the minister are:

1. Is it not a fact that the government has not yet identified, let alone approved, any particular program for sex offenders in our prisons?

2. If that is the case, what process has been put in place to identify which programs will be introduced into our prisons, and who is to undertake that assessment process?

3. When will the sex offenders program in our prisons begin, with actual treatment of prisoners?

4. Will the minister apologise to the people of South Australia for the misleading news release, which stated, 'rehabilitation programs set to begin'?

The Hon. T.G. ROBERTS (Minister for Correctional Services): I do not think that a press release with a heading such as that which the honourable member has read out deserves an apology to the people of South Australia. With respect to the government's funding programs and regimes, as I have pointed out, cabinet has approved the spending. We have provided new funding of $1.5 million a year to introduce, under broad headings, rehabilitation programs aimed at sex offenders; that is $800 000 a year; under the broad heading of 'Violent offenders program' there is $300 000 a year, and under the broad heading of 'Aboriginal offenders' there is a funding regime of $240 000 a year, plus funds for evaluation of those programs as they continue.

The honourable member probably had some say in helping to set up a number of programs which have already been running for a number of years inside our prison system, and some of those programs have been quite successful in rehabilitating prisoners. I will use the example of the violent offenders program, of which I know one component is anger management, which runs through most of the prisons in one form or another. The funds can expand some of these programs immediately and, in other cases, where new programs are being introduced or assessed, they will take longer to get under way.

If we are talking about the sex offenders programs, they are a new start, as the honourable member would know and understand. We are starting from scratch, if you like, and that will take much longer. We have to do assessments of some of those programs that are running overseas and interstate, and I would hope they are up and running by the middle of next year. So, as you can see, the press release does not need any explanation or apology.

The programs that we would hope to put in place immediately will start as soon as possible, and we will need to evaluate those that are a little bit more difficult, such as the sex offenders programs and many other programs that are running. I know that a lot of the prison services systems have tried and ruled out some programs. We will not go down that track; we will be trying to work with those which are already in existence and which have had evaluations that they are of some benefit to exiting prisoners. I think we can look forward to changes to rehabilitation programs. As the honourable member knows, we have come under some criticism for not having put any programs in place immediately. We have budgeted responsibly for the new regimes, and I would hope that in a bipartisan way the opposition can support the introduction—

The Hon. Ian Gilfillan interjecting:

The Hon. T.G. ROBERTS: Tripartisan. I know I have your support on rehabilitation, Ian. I do not have to call for that, but I appreciate the support and work that you will put in with the government. We will accept any programming ideas you have. I know you have travelled widely and looked at some of the rehabilitation programs that have been put in place overseas. Our program is mildly ambitious, and we would hope it adds to the rehabilitation rate within our prison system and improves the already reasonable weighting of our recidivism rate within this state, which puts us in the top two in the nation in relation to recidivism. We can always be criticised for not doing enough, but we have started on some new programs as well as building on the bank of old programs that have been running.

The Hon. R.D. LAWSON: As a supplementary question: what part of the $800 000 approved by cabinet will be applied to the chemical castration of prisoners, as floated by the minister, and what evidence for the effectiveness of such programs did the minister have when he floated that proposal?

The Hon. T.G. ROBERTS: Chemical castration is a very emotive term for the drug treatment of sexual offenders within prisons. We envisage that for the treatment of sexual offenders we will be looking at some of the drug treatment programs that are run in the community after prisoners exit.

If we are to do a proper evaluation of all the options for treating sexual offenders who find their way into the courts and the prison system and then exiting, we would certainly have to have those programs supported by psychiatrists and the medical profession.

We would be letting ourselves down if we did not do an evaluation on drug support therapy for the treatment of offenders. I am sure that the emotive issue of chemical castration will be considered. It is another term for drug therapy for sexual offenders. Some may want to avail themselves of a program. I understand it is being used for exiting prisoners in other countries and interstate. I would expect the department to be looking at those programs to see whether there are any benefits in such programs being run in the state. In relation to the allocation of funding for that particular section, we have not gone into the details of what funding allocations would be made. I am sure there will be a priority setting for those programs that are in place. If the evaluations are such that larger allocations are warranted, I am sure the department will make those recommendations.

CORRECTIONAL FACILITIES, OAKDEN

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make an explanation before asking the Minister for Correctional Services a question about misleading or incorrect statements made by the minister to the chamber yesterday.

Leave granted.

The Hon. R.I. LUCAS: Yesterday I asked the minister a series of questions on the issue of the women's prison and the youth detention centre, the possible location of which being at Oakden. The minister made a series of claims which, certainly from my viewpoint, bore little resemblance to the facts as they had been described to me. I understand that the minister, after question time, was advised by his personal staff that he had misled the council, and that he needed to make a personal explanation at the earliest opportunity. We

saw a personal explanation of sorts from the minister at the commencement of question time today.

Yesterday, two of the questions that I put to the minister, about which I am seeking clarification as a result of his personal explanation, related to whether or not he could confirm that the Department for Correctional Services had recommended that Oakden be the location. I accept the fact that the government says it has now not made a decision. However, I asked whether or not he had received advice from the department. The minister stated:

> No recommendation for a preferred site has been proffered to me.

Secondly, as a supplementary question, I asked the minister whether or not officers within his department are required to provide him, as minister, with any advice that they provide to the PPP unit, which is in Treasury, or was he indicating that they operated completely independently of him and could provide some issues directly to the PPP unit in Treasury without his knowledge. The minister replied:

> The PPP operates independently of me. The presentation of the documents in relation to the requirements of the department is worked with departmental officers and with the PPP unit.

I then asked, 'Do you see them?' The minister responded unequivocally, 'No.' That is, he did not see advice provided by his department to the PPP unit. I expressed surprise at that, but that is not all captured in the *Hansard* record of the events yesterday. My two questions to the minister, in response to his personal explanation, are:

1. As a result of advice from his office that he has misled the council, is he now confirming that his department did recommend to him that the women's prison be located at Oakden?

2. What is the minister now saying in relation to the process of his departmental officers working with the PPP unit in relation to the women's prison? Is he still maintaining the position that he outlined to the council yesterday, that his officers worked independently of him and provided advice directly to the PPP unit, and he does not see the documents provided to the PPP unit, or is he now indicating that that statement he made yesterday was untrue?

The Hon. T.G. ROBERTS (Minister for Correctional Services): I refer the member to the statement that I made prior to question time, and I also refer him to the section which states that the responsibility for this matter is not part of my portfolio area. Cabinet will make the decision in relation to the siting.

The Hon. R.I. Lucas: So the women's prison isn't your responsibility?

The Hon. T.G. ROBERTS: I refer the honourable member to my statement made before question time.

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order! Questions will go through the formal process, or they will not be answered at all.

The Hon. T.G. ROBERTS: I reiterate that it is not part of my portfolio area, and the PPP is not a part of my portfolio. The cabinet will make a decision on a whole suite of decisions in relation to how cabinet makes its decisions—across portfolios.

The Hon. R.I. LUCAS: I have a supplementary question. In his personal explanation today, was the minister indicating that the statement he made yesterday was untrue, that is, he did not see the recommendations and the advice that was provided by his officers in his department to the PPP unit in relation to the women's prison?

The Hon. T.G. ROBERTS: Again, I refer the honourable member to my reply. It is in my reply.

The Hon. R.I. Lucas interjecting:

The Hon. T.G. ROBERTS: If the honourable member reads the *Hansard* tomorrow, or if he reads the *Hansard* today, there is a reply to that question in the reply that I made prior to question time.

The Hon. R.I. LUCAS: Is the statement recorded in *Hansard* yesterday in response to the question from me—which was, 'Yes, but do you see them?' to which the minister replied, 'No.'—correct or not?

The Hon. T.G. ROBERTS: I clarified it in the statement. If you read the statement, it differentiates between the contemporary answer that I supplied yesterday and the reply that is included in the statement made prior to question time.

The Hon. R.I. LUCAS: Obviously a supplementary question cannot explore this issue in the detail it should. But I ask the minister: how is he defining 'contemporary' in relation to any answer that he is giving? The answer given here is 'No.' I am asking how he is defining 'contemporary' in relation to his alleged personal explanation today, which is meant to clarify his misleading statements yesterday.

The Hon. T.G. ROBERTS: I refer the honourable member to—

The PRESIDENT: The question is not precisely in respect of the original questions, but the minister can either answer the question or not.

The Hon. P. HOLLOWAY: Mr President, the question also contains attributions that are quite out of order.

The Hon. T.G. CAMERON: What are we doing, Mr President? We have people jumping up and down. I raise a point of order.

The Hon. P. Holloway interjecting:

The PRESIDENT: If the minister wants to raise a point of order, or ask for explanation, he will need to do so on his feet.

The Hon. P. HOLLOWAY: In his supplementary question, the Leader of the Opposition accused the minister of misleading the council; he cannot do that in a supplementary question.

The Hon. T.G. Cameron: Is this a point of order?

The Hon. P. HOLLOWAY: Yes, it is a point of order—

The Hon. R.I. Lucas: Well, then say 'point of order'.

The Hon. P. HOLLOWAY: I did.

The PRESIDENT: The point of order that the minister is making—

Members interjecting:

The PRESIDENT: There are too many commentators in the council today; it is becoming a common practice. You are participants: you are not commentators. A point of order has been raised by the minister, which he was trying to raise with me amidst a number of other contributions. I ask the minister to stand and raise the point of order again so that I am clear in my mind what he is alluding to.

The Hon. P. HOLLOWAY: My point of order, Mr President, is that, in his supplementary question, the Leader of the Opposition accused the minister of misleading the council. I suggest that that is quite contrary to the standing orders—to make such a statement in any question, let alone a supplementary question.

The PRESIDENT: There is a point of order and the minister is saying that the words are objectionable and offensive, whereby the Leader of the Opposition was alluding

to misleading, which can be objectionable. In respect of the answer to the question, the minister will answer the question the way he sees fit. From my personal experience with this matter, having on numerous occasions challenged rulings on the way ministers answer questions, I have found that it is not for the chair to tell a minister how to answer questions. If a minister chooses not to answer a question on the basis of cabinet confidentiality or public interest, that is his right—

The Hon. T.G. Cameron: You're not going to tell him—just give him a few hints!

The PRESIDENT: Order! They are the standard rules in this place. If the minister feels that the statement made by the Leader of the Opposition was offensive or objectionable, it is a judgment he makes. There is a procedure for him to take or he can answer the question.

The Hon. P. HOLLOWAY: To clarify the point of order, standing order 109 provides:

> In putting any question, no argument, opinion or hypothetical case should be offered, nor inference or imputation made.

The imputation or inference made by the Leader under standing order 109 makes the question quite out of order.

The PRESIDENT: The imputation may well have been offensive, but on the question itself, as a basis on which there is a reasonable expectation that a member of this council ought to seek information, the minister has the call. If he wishes to add further to his previous answers he can. He has other options available to him.

The Hon. T.G. ROBERTS: I feel I have answered the question. Both parts are inherent in the answer I gave prior to Question Time.

The Hon. R.I. LUCAS: By way of further supplementary question, will the minister deny that he has been advised by staff not to answer any further questions, other than by saying 'Refer to my previous statement'?

The Hon. T.G. ROBERTS: I do not think I need to reply to that.

ROCK LOBSTERS

The Hon. R.K. SNEATH: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question on the southern zone rock lobster fishery.

Leave granted.

The Hon. R.K. SNEATH: In 2000 the southern rock lobster fishery management committee set a management objective to build the fish stocks to a level to support an annual commercial harvest of 1 900 tonnes. My question to the minister is: when will the catch be increased from its current 1 770 tonnes to 1 900 tonnes?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I am happy to be able to tell the member that I recently approved the increase in total allowable commercial catch (TACC) to the 1 900-tonne figure that he mentioned. This will take effect from the opening of the season on 1 October this year. PIRSA is in the process of recalling licences so they can be re-endorsed with the increased catch limits, and this will be done in time for the opening of the season. Recent stock assessment advice from SARDI Aquatic Sciences has demonstrated that the fishery has exceeded the five performance indicators established for the fishery in the management plan and that an increase in TACC is warranted.

This increase in the TACC of 130 tonnes will increase the landed value of the catch by about $4 million. This is money that will flow through the local economy, particularly in the South-East, providing benefits to the wider community. The increased lobster bio-mass is also leading to increased catches by the recreational sector. Daily bag and boat limits in this sector will remain the same to ensure that pot registrations can continue to be issued without restriction or limit at a maximum of two pot registrations per person. The industry has been advised that the TACC will not be increased over the next three years so that the constant harvest strategy can be monitored closely in relation to the fishery performance measures.

SUPPORTED ACCOMMODATION

The Hon. KATE REYNOLDS: I seek leave to make a brief explanation before asking the minister representing the Minister for Social Justice and Housing a question about the financial viability report into supported accommodation.

Leave granted.

The Hon. KATE REYNOLDS: Earlier this year submissions were made to the parliament's Social Development Committee's inquiry into supported accommodation. One of these submissions, made by the South Australian Council of Social Services, stated that adequate affordable and secure housing was critical to the recovery and maintenance of the independence and well-being of those suffering from mental illness. However, people with psychiatric disabilities are still disproportionately represented in this state's homeless population. Many people with mental illnesses rely on private boarding houses for accommodation. However, there are many supported residential facilities facing closure after reaching breaking point because of a lack of funding and resources.

The state government apparently has told Messenger newspapers that it will not commit to any funding for these private boarding houses, and that could force many more mentally ill people onto the streets. The Minister for Social Justice and Housing has acknowledged this problem and admitted that the situation is at breaking point, and some of the operators of the 44 supported residential facilities have warned that they are considering closing their facilities. My questions are:

1. When will the state government release its financial viability report, which is expected to detail how much money is needed to maintain supported residential facilities or replace them with community based supported accommodation options?

2. Will the minister commit more funds to support people in supported residential facilities?

3. What community based accommodation and support options have been developed for people who would prefer an alternative to living in SRFs?

4. Why are people in South Australia with a mental illness not able to access disability funding allocated through the Commonwealth-State Disability Agreement for their accommodation and support needs?

5. Will the state government fund the non-government mental health peak body, the Mental Health Coalition of South Australia, to provide a range of services including quality and standards development, education and training, policy development in planning and advocacy in lobbying?

6. Will licensing and monitoring of supported residential facilities be reviewed?

7. Will supported residential facilities residents gain increased access to existing programs such as HACC?

8. Will there be an increase in funding for existing programs that provide assistance in finding and establishing accommodation?

9. Will community visitor schemes be established in South Australia?

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

The PRESIDENT: Before I call for the next question, I understand that many of the questions asked by members of the Democrats are referred, but I have to apply the same standards to all questioners. Some of the explanations are very long and there are multiple questions. I ask you to pay closer attention to that when you frame your questions in future.

JACOBS CREEK TOUR DOWN UNDER

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the minister representing the Minister for Transport questions regarding road laws in the Jacobs Creek Tour Down Under bike race.

Leave granted.

The Hon. T.G. CAMERON: New South Wales police have recently told cyclists that permits will not be issued in New South Wales for any road racing events unless they are conducted on a completely closed course under sterile conditions. The rolling road closures which have been used for decades by cycling events around the country are apparently no longer acceptable. Future Olympic hopefuls in that state have had weekend racing cancelled as a result. This ruling also has the potential to decimate local triathlon races and officials from both sports fear that the trend could spread to other states.

Apparently New South Wales police have acted on advice from the New South Wales Crown Solicitor that bicycles are classified as vehicles under the National Road Rules and therefore are banned from racing on the road unless under sterile conditions. Such a move here in South Australia would have devastating consequences for our world-class Tour Down Under bike race. My questions are:

1. Is the Minister for Transport aware of the situation in New South Wales regarding the banning of road racing by bicycles, and has he received any advice from the South Australian Crown Solicitor? If so, what was that advice?

2. Will the Minister for Transport ensure South Australians that this year's Tour Down Under will not be affected by the National Road Rules classification of bicycles as motor vehicles?

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

DUKES HIGHWAY

The Hon. D.W. RIDGWAY: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Transport, a question about the Dukes Highway.

Leave granted.

The Hon. D.W. RIDGWAY: In August this year, the federal government rejected a $15 million upgrade of the Dukes Highway by Transport SA on the basis that it was too expensive. Transport SA was asked to come up with a cheaper alternative. However, it will spend $815 000 on the road, including $160 000 for overhead lighting at the junction of the Dukes and Mallee highways at Tailem Bend; $100 000 for the installation of audible line edging; $435 000 to redevelop roadside stopping places between Tailem Bend and Keith; and an upgrade of the Dukes Highway-Memorial Avenue-Ross Avenue intersection at Keith. From Keith to Tailem Bend some audible lines have been installed, but there are now problems with what they call the vibra-lines, which, according to Mr Peter Cook, President of the Tatiara Road Transport Group, 'is brilliant where it sticks, but it costs up to $7 000 a kilometre, so if it's going to cost that, the job has to be done differently.' The vibra-line is lifting after only three or four months, whereas in Victoria it has remained in place for several years. Mr Cook is also quoted as saying:

> I don't know if it is the same product, or why it is fracturing. But, it is an expensive way to road-test. It has gone from a safety feature to a road hazard, and I'm not blaming Transport SA because the practice is relatively new in South Australia.

My questions are:

1. Has Transport SA submitted alternative rebuilding programs to the federal government?

2. Has Transport SA investigated why the existing audible line is not sticking to the road surface?

3. In light of that, is Transport SA still intending to spend $100 000 on audible lines on other parts of the road?

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

OVINE JOHNE'S DISEASE

The Hon. T.J. STEPHENS: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about Ovine Johne's Disease.

Leave granted.

The Hon. T.J. STEPHENS: The current national Ovine Johne's Disease program is due to conclude in June 2004. My question is: will the minister inform the council what future policy the Rann government is intending to implement in the management of OJD after June next year?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): For a number of years South Australia has led the country in the application of its policies to deal with Ovine Johne's Disease. I think this state, fortunately, has been spared some of the very divisive agro-politics that we have seen in other states, as a result of the way in which the OJD program has been handled in the state. The OJD program has been evolving over the years. I can recall going to a seminar on the subject when I was shadow minister for primary industries in the late 1990s. At that stage, as this country was developing a national policy towards Ovine Johne's Disease, there were difficulties getting an accurate test for determining whether sheep had Ovine Johne's Disease. Of course, over recent years a vaccination has been developed in relation to OJD, which has significantly changed the debate within this country.

When Ovine Johne's Disease was detected originally there were a number of properties on Kangaroo Island. At that stage the original policy under the previous government through the Sheep Advisory Group was that those places should be destocked, and compensation was paid out of the

fund operated by the Sheep Advisory Group. Of course, when the number of properties exceeded about 20, it became obvious that the problem was far more extensive on Kangaroo Island than first thought, and I think about 70 properties on Kangaroo Island have been assessed to have OJD. Of course, subsequently some cases of OJD also have been detected in the South-East of the state. There were also a couple of scares in the Mid North—although there was some question as to whether it was sheep with the ovine strain or the bovine strain of ovine Johne's disease. Some of the vets to whom I have spoken believe that we should just talk about Johne's disease rather than an ovine or bovine strain.

To get to the gist of the honourable member's question, obviously, the debate nationally and in this state has been evolving over the years as testing for the presence of this disease has improved, and better methods of dealing with the disease, such as vaccination, have become available. It is also important that this state act in concert with other states because, of course, if we were to be successful in managing the disease within this state (and that is what we are now talking about: I do not think anyone would suggest that we could eliminate the disease, but we should be able to effectively manage it), it is necessary that the other states have a complementary process in relation to that, because there is not much point in having effective policies here if other states do not take similar action within their borders.

In relation to the policy by June 2004, this state, as I said, has a very good record of being at the forefront in dealing with the disease, and we will continue to develop policies as we move forward that will keep us at the forefront of dealing with the disease. I understand that seminars recently have been held with the industry. I should also make the point that, to effectively deal with any disease such as this in animal health, it is imperative that the industry take the lead. I think that our success over the last five to 10 years in relation to dealing with OJD can be largely attributed to the fact that the industry has taken responsibility for the disease. It is important that we have the confidence of industry and that we work with industry. There have been discussions recently between my department and the industry, and that will continue to happen as we move forward in relation to handling these issues.

ABORIGINAL LANGUAGES

The Hon. J. GAZZOLA: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question about Aboriginal languages.

Leave granted.

The Hon. J. GAZZOLA: An article in the *Sunday Mail* of 7 September 2003, entitled 'Aboriginal language boom', told of unprecedented demand in South Australian public schools for indigenous languages. The article stated:

> Indigenous languages are experiencing unprecedented demand in South Australia's public schools, buoyed by a greater need for understanding and reconciliation.

The article further states that, next year, Gepps Cross Girls High School will be the first school in the state to offer Pitjantjatjara at year 12, and the subject will be counted towards the students' South Australian Certificate of Education. Will the minister inform the council what effect the study of Aboriginal language will have on Aboriginal students, Aboriginal culture and the reconciliation process?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for his question and his ongoing interest in Aboriginal affairs. The development of Aboriginal languages in South Australian schools is being enhanced through the introduction of a new Australian indigenous languages framework. It is assisting reconciliation by creating a thirst for knowledge within young people—students in particular—and the growing awareness that there are many more different language groups and many more different groups associated with land and geography in South Australia than one would have imagined, certainly within the generation of scholars who were taught Aboriginal history at the time that I was learning.

There is a growing understanding of the shape, framework and conditions under which our indigenous Australians have lived and are now living. The framework will provide guidance to schools keen to weave Aboriginal studies into their curriculum, and we now have record numbers of students choosing to study Aboriginal languages at school here in South Australia. Nearly 4 000 students in more than 50 government schools and pre-schools are learning one of nine Aboriginal languages this year. That is more than double the number of students four years ago. The major growth has been among non-Aboriginal students, who now count for six in every 10 students studying these languages, but a lot of young indigenous students are also starting to be reintroduced to their culture, and they want to have an understanding of language. I have been on forums recently where elders within language groups have regretted the fact that they have not clung to their language and that they had not been encouraged in their earlier, formative years to hang onto language; in fact, they had been discouraged from maintaining it.

An example of the preservation and enrichment of culture and language is the Arabunna language, which is being brought back from near non-existence for future generations through South Australian schools. I must pay tribute to Reg Dodd, who was an Arabunna man from Marree in the north of the state. Those who have been there know that the Marree community has a central community gathering point that has been the focus for rebuilding the community. It has done a lot to overcome many of the problems associated with early settlement, bringing them home and the difficulties they had in the early days of Western Mining when Roxby Downs was being formed and settled, and the isolation they felt when the mining started in that area. Reconciliation is now on the agenda for mining companies, and they are certainly trying to overcome some of the difficulties of the past by building networks back into Aboriginal communities.

The study of the Aboriginal language offers an additional reason for many Aboriginal children to continue their schooling through to the highest levels. It gives a sense of pride to young children to think that the broader community, including their school mates, have regard for their culture. In the past there has been a feeling among many indigenous students that their culture has been valueless, but now they have pride in being part of the many language groups within this state and in their Aboriginality. That is the point that we have to get across within our educational system, to encourage the aggregation of indigenous students within schools. Once, 54 indigenous languages were spoken in South Australia, and nine of those are now part of the school system. The Australian indigenous languages framework is being distributed to all schools. This will ensure that Abo-

riginal languages continue to be an important part of the language program we offer in our schools and should greatly assist in reconciliation.

So, the article that indicated that there was an Aboriginal language boom is correct. The honourable member's question is a valuable one at this time. We have to build on those languages that do exist within the community. The picture associated with the article, showing a Pitjantjatjara Yankunytjatjara language dictionary, is also a new addition. Those language groups that have been quick off the mark to document their language through dictionaries—in many cases with the assistance of tertiary education institutions and other organisations—are a leap ahead of those language groups that have not yet reached that stage. In South Australia I think we can hold our heads up high in relation to the preservation of language and using it as part of reconciliation. Other states are doing similar sorts of work.

We are also encouraging the writing of books, particularly by women in communities, who can give the history of settlement and the history of what happened when indigenous communities were brought into broader communities by our early settlement. So, with that wide-ranging encouragement for the groups within communities, particularly in regional communities, we hope not only to preserve the language but also the culture and pass them on through reconciliation into the broader community which, hopefully, will be enriched by all those experiences.

BAIT BOXES

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Environment and Conservation, a question about the use of plastic-free bait boxes.

Leave granted

The Hon. SANDRA KANCK: My office has been contacted by Mr Brad Page from the Department of Zoology at Latrobe University concerning the needless death of hundreds of seals in Australian waters each year as a consequence of entanglement with packing tape and other forms of plastic. Mr Page points out that, if we could end the practice of packing tape and plastic liners used by the fishing industry being discarded into the sea, we could reduce the number of seal entanglements by 30 per cent and, as a result, 500 fewer seals would die each year in Australia. He also sent me a graphic photograph of a seal suffering shocking injuries as a consequence of entanglement.

The surest way to prevent such entanglements is to end the use of packing tape and plastic liners by the fishing industry. To this end, the Australian recycling company Visy developed a bait box that did not need packing tape or plastic liners. Unfortunately, despite efforts by Mr Page and others, the commercial production of the packing tape-free bait box has yet to proceed. My questions to the minister are:

1. What steps has the state government taken to reduce the incidence of seal deaths as a consequence of discarded plastic?

2. How many seals die in South Australian waters each year as a result of entanglement in packing tape or other forms of plastic?

3. What steps will he take to ensure that the use of packing tape-free bait boxes becomes standard throughout the fishing industry?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I assume that the honourable member has asked me that question, although I assume that the second part, which includes the statistics, is probably for my colleague, the Minister for Environment and Conservation.

The fishing industry in this state is very responsible, and I believe that the vast majority of commercial fishers—particularly their peak body, the Seafood Council—have been very concerned to ensure that the industry operates at the highest level of environmental responsibility. Indeed, some of the leading sectors of the fishery have the highest level of environmental standards in relation to practices.

I believe that the vast majority of members of the South Australian commercial fishery endeavour to operate under best practice, and that means doing everything they possibly can to reduce interaction with other species. Indeed, at the present time, the honourable member is probably well aware that, in relation to aquaculture, the government has set up a committee that involves members both from the Aquaculture Advisory Council and also from the wildlife body under my colleague, the Minister for Environment and Conservation. This joint committee is looking at interaction between marine mammals and the aquaculture side of the industry to reduce mortalities and other problems that might be suffered by native animals in relation to interaction with aquaculture. In relation to the wild catch fishery, I am aware that that industry is, by and large, responsible.

I will ask my office to write to the Seafood Council and raise the matters that the honourable member has mentioned to see whether there are ways in which the industry can further improve its practices. I repeat that I think that the vast majority of members in the industry are responsible, and I believe that they take measures to ensure that no equipment is discarded that could entangle wildlife. However, others operate within our fisheries, as we have seen—such as those from overseas who operate offshore in southern waters—who are, unfortunately, a lot less responsible in relation to a number of measures that impact upon the fisheries of our state. I will take up the honourable member's suggestion if she will forward me the information provided by the zoologist at Latrobe University. If her suggestion about bait boxes can reduce interaction with seals, a responsible industry should be pleased to take that up and follow it.

YOUTH ACTION PLAN

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Youth, a question about the Youth Action Plan.

Leave granted.

The Hon. A.L. EVANS: In May 2003, the government released a discussion paper for comment entitled 'South Australian youth action plan'. The aim of the paper was to improve services provided to young people and to enhance the opportunities for them to have their say. I understand that, once the government finalises the plan, it will be used to shape the immediate direction for government in areas of policy and programs for young people.

On page 4 of the paper, it states that the Minister for Youth had invited interested parties, especially young people, to make submissions. My question to the minister is: which organisations and individuals were specifically invited to make submissions in relation to the plan?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will refer that question to my colleague in the other place and bring back a reply.

SHOPPING BAGS

The Hon. J.M.A. LENSINK: I seek leave to make an explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Environment and Conservation, a question about shopping bags.

Leave granted.

The Hon. J.M.A. LENSINK: South Australia has long been a leader in many reforms, one example in the environmental field being our model container deposit legislation. This government is in a frame of mind to portray itself as a leader in sustainability policies—a theme of its Thinkers in Residence program—and I note that it has been banging the drum loudly about a zero waste policy.

The Minister for Environment and Conservation has made a number of pronouncements over the past year or so regarding his desire to ban plastic bags—presumably in preference to supporting a levy. A number of retailers and environmental organisations have taken action voluntarily to promote alternatives and to assist consumers to recycle bags. These include Bunnings, KESAB, Planet Ark, Ray White Real Estate, Clean Up Australia, Bi-Lo and Coles. I believe that they should be commended for their initiative.

Following the failure to reach agreement in July, we have seen the ministerial council back off from its previous resolve to halve plastic bag consumption by December 2004 to December 2005. We also now have responsibility for the reduction of bag use in the industries caught: if they do not comply then, in the minister's own words of 26 May 2003, in a response to a question from a government member in the other place:

> We will have to impose some sort of mandatory measure, and this parliament will need to be involved in that.

My questions to the minister are:

1. What specific mandatory measures was he referring to?
2. When will the parliament be presented with these measures?
3. Which agency, if any, is responsible for measuring the usage of plastic shopping bags in this state?
4. Is the data provided voluntarily by retailers, or will it perhaps be a role for the new army of Workplace Services inspectors?
5. How is he ensuring that the data is accurate and that South Australia is meeting its targets?
6. What action will the government take if plastic bag usage is not reduced according to its set targets?
7. Will the relaxation of the timetable for reduction in plastic bag use adversely affect South Australia's zero waste plans for landfill reduction?

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

The Hon. J.F. STEFANI: I have a supplementary question. Will the minister undertake to obtain information from the various retail outlets and supermarkets in relation to the use of plastic bags over a 12-month period as at the date of the extended shopping hours legislation, when shops will be allowed to operate seven days a week, 24 hours a day? Will he look at a sample period for the next three months in relation to the use of plastic bags by shoppers so that we have some comparison of greater use or lesser use?

The Hon. T.G. ROBERTS: It would be a difficult task for any government department to do without the inherent question in the previous member's question to the minister in relation to cooperation from those companies that are using it, but I will refer that question to the minister in another place and bring back a reply.

GAMBLERS REHABILITATION FUND

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 Social Justice, a question about the Gamblers Rehabilitation Fund, the GRF.

Leave granted.

The Hon. NICK XENOPHON: Yesterday the minister tabled an answer to a question I asked on 29 April 2003 on the GRF. The minister's answer indicated that in 2002-03 the GRF budget was increased to $3.3 million, with an additional $1 million per annum provided by the government. The answer stated that funding earmarked to the service sector, including the helpline, was $2 342 580. Reference is made to the GRF providing $203 500 per annum to service sector coordination. My questions to the minister are:

1. How much of the GRF budget has been allocated for the current year for break-even agencies, and how does it compare to the previous three financial years? Similarly, how much has been allocated for the helpline this financial year compared with the previous three financial years?
2. How much of the GRF budget has been allocated this financial year compared with the previous three financial years for the cost of administering the fund and the monies allocated for departmental officers? In particular, how much has been allocated for various administrative functions, including data management?
3. Finally, how much allocated in relation to the GRF funding was actually allocated for face-to-face counselling in the current financial year and in the previous three financial years?

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

BAROOTA AQUIFER

The Hon. IAN GILFILLAN: I seek leave to ask the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Environment and Conservation, in his role of caring for water resources, a question regarding the Baroota aquifer. The Baroota aquifer is the ground water in an agricultural/horticultural area just north of Port Germein. It has been brought to my notice that the levels have been dropping dramatically. They have been measured since 1977, but since 1992 the levels have really descended dramatically to the extent that there is serious concern about the future of the aquifer.

The Department for Water, Land, Biodiversity and Conservation has confirmed that there has been a discrepancy between the recharge and extraction of approximately 33 per cent. The underground water is replenished by what is described as an underground plume from the Baroota

reservoir, which is then used for watering several soldier settler blocks of 30 hectares, many in vines, and a very large holding which is exclusively growing potatoes for Smith's Crisps.

As I indicated before, the actual recharge of 1 500 megalitres in no way matches the extraction of 2 000 megalitres and although the use in the area has been under notice of restriction for four years, in other words, there can be no increase, the area is not prescribed yet, so there is no current ability by the minister or the government to control the amount of water and in fact reduce it. My questions to the minister are:

1. Is he aware of the dire situation confronting the Baroota aquifer and its extravagant overuse and, if not, will he undertake to get the facts relevant to the Baroota aquifer?

2. Will he consider prescribing that aquifer and its use as a matter of extreme urgency and reduce the extraction to a level that will allow the aquifer to recharge to its original level?

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

REPLIES TO QUESTIONS

FLINDERS MEDICAL CENTRE

In reply to **Hon. SANDRA KANCK** (9 July).

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

1. Flinders Medical Centre (FMC) has adequate staffing levels to maintain hygiene standards befitting a large teaching hospitals.

2. At 3.00 a.m. on June 26, there were 27 patients in the Emergency Department, and 5 patients presented to triage for treatment. Four of these patients were allocated a triage category of 3, meaning the aim would have been to see them within half an hour.

This represents an average workload for the Emergency Department staff at that time of day, however the number of priority 3 patients presenting at 3.00 a.m. was higher than the average. The appropriate number of staff were on duty.

The newborn baby was a patient in the Neonatal Unit, which was appropriately and safely staffed.

3. It is not the practice for FMC to be under-resourced for basic patient care. The Emergency Department is always busy and it is rare that the number of patients falls below 30. Because of fluctuating demands for emergency care, resources can at times be stretched, with staff members working under pressure, and at times this may regrettably lead to oversights. The Neonatal Unit is adequately and safely resourced to meet patient needs

FMC has asked for their apologies to be passed on to Ms Kanck's constituent for the urinal being left in the Emergency Department cubicle, and for the dirty nappy, which was left in her baby's cot. Regrettably, this appears to be an oversight by staff on both occasions. The issues have been discussed with the Nursing Directors, who will draw this to the attention of staff.

4. There are times when both the Emergency Department and the Neonatal Unit (where the baby was a patient) experience increased workloads at very short notice, and such situations require increased efforts to ensure safe staffing levels.

ABORIGINAL HERITAGE

In reply to **Hon. SANDRA KANCK** (16 July).

The Hon. T.G. ROBERTS: I advise:

Having consulted with the Department for Aboriginal Affairs and Reconciliation (DAARE), I am now in a position to answer the Honourable Member's questions relating to Aboriginal heritage and in particular the Register of Aboriginal Sites and Objects.

In response to Question 1, "How many new sites or objects have been entered on the register since the Rann government came to office?", I am pleased to advise the Honourable Member that twenty-one (21) new sites have been registered since the Rann Government came to office.

There are currently two more section 12 determinations in progress, Black Point and Wattle Point, both on the Yorke Peninsula. It is anticipated that more sites will be registered at the conclusion of these processes.

In response to Question 2, "Have any new potential sites or objects been identified in that same time period?", there are currently 6167 sites on the Central Archive. 3416 of these are entered on the Register of Aboriginal Sites and Objects, 2749 are reported sites and 2 sites have been archived. Since the present Government took office, 809 sites have been reported to the Central Archive.

Finally, in addressing Question 3, "Has any advancement been made to create a whole program of site registration and central archiving, as the Minister undertook?", DAARE, in conjunction with the Crown Solicitor's Office is developing a process to register sites that have been reported to the Central Archive. The Aboriginal Heritage Act 1988 is not prescriptive on the process for entering sites on the Register of Aboriginal Sites and Objects outside section 12 applications and therefore additional processes are required. I look forward to resolving this issue in the near future and would be pleased to keep the Honourable Member informed.

DISABILITY DISCRIMINATION ACT

In reply to **Hon. SANDRA KANCK** (21 October 2002).

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

1. Is the removal of the exemptions to the Disability Discrimination Act still the policy of Labor now it is in government?

2. If so, will the exemptions be removed?

The exemption to the Disability Discrimination Act, to which the Honourable Member refers, relates to the action by the Federal Liberal Government in 1999 that removed by regulations, application of the Commonwealth Disability Discrimination Act to sections 75 (3) and 75A of the South Australian Education Act 1972. On 24 May 1999 the Federal Parliamentary Labor Party, together with the Australian Democrats, supported a move to disallow the Liberal Government's regulations. That motion was lost.

It is the Federal, not State, Minister that has responsibility for the Discrimination Act.

NUCLEAR WASTE

In reply to **Hon. J.F. STEFANI** (15 July).

The Hon. T.G. ROBERTS: The Minister for Environment and Conservation has advised:

The answer to the question is yes.

The EPA is continuing to finalise a report on the current audit results. The report will provide information regarding the location of stored radioactive material, whether it is considered waste, and the quantity of waste stored.

INDUSTRY, TRADE AND REGIONAL DEVELOPMENT MINISTER

In reply to **Hon. J.F. STEFANI** (9 July).

The Hon. T.G. ROBERTS: The Minister for Industry, Trade and Regional Development has provided the following information:

1. Yes.

2. No, I won't charge a fee to fund future election campaigns and yes, I am prepared to meet with business leaders at no charge.

HINDMARSH SOCCER STADIUM

In reply to **Hon. J.F. STEFANI** (18 November 2002).

The Hon. T.G. ROBERTS: The Minister for Recreation Sport and Racing has provided the following information:

1. Will the minister advise how many matches were played at the Hindmarsh Stadium during the Adelaide Festival Cup series?

There were 18 matches played at Hindmarsh Stadium during the Festival Cup.

2. How many days was the Hindmarsh Stadium used?

Hindmarsh Stadium was used for nine days during the Festival Cup.

3. How much did the stadium management charge the organisers for each match played at the Hindmarsh Stadium?

The organisers were charged a total of $10,000 for the Festival Cup event. Additionally, the organisers were responsible to arrange for, and to meet all costs associated with:

- Staffing
- Security
- Cleaning
- Ticketing
- Catering
- Communication equipment
- Office equipment and outgoings, eg telephone
- Transport
- Team accommodation

4. What was the total amount invoiced?

The total amount invoiced for the Festival Cup was $10,000.

5. What is the amount which has been received?

Stadium management has received $10,000 from the organisers in payment for the event being staged at Hindmarsh Stadium.

The Hon. A.J. REDFORD:

1. Did the organisers receive any other funding from any other government source in relation to the festival?

Yes, the organisers received $20,000 from Australian Major Events. This was provided to assist with marketing and publicity of the event for both the tournament and South Australia. A publicity and promotional program was initiated and directed at the local, interstate and overseas markets given that seven of the eight teams were international.

In reply to **Hon. J.F. STEFANI** (20 August 2002).

The Hon T.G ROBERTS The Minister for Recreation, Sport and Racing has provided the following information:

1. Will the Minister advise when he intends to meet with the clubs representatives to finalise the various issues?

I can advise that the Minister for Recreation, Sport and Racing met with representatives of Adelaide City Force Soccer Club on Friday 30 August 2002.

2. Will the Minister ensure that the club receives an immediate response to the proposal submitted to the Office for Recreation and Sport on 23 July 2002?

I am advised that the Club received a response to its letter of 23 July from the Office for Recreation and Sport on Thursday, August 22 and that this response was a detailed offer for the use of the Stadium based on the previous contractual arrangements, i.e. it was an extension for one year of the same conditions.

3. Will the Minister give an undertaking that the South Australian Labor Government will do everything possible to assist the ongoing participation of Adelaide City Force in the national competition?

The Rann Labor Government is supportive of the Adelaide City Force Soccer Club (this support was demonstrated in the offer to the club that has seen no increase in hire/use charges for the Stadium to the club over three seasons). The Government, through its Stadium Management team, is prepared to continue providing a level of support to the Adelaide City Force Soccer Club in conducting its matches at the Stadium. This would include assistance to the club in areas of Event Operations, staffing and match day delivery of the competition.

In reply to **Hon. J.F. STEFANI** (16 October 2002).

The Hon. T.G. ROBERTS The Minister for Recreation Sport and Racing has provided the following information:

1. Will the minister advise the individual amounts of revenue received by the venue management during the financial year ended 30 June 2002 for the use of the Hindmarsh stadium by the various organisations hiring the facility?

A number of organisations hired and/or used the stadium for various activities during the last financial year. Additionally, the stadium received revenue from other sources not associated with the hiring of the venue. The summary of income is as follows:

South Australian Soccer Federation -	$92,923.00
Adelaide City Force Soccer Club -	$95,528.00
Adelaide Galaxy Soccer Club -	$29,586.00
City of Charles Sturt -	$10,238.00
Festival Cup Security deposit -	$10,000.00
Waxworks Festivale -	$5,500.00
SA Motor Sport Board -	$4,620.00
Simplot Pty Ltd -	$1,680.00
Adelaide Football Club -	$1,100.00
Campbelltown Soccer Club -	$900.00
Glendi sponsored Soccer match -	$660.00
SA Police -	$220.00
Howard and Sons -	$385.00
Chemplus -	$330.00
Team Sportswear International -	$110.00
St. Alloysius College -	$220.00

The total revenue for the above is as per the Auditor General's Report in the amount of $254,000.

2. Was any money received from any organisation utilising the facility for training camps and, if so, what was the amount received?

With regard to the Japanese "J' League teams training camps that you refer to, I advise that the South Australian Soccer Federation hired the stadium to conduct both training sessions and a number of soccer matches against each other as well as matches with various other invited teams as part of the these camps. The total revenue attributed to the South Australian Soccer Federation for the hire/use of the stadium during the period of the "J" League camps was $16,756.00.

3. Will the minister confirm the amount of principal and interest paid during the past financial year to the National Bank by the South Australian government as the guarantor for the $6 million loan previously incurred by the South Australian Soccer Federation?

As guarantor of the $6 million loan to the National Bank, the government through the Office for Recreation and Sport, paid $421,155 in principal along with $175,627 in interest. An additional amount of $19,804 was paid in relation to rollover fees and bank charges. The total amount paid to the National Bank by the government was $616,586.00.

HOSPITALS, TERRORIST ATTACK

In reply to **Hon. T.G. CAMERON** (12 May).

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

1. Under the State Disaster Act 1980, the Commissioner of Police is the operational coordinator of any 'major disaster' or 'critical incident' response. The Department of Human Services is responsible for the Health and Medical Functional Services under the State Disaster Organisation, which conducts response and recovery operations.

The Department of Human Services has a 24-hour, 7-day a week rostered Duty Officer response line and a 24-hour, 7-day a week Health and Medical response team. The communication systems used to activate the Emergency Management Plan are coordinated from the Department's State Control Centre.

All major hospitals have completed their SA-GRN (Government Radio Network) installations.

Multi-victim decontamination facilities have been installed at the Royal Adelaide Hospital and are currently being installed at the Flinders Medical Centre, The Queen Elizabeth Hospital and Lyell McEwin Health Service.

Auto-injectors are available for use in the event of chemical poisoning from a bio-terrorist attack, and a system between the hospitals and the State Ambulance Service is in place.

The State has a Chemical, Biological and Radiological (CBR) Response Plan, in which the Department of Human Services and major hospitals play a significant role.

2. South Australia has a Health and Medical Functional Services – Emergency Management Plan, maintained by the Department of Human Services, comprising an integral part of the State Disaster Plan. The Plan is ultimately activated in accordance with the State Disaster Act 1980.

Major public hospitals have their own disaster plans in place for mass casualty events. A variety of exercises are held in order to test disaster plans, such as the annual Airport Exercise involving the Royal Adelaide Hospital, The Queen Elizabeth Hospital and Flinders Medical Centre.

In addition, the Department of Human Services has a Health and Medical – Chemical, Biological and Radiological (CBR) Response Plan. The plan focuses on responses from the two main trauma response designated hospitals, the Royal Adelaide Hospital and Flinders Medical Centre.

3. The Department of Human Services, with the Royal Adelaide Hospital and Emergency Services (including the Metropolitan Fire Service and the South Australian Police), conducted a mass casualty bio-terrorism exercise on Sunday, 25 May 2003. Exercise "Supreme Truth" was the first of its kind in Australia and tested the disaster plans in place and the capacity of the South Australian health, medical and emergency services to respond to a mass casualty incident.

There is enormous interest in exercise "Supreme Truth", with observers coming from health, medical and emergency services from most jurisdictions around Australia and New Zealand. Several international groups observed the event.

South Australia is as well placed and planned for a terrorist incident as any State within Australia and is the only State that will have tested its plan in the form of a mass casualty response to a bio-terrorism event.

TORRENS ISLAND

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

The Hon. T.G. ROBERTS: The Minister for Environment and Conservation has advised:

1. The Minister for Environment and Conservation has no role in commissioning an Environmental Impact Statement. Environmental Impact Statements are part of the assessment process to deal with "major developments or projects". The Minister responsible for the Development Act 1993, currently the Minister for Urban Development and Planning, is responsible for determining whether a proposed development is a major development or project.

Should a development be declared a "major development or project" the Environment and Conservation Portfolio would provide assistance and advice as required by the major developments or projects process on all relevant issues including the status of the native vegetation and fauna species.

The Minister for Energy has provided the following response to question 2:

2. The electricity companies that have an option to purchase land on Torrens Island are TXU and Origin Energy.

TXU operates the Torrens Island Power Station on land leased from the Generation Lessor Corporation, a subsidiary of the Treasurer established in July 1999 under the Public Corporations (Generator Lessor Corporation) Regulations 1999. The Generator Lessor Corporation was established by the previous Government to be the lessor in respect of certain prescribed electricity assets that were transferred to the Generator Lessor Corporation under the Electricity Corporations (Restructuring and Disposal) Act 1999.

The Torrens Island Power Station Generating Plant Lease expires on 6 June 2100. TXU also leases land adjacent to the power station known as Area 3. This lease expires on 6 June 2020.

Under the terms of the Torrens Island Power Station Generating Plant Leases:

1. in the event that the Generator Lessor Corporation is able to sell the generators outright before the leases expire and chooses to do so, it must first make an offer to sell TXU (the Lessee) the generators and the related power station land for $1.00 (the Change of Law Option).
2. at the Lease End Date and after dismantling of the power station has been completed, the relevant power station land is transferred to TXU (the Lessee).

Under the lease of Area 3 land, TXU (or a Nominee) has the option to purchase part of the Area 3 land for endorsed development proposals. In certain instances the State may request that the land be returned to the Crown for a Crown Development.

Origin Energy owns land on Torrens Island for the operation of electricity generation assets. Origin Energy owns the Quarantine Power Station on Torrens Island which it built and commenced operating in January 2002. Origin Energy has an option to purchase Allotment 113 for the construction of electricity generation infrastructure associated with its existing electricity generation facility.

Origin purchased Allotment 110 in August 2001 and Allotment 112 in March 2002, both at market price.

3. Development in South Australia is required to go through the approval processes established by the Development Act, 1993 and administered by Planning SA. Where appropriate the Environment and Conservation Portfolio contributes to these processes providing advice and comment on environmental issues.

Future development on Torrens Island is subject to these development approval processes, and the Environment and Conservation Portfolio will continue to provide advice and assistance on all relevant issues including native flora and fauna.

ADELAIDE DENTAL HOSPITAL

In reply to **Hon. T.G. CAMERON** (30 April).

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

1. The provision of publicly funded specialist dental services is restricted to concession card holders and their dependents. Most of these specialist services are provided at the Adelaide Dental Hospital.

Patient co-payments for a range of costly, complex, specialist dental care services, such as orthodontic bands and crowns, were introduced by the government in 1991. Since 1991, the maximum fee for full banding has only increased from $680 to $740 (9% increase), and a lower fee of $550 applies if the treatment is provided by an orthodontic registrar. This level of co-payment is approximately 20-25% of the Department of Veterans' Affairs' (DVA) fee for orthodontic bands. The DVA Fee Schedule is the national benchmark for a concessional fee schedule.

These co-payments for specialist dental care were introduced in the context of long waiting lists for basic emergency and general dental care for concession cardholders. The $330,000 per annum raised through co-payments for orthodontic specialist services has assisted in moderating the growth of these general dental care waiting lists.

Parents are advised of the charges for orthodontic treatment at the time their child's name is placed on the waiting lists, and this is nearly two years ahead of the time the payment is due.

The co-payment for orthodontic treatment may be waived on the recommendation of the Director of the Orthodontic Clinic at the Adelaide Dental Hospital. However, all people receiving treatment have a concession card or are the dependent of a cardholder and it has been difficult for clinical staff to make rational judgments about an individual family's financial circumstances when compared with that of other cardholders. In practice the fee has only been waived for a small number of families where the severity of the social or medical situation is very evident.

In consultation with its Consumer Advisory Panel, the SA Dental Service has recently reviewed its policy regarding waiving co-payments for publicly funded dental care. A policy to waive co-payments for general dental on the recommendation of an approved financial counsellor was introduced from 1 July 2003 and consultations are continuing with regard to policy options to waiver or reduce specialist co-payments.

2. Currently the waiting time for orthodontic treatment at the Adelaide Dental Hospital is 20.6 months and there are 1667 children waiting for this treatment.

ROADS, FUNDING

In reply to **Hon T.G. CAMERON** (4 June 2002 and 29 April 2003).

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

The Commonwealth Government through the Commonwealth Local Government (Financial Assistance) Grants provides funds for the maintenance of the local road network. The South Australian Local Government Grants Commission makes recommendations to me each year on the distribution of these funds.

Local Government in South Australia receives 5.5 per cent of available local road funds while it maintains over 11 per cent of the local road network. The State Government believes that this allocation is inequitable.

Following extensive lobbying South Australia received 8.8 per cent of the 'Roads to Recovery Grant Program' rather than the traditional 5.5 per cent. I believe this represents a more equitable distribution.

I, along with other members of this government such as the Treasurer and the Minister for Transport, have discussed with the Federal Government the inequitable share of local government funding received by South Australia. I have had recent dialogue with the Hon Wilson Tuckey, Federal Minister for Regional Services, Territories and Local Government, and the Hon John Anderson, Minister for Transport and Regional Services. South Australian Federal Members of Parliament are aware of the funding inequity, and, to varying degrees, have made representations on behalf of South Australia.

In addition, as part of its submission to the 'House of Representatives Standing Committee on Economics, Finance and Public Administration – Cost Shifting Inquiry' the South Australian Government argued for a re-examination of the distribution of these funds. The Committee is due to report on the findings of this inquiry later in this calendar year.

As it stands, South Australia is receiving an inequitable low share of identified local road grants, and the Government will continue to

seek changes in the distribution of these funds to provide this State with a fair share of the total.

QUEEN ELIZABETH HOSPITAL

In reply to **Hon. R.I. LUCAS** (30 April).

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

1. The Chief Executive Officer of The Queen Elizabeth Hospital (TQEH) has referred the matters raised by staff in relation to the allegations of improper practices within the Imaging Department at the hospital to the Crown Solicitor's Office for investigation by the Government Investigators.

2. It is understood that:

(a) One staff consultant has resigned but it is unclear if this resignation is as a direct result of the matter raised by the Hon R Lucas MLC.

(b) One visiting medical officer has taken leave without pay as a result of this matter. This person is now back working in the unit.

(c) Another visiting medical officer had taken leave without pay but has since resumed duties following the standing down of Dr Roger Davies from all Imaging Department finance and administration activities. This person is also now back working in the unit and it should be noted that Dr Roger Davies resigned from TQEH and ceased working in May 2003.

3. The Minister and the Chief Executive of the Department of Human Services have limited power over matters relating to staff. The Department and TQEH have received legal advice on this matter. This matter has subsequently been referred to the Government Investigators in the Crown Solicitor's Office. The investigation was commenced but was brought to a close when Dr Davies resigned. A summary of investigative results achieved up until Dr Davies resignation was provided to Mr David McNeil, Deputy Chair North Western Adelaide Health Service (NWAHS) Board.

PRISONS, DRUG USE

In reply to **Hon. R.D. LAWSON** (14 July).

The Hon. T.G. ROBERTS: The Minister for Correctional Services has advised:

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 the effectiveness of the activities of prison authorities?

The number of people quoted in the Advertiser as banned from visiting South Australia prisons during 2001–2002 (385) included all of those banned throughout the Department. In 2002-2003 (285) were banned. The (74) referred to in the Advertiser article were as a direct result of the operations of the Intelligence and Investigations Unit.

I also understand that the lower numbers in recent times reflect the opinion of the Department that an increasing number of visitors are learning that the risk of being detected trying to smuggle contraband into prisons is increasing. It is the view that there are now fewer visitors who are prepared to take the risk and that, as a consequence, there are less drugs in prison.

I can assure members of the Council that correctional management and staff have not, and will not, reduce their efforts to prevent the entry of drugs into this States prisons.

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?

There has been no independent evaluation of the Intelligence and Investigations Unit. However, the Unit continues to assess and change its methods of operation to meet the changing tactics used by prisoners and visitors.

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

As a direct result of the activities of the Intelligence and Investigations Unit since it was formed in March 2000, 124 visitors have been charged by Police for attempting to bring contraband into the prisons.

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

The "new state government figures" referred to by Mr Kelton are those included in the Department for Correctional Services Annual Report for 2001-2002. A copy of that report was tabled in this House late last year.

The latest statistics, to which Mr Kelton refers in his article, were provided verbally by the Manager of the Intelligence and Investigations Unit. The statistics do not refer to the whole of the year and the final figures will be reflected in the 2002-2003 Annual Report of the Department.

CADELL TRAINING CENTRE

In reply to **Hon. R.D. LAWSON** (4 June).

The Hon. T.G. ROBERTS: I advise:

1. When did the Minister become aware of this underground distilling operation at the Cadell Training Centre?

The Department forwarded a report to me on 9 May 2003.

2. Does he agree with the statement of the chief executive of the department (that there is now going to be a security review and that the new general manager who starts next week has firm instructions to examine everything) creates the impression there is not in place an ongoing and continuing security operation to avoid incidents of this kind?

The Honourable Member's question as it appears in Hansard is somewhat confusing. I suspect that his question is meant to ask if I agree that there are no ongoing security operations at Cadell.

Let me assure the Honourable Member that the security operations at Cadell are as strict as for any other low security prison in the State. The Department has a range of ongoing security measures ranging from regular prisoner/cell searches, urinalysis testing, perimeter watches, to targeted investigations of prisoners who might have exhibited behaviour suggesting that they may be a security risk.

In addition to these in-prison measures, staff of the very successful departmental Investigations and Intelligence Unit carry out targeted and random investigations that involve Cadell and every other prison in the State. There is sufficient evidence to indicate that the work of this Unit has prevented many incidents within the prison system including the detection of illegal activities by prisoners.

3. What action has the minister or his officers taken to ensure that illegal operations of this kind are stamped out?

Illegal activities, to the sophistication that has occurred in this instance, are uncommon within this State's prison system.

In this particular case, the Honourable Member has already indicated the actions that the Acting Chief Executive of the Department has taken to detect any similar illegal activities that might be occurring at Cadell. I can advise that, to date, none of his investigations have identified any other area that could be considered a threat to the security of the prison.

I have been assured by the Acting Chief Executive that staff at Cadell will maintain their vigilance and future searches of prison property will be more extensive.

ABORIGINAL DEATH IN CUSTODY

In reply to **Hon. R.D. LAWSON** (2 June).

The Hon. T.G. ROBERTS: I advise:

1. Was the prisoner whose death was reported sharing occupation with another prisoner? Was he offered that opportunity in line with the recommendations of the royal commission?

Most self harm amongst prisoners in a correctional environment occurs at night after prisoners have been placed in their cells.

One strategy which Correctional Services authorities often use to reduce the incidence of self harm in these circumstances, is to place prisoners considered to be at risk of self harm, in accommodation with other prisoners. There is sufficient evidence to show that this strategy has, in the past, successfully prevented deaths in custody.

However, in this case the death occurred not in the prisoner's cell at night but in an ablution block during the middle of the day.

The prisoner concerned suffered from a psychiatric condition and had been in prison, on and off for the last eight to ten years. During that period he had given no indication that he was likely to attempt, nor had he presented with any history of, self-harm. Officers who had sighted him, only 12 minutes before he committed suicide, said that he had displayed no signs of distress.

In this instance, the prisoner concerned had only just recently been shifted to an observation cell, like he had been shifted a number of times before, to ensure that he took his medication properly.

He was not confined to his cell during the day and did not hang himself in his cell.

2. What steps have been taken specifically at Port Lincoln Prison to address issues arising out of the recommendations of the royal commission?

Some of the steps that have been taken at Port Lincoln Prison, as recommended by the Royal Commission into Aboriginal Deaths in Custody and which address the issue of self-harm, include:

- prisoners are imprisoned as close to their homes and families as possible (Recommendation 168);
- visit facilities at Port Lincoln Prison have recently been upgraded to allow prisoners to enjoy visits with family and friends in relative privacy and provide facilities for children that enable relatively normal family interaction (Recommendation 170);
- Aboriginal prisoners at Port Lincoln Prison receive regular visits from Aboriginal Organisations including Aboriginal Legal Services (Recommendation 172);
- Port Lincoln Prison operates a Funeral Leave program for prisoners (Recommendation 171);
- a secure dormitory facility exists at Port Lincoln Prison predominantly for Aboriginal prisoners (Recommendation 173);
- Port Lincoln Prison employs an Aboriginal Liaison Officer on a permanent basis (Recommendation 174);
- the Aboriginal Justice Advocacy Committee visits Port Lincoln Prison on at least an annual basis. The General Manager of the prison supplies written responses to this committee (Recommendation 3);
- Port Lincoln Prison employs Aboriginal staff in areas not confined to Custodial Officers (Recommendation 114);
- all meals at Port Lincoln Prison are served at regular times (Recommendation 143);
- Resuscitation and First Aid equipment is available at Port Lincoln Prison (Recommendation 159);
- staff and management of Port Lincoln Prison are proud of their reputation, in line with Recommendation 182 – Humane and courteous interactions with prisoners and members of the public;
- Port Lincoln Prison offers prisoners opportunities for meaningful work and access to a wide range of educational opportunities. Special consideration is given to teaching methods and learning dispositions of Aboriginal prisoners (Recommendation 184);
- Aboriginal prisoners (as with all prisoners) receive remuneration for work performed. All prisoners are encouraged to take advantage of education opportunities through the wide range of curriculums offered (Recommendation 186);
- staff at Port Lincoln Prison have been working closely with the Aboriginal community from the Yalata, Oak Valley, Maralinga and Port Lincoln District since the prison commenced in 1965. The majority of staff have an understanding of Aboriginal culture (Recommendation 210);
- Port Lincoln Prison offers the Core Program "Alcohol & Other Drugs" to all relevant prisoners (Recommendation 287).

BAXTER DETENTION CENTRE

In reply to **Hon. KATE REYNOLDS** (8 July).

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

1. The State Government believes that all people, regardless of origin, ethnicity or beliefs, have the same right to access quality health care services.

2, 3, and 4. The Commonwealth Government is responsible for meeting the health needs and for the provision of appropriate standards of care to detainees at Baxter Detention Centre. When the Commonwealth government cannot provide the necessary services itself, it 'contracts' (purchases) health services from the State of South Australia.

5. The provision of treatment to patients in South Australian public hospitals is not based on whether or not the patient is a detainee. All patients presenting at public hospitals have the same right of access and quality of care and treatment is based on clinical determination.

6. Public hospitals in South Australia endeavour to cater for the cultural, language and religious needs of all patients when accessing services, for example by the use of interpreter services to address language barriers. In relation to the specific patient mentioned by the Hon Kate Reynolds MLC, The Queen Elizabeth Hospital has confirmed that due to the patient's illness the patient was not able to consume food until 3 June 2003. Once food was allowed, extensive negotiation and consultation occurred with the patient and involved the Food Service Department Manager, the treating doctor, nursing staff, hospital dietitian and a Farsi interpreter.

Whilst there may have been initial delays in responding to the patient's specific requests, for example the patient requested prawns instead of chicken or fish, records from the treating doctor indicate that meals provided were within dietary parameters and Halal cultural provisions.

I am confident that The Queen Elizabeth Hospital facilitated the patient's requests in a culturally appropriate manner.

ELECTRICITY SUPPLY, CARERS

In reply to **Hon. KATE REYNOLDS** (3 June).

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

1. Will the minister provide additional financial support directly to carers to meet their disproportionate household energy costs? If not, why not?

Expenditure on State Government concessions has increased substantially due to the ageing of the population and the fact that more people are now eligible for concessions. This trend will continue for several decades.

At this stage, we face a tight budgetary situation and there are no immediate plans to increase the value of existing concessions or to introduce new concessions.

The Social Development Committee of the South Australian Parliament also considered the impact of electricity prices increases on low-income households and as part of their report recommended that the Minister for Energy examine the feasibility of a state domestic energy management strategy. It was recommended that the strategy include:

- education/information to help households reduce electricity consumption;
- low cost or free energy audits for low income households;
- free energy audits for all SAHT tenants in older housing stock; and
- low interest loans for items to assist in reduction of energy use.

It was also recommended that the Ministers for Energy and Urban Development and Planning develop strategies to promote energy efficiency in urban developments that include low cost housing.

In response to the Committee's recommendations, the Minister for Energy recently announced $2.05 million over 2 years to fund an energy efficiency program for low-income households. The program will be run in partnership with local community based organisations.

The program include free energy audits for low-income households which identify how the householder can reduce the cost of heating and cooling without reducing their own comfort. Details of the program are now being finalised. I anticipate that all members will be advised of the way the scheme will operate in the near future.

2. Does the minister agree that when carers can no longer meet the day-to-day costs and personal pressures of caring they are forced to relinquish their caring role, resulting in increased costs to the state through the provision of expensive institutional care?

Many carers will benefit from the additional funding recently agreed to in the new Commonwealth State Territory Disability Agreement. The State Government will increase its funding in this area by $97.4 million over the five years of the new Agreement. Together with additional Commonwealth funding of $32 million over the same period, this will mean a total of $129 million extra will be available for funding of accommodation, respite care and better equipment for people with disabilities.

The Minister for Social Justice has recently appointed a Ministerial Advisory Committee on Carers to steer the State Government policy over the next 12 months. The Committee will meet for the first time in July.

The Minister for Social Justice also meets regularly with the Carers Association. The Association is funded to provide information to carers to ensure that they are accessing appropriate community support and financial assistance.

3. Will the minister take action to have the carers allowance recognised as the basis for eligibility for concessions and subsidies for household costs? If not, why not?

The Government does not recognise the Carer Allowance as a basis for eligibility for concessions and subsidies for households.

Core State concessions are currently accessible by recipients of the Commonwealth Carer Payment, who are entitled to a Commonwealth Pensioner Concession Card and may also be entitled to receive an additional Commonwealth Carer Allowance.

However, carers receiving only the Carer Allowance are not currently eligible for core State concessions. The eligibility criteria of the Carer Payment are more stringent than those of the Carer Allowance, in particular:

- the Carer Payment requires the recipient to be providing 'constant care' to someone with a disability or medical condition (the level of severity required varies), whereas the Carer Allowance is for providing 'daily care';
- income and assets tests apply to the Carer Payment, whilst no income or assets tests apply to the Carer Allowance.

Furthermore, the benefits of the Carer Payment are greater than for the Carer Allowance. Carer Payment recipients receive a fortnightly payment, a pensioner concession card, rent assistance, a telephone allowance and a pharmaceutical allowance. Carer Allowance recipients may receive a fortnightly allowance and, if caring for a child, are entitled to a Commonwealth Health Care Card, although the Card is to be used only for the direct benefit of the child.

Current targeting of electricity concessions to Carer Payment recipients and exclusion of Carer Allowance recipients is appropriate. A recent survey conducted by the Carers Association indicates that 89% of carers are eligible for State concession on electricity. The survey also showed that the need to extend current eligibility was raised by less than 5% of the surveyed population.

TAFE, FRAUD

In reply to **Hon. KATE REYNOLDS** (28 May).

The Hon. T.G. ROBERTS: The Minister For Employment, Training And Further Education has advised:

1. Does the Minister acknowledge that the role of the auditor is to advise on management and system strengths and weaknesses that are not necessarily financial ?

In the case of the TAFE fraud investigation, the auditor's primary focus was on investigating the allegations made by various parties and not one of a consulting or advisory nature. The investigation included work on both management information and financial systems and matters reported by the auditor were noted in the ordinary course of the investigation assignment.

2. Will the Minister acknowledge that the concerns raised by the Australian Education Union and others assisted to bring a number of weaknesses within the management of some programs and the Student Management System (known as SMS) to her attention?

As a result of the TAFE Fraud investigation, a number of the allegations and complaints made by the Australian Education Union and other parties were found to have been unfounded or were due to a misunderstanding of the Student Management System (SMS) system. However, a number of complaints were the result of poor administration practices and system related issues. Many of those issues had been noted by the Kirby Taskforce and were reported on. Under the previous Government, TAFE Institutes' educational programs, financial management and good governance suffered because of the attempted corporatisation of the TAFE system in South Australia.

The present shortcomings of the SMS system reflect the fact that the long overdue upgrades promised by the previous government were not implemented.

3. Is the Minister satisfied with the current management practices of the Spencer Institute of TAFE?

The TAFE Fraud Investigation team found that one of the Educational programs at Spencer TAFE, namely the Farmbis program, had been unsatisfactorily managed in the 2002 financial year. A number of governance and management issues of that program were noted by the team. DFEEST and Spencer TAFE senior management have since implemented a program of improvement to prevent a recurrence of the issues noted. At the completion of the investigation consideration of issues of accountability will be addressed.

4. Will the Minister table the report of the findings of the current investigation by the Police Anti- Corruption Branch?

As stated in my News Release dated 23 May 2003, the TAFE Fraud review team is conducting further work at the request of the SAPOL Anti Corruption Branch. The issue of whether or not the results of that work might be made public can only be considered on completion of the exercise and after the wishes of the SAPOL Anti Corruption Branch are taken into account.

FAMILY AND YOUTH SERVICES

In reply to **Hon. KATE REYNOLDS** (28 May).

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

1. How many children and young people are under guardianship orders and are, therefore, the responsibility of the minister, and how many of those were missing from their proper address as at yesterday?

As of 31 May 2003 there were 1,331 children under the Guardianship of the Minister:

- 270 children under Guardianship of the Minister for twelve months;
- 61 children under the Custody of the Minister for twelve months; and
- 1000 children under Guardianship of the Minister until eighteen years of age.

In the event that a child/young person under the Guardianship of the Minister is deemed to be "missing", the normal process is to notify the police and to record the information.

There is no central data collection system that provides information as to how many children/young people under Guardianship of the Minister are not residing at their proper address at any given period. These cases are managed at the local district centre or unit level.

2. How many of these children and young people do not, as at today, have a specific worker allocated to them to ensure that the state is meeting its child welfare responsibility?

As at 31 May 2003, of the 1000 children/young people under Guardianship of the Minister until the age of eighteen, 12.8% (128) did not have an allocated social worker. Whilst these children/young people do not receive regular or ongoing casework supports, Supervisors in district centres manage major issues that arise with these young people.

All 331 children under the Guardianship or Custody of the Minister for twelve months had an allocated social worker.

3. As at today, how many tier 1 reports are on the waiting list for intervention services, and how many of these are classified as RPI?

Tier 1 notification signals that a child/young person is in immediate danger and therefore the district centre needs to respond as a matter of urgency. All tier 1 notifications must be actioned therefore Resources Prevent Intervention (RPI) cannot be applied to those notifications.

Electronic data in relation to Tier 1 notifications indicates the following information:

- For the month of May 2003, 29 tier 1 notifications were recorded. 90% of these have a recorded outcome;
- For the first four months of the year, January to April 2003, 100% of the 162 tier 1 notifications had been dealt with.

4. As at today, how many tier 2 reports have not had an intervention service, and how many are classified as RPI?

Tier 2 notifications are those where information suggests that a child/young person has been harmed, or is at risk of significant harm.

Electronic data in relation to Tier 2 notifications indicates the following information for the month of May 2003, 766 Tier 2 notifications were recorded. Of these:

- 169, or (22%), had been investigated by the end of the month. An investigation and assessment can take up to six weeks;
- 67 (8.75%) have been recorded as RPI;
- 15 (2%) of the investigations were either referred to the Police or to another agency for intervention;
- 5 (0.6%) could not be located, and;
- 510 (66.6%) of the notifications did not have outcomes recorded. This does not indicate that the notifications have not been investigated but that the investigation and assessment processes were still in progress and therefore outcome decisions not made.

72% of the 2,519 Tier 2 notifications from January 2003 to April 2003 inclusive were investigated and an outcome decision recorded, 6% were classified as RPI, 5% were referred to Police, 3% could not be located and 10% of the notifications did not have outcomes recorded.

5. As at today, how many tier 3 reports are on file, and as at today how many tier 3 reports have resulted in a letter sent to the parent, carer or guardian, and how many of these have not had follow up action?

A typical Tier 3 case is where the action or inaction of the caregiver might have long term detrimental effects on the child, but where there is low risk of harm in the short-term. A non-intrusive,

non-investigatory response is made to the notifications on children assessed as being at low risk but in need.

For the month of May 2003, 326 Tier 3 notifications were recorded. Of those:

- 149 (45.7%) of families were sent a letter and chose to attend a family meeting with the FAYS social worker;
- 69 (21.2%) of families who were sent a letter chose not to attend a family meeting;
- 74 (22.7%) were classified as RPI;
- 1(.31%) of Tier 3 notifications were referred to another agency for intervention; and;
- Approximately 33 (10%) of tier 3 notifications have not been finalised (i.e., waiting for families to respond to letters) and/or have not received a service delivery response for FAYS;

Of the 1192 Tier 3 notifications that were recorded for the January - April 2003 period 49% of families who were sent a letter chose to attend a meeting with FAYS, 12% of notifications were classified as RPI and 17% of notifications did not have outcomes recorded.

6. What action will the minister take to increase the number of qualified social workers, youth workers and financial counsellors to FAYS district offices to enable a timely service to be provided to all tier 1, 2 and 3 clients?

In response to the increasing workload in FAYS, a workload management and resource task force is being established.

The Terms of Reference for the audit are:

- To undertake a comprehensive budgetary and workload analysis of FAYS to determine current demands;
- To undertake an analysis of socio-economic and trend data with respect to social need and the consequent workload pressures that result for FAYS;
- To recommend a sustainable budget for FAYS that is based on a funding model and agreed formulas.

As an additional interim measure $1.5 million has been allocated to employ front line staff to address pressing cases whilst the task force completes its work.

7. What action will the minister take to recruit, retain and support more foster carers to address unmet need?

Several new initiatives have been introduced for recruitment, retention and support of foster carers and to build up the State's foster carer population, including:

- Innovative strategies to revitalise foster carer recruitment;
- Improved training and support for all foster carers – but especially those who care for children and young people with complex needs or disability;
- More inclusive involvement of foster carer representatives in the development of policies and services;
- Improved emphasis on recruitment, approval, registration and support of relative and kinship carers so that;
  - Children and young people are better supported to stay within their family and community networks;
  - Pressure is taken off of foster care placements and carers.

8. Will the minister, in consultation with foster carers, increase the payments to foster carers to a realistic rate based on meeting the needs of the child?

In December 2002, the Minister for Social Justice approved a 2.5% increase in subsidies to foster carers, backdated to 1 July 2002, to meet increases in the cost of caring.

An extra $8.3 million has been allocated over four years for additional funding for subsidies paid to carers of children who are placed under the Guardianship of the Minister. This will provide increased flexibility for expenses needed to care for these children.

Importantly, there have been changes made to ensure that carers receive more equitable access to extra financial support associated with meeting the needs of a child or young person, including:

- Better assessment of the child/young person's needs and the commensurate loadings on top of subsidies;
- Improved consistency in meeting the educational costs for the child or young person (e.g., school excursions, text-books, school uniforms etc);

Establishment costs incurred when a child or young person moves into a placement.

9. Will the minister fund a mix of community-based and agency-based early intervention programs across every region in the state to address the causes of abuse and neglect of children and young people?

$12 million has been allocated over four years to fund early intervention programs across the State.

An inter-departmental steering committee, comprising representatives from the Department of Human Services, Department of Education and Children's Services, Attorney General's Department, and Department of Aboriginal Affairs and Reconciliation has been established. This Steering Committee is examining priorities for early childhood services, and will be recommending how the funding will be allocated in July 2003.

In reply to **Hon. R.D. LAWSON:** As a supplementary question, will the minister either confirm or deny the suggestion that four young people absconded from an institution as mentioned in the honourable member's question?

The Hon. T.G. ROBERTS: The Director of Family and Youth Services, Ms Nerida Saunders, has made further enquires in relation to the suggestion that four young people absconded from one of the care units. Ms Saunders spoke with the informant.

Contact has been made with the Secure Care and Residential Care Centres and no young people had been registered as absent from these centres over the eight week period prior to 28 May 2003.

The informant has agreed to follow up the information and provide more details to FAYS as they become available.

WATER SUPPLY, EYRE PENINSULA

In reply to **Hon. D.W. RIDGWAY** (1 May).

The Hon. T.G. ROBERTS: The Minister for Environment and Conservation has advised:

1. Yes. The person in this position was employed on contract by the Department of Water, Land and Biodiversity Conservation (DWLBC) as part of a three year Natural Heritage Trust (NHT) project. The project was extended for a further year as part of the transitional process between NHT 1 and NHT 2. The officer's contract was to expire on 30 June 2003.

However, DWLBC has recently been able to reassign sufficient funding to allow an extension of the Catchment Management Officer position until the end of the year. The extension provides the Eyre Peninsula Natural Resource Management Group and DWLBC with the opportunity to secure additional NHT funding through the NRM Planning and Investment Strategy process.

2. Please refer to the answer in question 1.

3. The Catchment Management Officer's position on Eyre Peninsula is unique in that it is a contract position funded by the NHT. Other regions all have a core group of permanent staff working on water resources management. In fact, additional staff appointments have recently been made at the Murray Bridge office in the Murraylands region.

ROAD SAFETY STRATEGY

In reply to **Hon. D.W. RIDGWAY (**1 April).

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

1. Given that this fund supposedly contains an estimated $40 million, according to an article by Catherine Hockley in the Advertiser of 17 October 2002, and given also that as at 1 July 2002 South Australians have been paying 4.2 per cent more not only for speeding fines but also for driver's licences, car registration and bus fares, what has the government been doing with this money?

At present, all revenue from speeding fines and expiation fees is directed into general revenue. The exception is the Victims of Crime Levy, which is paid to the Criminal Injuries Compensation Fund and used to compensate persons injured as a result of criminal offending. The Rann Government's stated policy is that revenue from anti-speeding devices will be re-directed into the Community Road Safety Fund, which will fund the development of road safety programs and policy. Establishment of the Community Road Safety Fund and processes is proceeding, and it will commence operation from the start of the new financial year in July 2003.

2. What education, engineering and enforcement programs has the Community Road Safety Fund been planning or enacting in rural areas where 70 per cent of last year's fatal road accidents occurred?

Although the Fund will not commence until July 2003, the Government has substantially increased road safety expenditure during its first year in office.

On 11 July 2002, I announced that road safety is the focus of transport expenditure in the first State budget of the Government. Expenditure has been reprioritised to target unsafe roads, particularly in rural areas. A week later on 17 July 2002 last year, I announced a comprehensive package of road safety measures that demonstrate

this Government's focus on road safety. That package contains a wide range of road safety measures. Some of the measures in the package have already been implemented – for example, the commencement of the State's first black spot program, and the introduction of a 50 km/h default urban speed limit on 1 March 2003. A review of the 110 km/h speed limit on rural arterial roads is proceeding in consultation with local government. In addition, there are a number of important amendments to legislation that are currently before Parliament.

On 26 February 2003, I also announced the Government had increased funding to the new State Black Spot road program, and provided details of 12 major road projects in metropolitan and rural areas.

In reply to **Hon. DIANA LAIDLAW** (1 April).

The Hon. T.G. ROBERTS: It is my understanding that the government has not yet established this fund but, when it does, will it guarantee that all speeding fines are submitted to this fund and that current funding to Transport SA will not be cut back by a corresponding sum?

All revenue from anti-speeding devices in the Community Road Safety Fund will be directed to implement road safety programs, not only of Transport SA, but also of other agencies such as SA Police, and community road safety groups. The reprioritisation of budgets to target road safety, together with the additional expenditure through the Community Road Safety Fund, will ensure that no Government agency will be disadvantaged.

MOUNT GAMBIER HEALTH SERVICE

In reply to **Hon. D.W. RIDGWAY** (17 February).

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

1. One obstetrician/gynaecologist, Mr C. Weatherill has commenced work in February 2003 and now has a contract.

One physician, Mr Yamba, completed his negotiations and was employed and commenced work in January 2003.

Six medical specialists are working under a range of contracts in the areas of Opthalmology, Mr T. Hodson, Anaesthetics, Mr K Johnston and Mr S. Simmonds, General Surgery, Mr R Strickland, Orthopaedics, Mr B McCusker and Mr Henry Forbes.

2. Recruitment of two new general surgeons and the second gynaecologist/obstetrician is proceeding well.

3. Negotiations will continue in an attempt to ensure the sustainability of resident specialists services in the South East.

ABORIGINAL PRISONER AND OFFENDER SUPPORT SERVICES

In reply to **Hon IAN GILFILLAN** (9 July).

The Hon. T.G. ROBERTS: I advise:

APOSS is entirely separate to the State Government and is not funded by the State Government, however I have regular meetings with APOSS and I understand that APOSS are currently in the process of refilling a position in Pt Lincoln on a part time basis.

In addition the Department of Correctional Services employs an Aboriginal Liaison Officer (ALO) in Pt Lincoln to look after the interests and well being of Aboriginal Prisoners. The Department is currently looking at the possibility of expanding the role of the ALO at Pt Lincoln to become more involved in community corrections.

RADIUM HILL

In reply to **Hon. SANDRA KANCK** (15 July).

The Hon. P. HOLLOWAY:

1. The gazetted proclamation on 2 April 1981 reserved 247 hectares of pastoral land surrounding the historic Radium Hill Mine site for the purpose of a repository for low-level radioactive materials and this proclamation is still current.

2. The quantity of low-level radioactive materials deposited in the repository has a volume of approximately 200 cubic metres. No high-level radioactive materials and no intermediate-level radioactive materials have been deposited at the site.

3. The first deposit of low-level radioactive materials occurred in March 1981 and the last deposit was made in July 1998.

4. The low-level radioactive materials are stored securely within the mine Tailings Storage Facility which consists of approximately 400,000 tonnes of fine grained minerals which have a similar or greater radioactive activity levels than the deposited materials. In 1981 a 2 metres thick cover of rubble was placed over the Tailings Storage Facility.

5. Officers of the Department of Primary Industries and Resources (PIRSA) regularly visit the site to monitor the condition of the cover and the repository area. Gamma activity readings are taken intermittently and no significant changes in radioactive activity levels have been observed.

6. The EPA are conducting an audit within the State to determine the nature, quantity and safe storage of radioactive materials and their report is nearing completion.

SUPREME COURT BUILDING

In reply to **Hon. DIANA LAIDLAW** (27 March).

The Hon. P. HOLLOWAY: The Attorney-General has provided the following information:

The Attorney-General acknowledges that the current buildings are inadequate for today's court system and modern administrative management. The original court was built in 1869 and a number of other buildings and additions added over the years. The building referred to as the Library building was intended only as a temporary measure when it was built in 1959. In 2000-01 the then Government commissioned a Master Plan for the Supreme Court precinct. This included maintaining and refurbishing the heritage areas and façade that front Gouger Street and demolishing the Library building to make way for new buildings to accommodate staff and courtrooms appropriate to client expectations, electronic infrastructure and security.

The Government has placed the Supreme Court capital works program on the list of possible projects for a Public Private Partnership (PPP) project, the feasibility of which is currently being investigated by the department of Treasury and Finance with the assistance of senior staff from the CAA.

The original estimated costing for the master plan, developed by GHD (Gutteridge Haskins & Davey Pty Ltd) was $80 million. However this estimate has not been subject to a final rigorous tendered assessment.

The life of the original building is not certain. The building is not designed for today's judicial system but some renovations in recent years have assisted. For example, Courtrooms 1, 2 and 11, which were refurbished in 2001-2002, are the premier courtrooms for civil proceedings.

The progress of work being undertaken for a PPP will ensure that all possible avenues are explored to restore the standing of the Supreme Court and better cater for today's judicial system.

JURY DUTY, REIMBURSEMENT

In reply to **Hon. A.J. REDFORD** (27 March).

The Hon. P. HOLLOWAY: The Attorney-General has provided the following information:

The government recognises that the allowances paid to jurors have not been increased for a long time and are inadequate. We doubled the allowances for jurors who were to serve in long trials. We will continue to consider the needs of jurors for fair recompense for their time and travel.

GAMBLING RELATED CRIME

In reply to **Hon. NICK XENOPHON** (1 May).

The Hon. P. HOLLOWAY: The Attorney-General has provided the following information:

1. The Attorney-General's Department, through the Office of Crime Statistics and Research (OCSAR), is finalising an agreement with the Independent Gambling Authority (IGA) to undertake a study on Gambling and Crime for the purposes of a report the IGA has been requested to make to the Minister for Gambling. The research plan for the study was approved by the IGA in 2002, and the four-month study commenced in June, 2003.

Although the study will not address the cost of gambling-related crime to the criminal-justice and correction systems, it will aim to:

1. Identify what statistics are presently available in South Australia that deal with, or reflect, the motivations or cause or influences of offences where gambling or gambling-related problems form part of that background;

2. Recommend ways in which statistics dealing with or reflecting the relationship between gambling and crime may be collected more effectively;

3. Provide suggestions for logical improvements that could be made in the collection of statistics to help continuing analysis;

4. Summarise the existing research on the relationship between gambling and crime; and

5. Present findings concerning the relationship between gambling and crime that can be determined from existing South Australian data.

In addition to this study, the Office of Crime Statistics and Research along with SAPOL, the Commonwealth Attorney General's Department and the Australian Institute of Criminology are currently conducting a study of drug use amongst arrestees (DUMA). This project involves the quarterly sampling of people arrested and detained in seven Police watch houses across Australia, including the Adelaide City and Elizabeth watch houses. People arrested are invited to complete a questionnaire and to provide a urine sample for testing. Among the standard questions asked of respondents are two questions about the types and frequency of any gambling they have undertaken during the past month. To further explore the link between gambling and crime, the South Australian DUMA Steering Committee is preparing a proposal to present to the Australian Institute of Criminology to include an addendum to the questionnaire. If successful the addendum would include a further 10 gambling related questions.

2. As part of the above-mentioned IGA-commissioned study, the Office of Crime Statistics and Research will be consulting with a range of stakeholders to ascertain:

- what information they currently collect on gambling and crime, and
- the feasibility of collecting additional data that would help future research and analysis of the links between gambling and crime.

The Courts Administration Authority will be included as one of the key stakeholders consulted during the study.

3. This is the study referred to in response to the previous two questions. The Office of Crime Statistics and Research has been commissioned by the Independent Gambling Authority to undertake some research on its behalf to help with the IGA's study.

4. As indicated above, one of the matters the Office of Crime Statistics and Research will be canvassing with criminal-justice stakeholders when doing its part of the gambling and crime study is their ability to ascertain and record the motivation of apprehended offenders.

CRIME PREVENTION

In reply to **Hon. R.D. LAWSON** (15 May).

The Hon. P. HOLLOWAY: The Attorney-General has provided the following information:

1. The report of the review of the Crime Prevention Unit conducted by Mr Des Semple has not yet been received as at 17 July, 2003.

2. See above.

3. Once the report is received, the Government will consider the recommendations contained within the report before taking any action.

4. The Terms of Reference for the review, which were agreed to by the Director of the Crime Prevention Unit, are:

- consider the positioning of the CPU within the Attorney-General's Department and the broader Justice Portfolio, and, in particular, the relationship of the CPU to the policy development of the Portfolio;
- consider the alignment of CPU projects with Portfolio and whole of Government strategic directions;
- identify and analyse CPU's role in achieving crime prevention objectives through funding or purchasing services;
- identify any areas of potential overlap and duplication in policy development, service funding and evaluation;
- analyse the current mix of service planning, development and support and determine whether this meets the future needs of the Portfolio;
- analyse the capacity of the CPU to meet the proposed future directions.

Given the Terms of Reference, the future funding and activities of the Crime Prevention Unit will be considered after we have got Mr Semple's report.

CRIME PREVENTION CUTS

In reply to **Hon. R.D. LAWSON** (2 June).

The Hon. P. HOLLOWAY: The Attorney-General has provided the following information:

1. The base budget for crime prevention has remained constant from 2002-03 to 2003-04. In 2002-03, $600,000 of unspent money from the previous year was approved. This carryover amount was included in the budget figure of $2,409,000 for 2002-03. No carryover figure amount was included for 2003-04, leaving the CPU budget with its base of $1,832,000 for 2003-04. As there has been no cut to the base budget, no existing programs will be cut.

2. From this base budget $600,000 has been allocated for regional crime prevention, working in partnership with Local Government. This figure is the same for 2003-04. No programs will be cut during 2003-04 in order to fund the regional program.

3. The funding for the Local Crime Prevention Program (LCPP) was reduced from $1.4 million per annum in 2001-02 to $600,000 per annum in 2002-03 and beyond. A regional model was developed through the State/Local Government Review into crime prevention funding, and this model was approved in November 2002.

Since January 2003, the Crime Prevention Unit has been working extensively with the councils previously involved in the LCPP to negotiate their interest in participating in the regional model. To date, most of these councils have registered interest in the regional model and are working with their neighbours and the Crime Prevention Unit, to develop an appropriate regional model for their area.

RESTORATIVE JUSTICE

In reply to **Hon. R.D. LAWSON** (5 June).

The Hon. P. HOLLOWAY: The Attorney-General has provided the following information:

Restorative Justice principles compliment the traditional justice system and work particularly well for more minor matters.

Restorative justice principles can be applied at different stages of the justice system, including diversion from court prosecution, actions taken in parallel with court decisions, and meetings between victims and offenders at various stages of the system such as arrest, pre-sentencing and prison release.

Restorative justice may also be used in a range of civil matters, including family welfare and child protection, and disputes in schools and workplaces.

Restorative justice sees crime as not only a breach of a rule, but a disruption to community harmony and relationships. It places an equal focus on the offender, community and victim by seeking to repair the harm caused and restore the offender's relationship with his or her community.

Studies show that restorative justice approaches can have benefits. For example, victims who participate in restorative processes are typically more satisfied and believe they have been treated fairly, compared to their counterparts in the traditional justice system.

In the South Australian Family Conferencing program, about 80% of young offenders complete their agreed undertakings.

South Australia has tried restorative justice initiatives. We were the first to establish a separate juvenile court in the late 1890s that embraced a welfare approach to the treatment of young offenders. We were also the first State to introduce family conferencing in the Youth Court, bringing victims and offenders face to face to reach a negotiated outcome. All other Australian jurisdictions have since followed our lead.

South Australia pioneered the Aboriginal sentencing courts or Nunga Courts in 1999. Nunga Courts are bound, like all other courts, by the Sentencing Act when determining sentences. Its process, however, draws on restorative justice principles, as defendants and other court participants are encouraged to speak openly and directly to the magistrate. These courts are operating at Port Adelaide, Murray Bridge, Port Augusta and the court was recently expanded to Ceduna.

The principles that underpin this court were considered in the development of Australia's first Aboriginal Youth Court that is currently being trialled at Port Augusta. The Attorney-General funds the Justice Strategy Unit, which developed the Youth Court model in partnership with others including the Aboriginal and Torres Strait Islander Commission, the Courts Administration Authority and the local community.

The Government is exploring initiatives that are consistent with Victim Support Service's desire to see greater victim and community participation in the justice system. For example, the Justice Department, through the Justice Strategy Unit, is crafting concept papers on a number of diversionary options for adults, based on the principles of restorative justice. In particular, the Department is exploring the value of extending the current Family Conference

program to some adult offenders. In due course, the matter will be considered by the Justice Cabinet Committee.

Other justice agencies such as Correctional Services are also exploring the value of restorative justice. That agency has a restorative justice policy and has held several offender and victim mediation sessions.

Of course, restorative justice is not a panacea that will cure the world of crime and criminals. This Government will carefully scrutinise any initiative that deals with serious offences in a restorative fashion.

SITTINGS AND BUSINESS

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I move:

That unless otherwise ordered, for the duration of this session—

1. The council meet for the dispatch of business on Mondays at 2.15 p.m.; and

2. Government Business shall on Mondays be entitled to take precedence on the *Notice Paper* over all other business.

This motion allows the parliament to sit on Mondays in future, as has been the recent convention in this place.

Motion carried.

CITIZENS' RIGHT OF REPLY

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I move:

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

1. Any person who has been referred to in the Legislative Council by name, or in another way so as to be readily identified, may make a submission in writing to the President—

(a) claiming that he or she has been adversely affected in reputation or in respect of dealings or associations with others, or injured in profession, occupation or trade or in the holding of an office, or in respect of any financial credit or other status or that his or her privacy has been unreasonably invaded; and

(b) requesting that his or her response be incorporated in to *Hansard*.

2. The President shall consider the submission as soon as practicable.

3. The President shall reject any submission that is not made within a reasonable time.

4. If the President has not rejected the submission under clause III, the President shall give notice of the submission to the member who referred in the council to the person who has made the submission.

5. In considering the submission, the President—

(a) may confer with the person who made the submission;

(b) may confer with any member;

(c) must confer with the member who referred in the council to the person who has made the submission;

but

(d) may not take any evidence;

(e) may not judge the truth of any statement made in the council or the submission.

6. If the President is of the opinion that—

(a) the submission is trivial, frivolous, vexatious or offensive in character; or

(b) the submission is not made in good faith; or

(c) the submission has not been made within a reasonable time; or

(d) the submission misrepresents the statements made by the member; or

(e) there is some other good reason not to grant the request to incorporate a response in to *Hansard*,

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

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

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

9. A response—

(a) must be succinct and strictly relevant to the question in issue;

(b) must not contain anything offensive in character;

(c) must not contain any matter the publication of which would have the effect of—

(i) unreasonably adversely affecting or injuring a person, or unreasonably invading a person's privacy in the manner referred to in paragraph I of this resolution, or

(ii) unreasonably aggravating any adverse effect, injury or invasion of privacy suffered by any person, or

(iii) unreasonably aggravating any situation or circumstance, and

(d) must not contain any matter the publication of which might prejudice—

(i) the investigation of any alleged criminal offence,

(ii) the fair trial of any current or pending criminal proceedings, or

(iii) any civil proceedings in any court or tribunal.

10. In this resolution—

(a) 'person' includes a corporation of any type and an unincorporated association;

(b) 'Member' includes a former member of the Legislative Council.

The motion is in the same form as that moved in the previous session. It gives recognition to the democratic principle of the citizen's right of reply. It provides a process by which a citizen can seek redress if they feel personally aggrieved because of a statement made about them under parliamentary privilege. The motion sets out the conditions under which a submission for a right of reply can proceed and therefore provides protection for both the aggrieved person and the Legislative Council.

While this right has been called upon rarely in this place since this motion was first passed in 1999, it is more that we recognise that people who feel maligned under parliamentary privilege have the right to put their side of the story. I encourage all members to support the motion, which is a sensible mechanism by which the Legislative Council can continue to be accountable. I understand that the opposition may wish to consider one part of it, so if the matter is adjourned, so be it.

The Hon. R.I. LUCAS secured the adjournment of the debate.

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

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I move:

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

Motion carried.

HEALTH AND COMMUNITY SERVICES COMPLAINTS BILL

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I move:

That the bill be restored to the *Notice Paper* as a lapsed bill, pursuant to section 47 of the Constitution Act 1934.

Motion carried.

UNIVERSITY OF ADELAIDE (MISCELLANEOUS) AMENDMENT BILL

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I move:

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

Motion carried.

DRIED FRUITS REPEAL BILL

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries) obtained leave and introduced a bill for an act to amend the Dried Fruits Act 1993. Read a first time.

The Hon. P. HOLLOWAY: I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

The Dried Fruits Act has been central to the organisation of production and marketing of dried fruit in South Australia for more than 70 years.

A review process to ensure that the Dried Fruits Act complied with National Competition Policy requirements commenced in 1999 and has now been completed, with alternative methods of delivering functions of the Dried Fruits Act being put in place.

This review of the Dried Fruits Act has included a National Competition Policy Review, Green, and White Paper public consultation processes to obtain opinion from dried fruit growers, packers, major users of dried fruits, the SA Dried Fruits Board and the general public. In addition, a final review of the outlook for the dried tree fruits industry was undertaken in November 2002.

The SA Dried Tree Fruits Association and the SA Dried Fruits Board identified the following key functions that needed to be put in place before the Dried Fruits Act and its Regulations were repealed:

- Food safety legislation for packers and their premises.
- An approved supplier program for delivery of quality assured product to packing sheds by growers.
- A Code of Practice be documented and agreed to by packers and growers, and training on this code of practice delivered to industry.
- A funding mechanism for the SA Dried Tree Fruits Association be secured.
- Dried Fruits Research & Development secured through links with Horticulture Australia.
- Other industry development, information and support functions be developed and delivered by the SA Dried Tree Fruits Association.

The process requested by industry to put these alternative functions in place has been completed, and repeal of the Dried Fruits Act can progress.

Aside from providing for repeal of the Dried Fruits Act, this Bill provides a mechanism for the Minister to transfer residual funds of the Dried Fruits Board to the SA Dried Tree Fruits Association, the main organisation servicing SA's dried fruit industry.

To ensure that the residual funds provided to the SA Dried Tree Fruits Association are used for industry development purposes, an agreement will be developed between the SA Dried Tree Fruits Association and the Minister. This agreement will require:

- A strategic plan indicating key activity areas in which the SA Dried Tree Fruits Association will be using its funding in the 3 years to 30/6/2006.
- Annual reports from the SA Dried Tree Fruits Association for the years 2003/04 to 2005/06 inclusively, indicating key industry development activities and expenditure.
- Any conditions specified by the Minister "requiring the Association to implement the strategic plan".

Explanation of clauses

Part 1—Preliminary

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Part 2—Repeal of Dried Fruits Act 1993

Clause 3: Repeal of Act

This clause provides for the repeal of the *Dried Fruits Act 1993*

Part 3—Transfer of property

Clause 4: Vesting of Board's property in the Minister

This clause vests the property of the Dried Fruits Board (South Australia), which was established under the *Dried Fruits Act 1993*, in the Minister.

Clause 5: Transfer of property to the South Australian Dried Tree Fruits Association Incorporated

Under this clause, the Minister is empowered to transfer the property vested in him or her under clause 4 to the South Australian Dried Tree Fruits Association Incorporated. The clause makes it a condition of such a transfer that the Association enter into an agreement with the Minister containing terms and conditions required by the Minister including—

(a) a condition requiring the Association to provide the Minister with a strategic plan, in a form satisfactory to the Minister, detailing its activities and expenditure to develop the dried tree fruits industry in South Australia for the period to 30 June 2006; and

(b) a condition requiring the Association to implement the strategic plan; and

(c) a condition requiring the Association to provide the Minister, on or before 30 September in each year up to and including 2006, with an annual report on the work of the Association for the financial year ending on the preceding 30 June.

The Hon. R.I. LUCAS secured the adjournment of the debate.

COOPER BASIN (RATIFICATION) AMENDMENT BILL

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries) obtained leave and introduced a bill for an act to amend the Cooper Basin (Ratification) Act 1975. Read a first time.

The Hon. P. HOLLOWAY: I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

The *Cooper Basin (Ratification) Act* was enacted to ratify an indenture between the Government and the consortium of petroleum companies (known as the Producers) who were responsible for the development of the gas reserves discovered in the Moomba area of South Australia and subsequently delivered to both the Adelaide and Sydney markets.

The Act and indenture provided some certainty to the producers at a time when they were about to incur significant development costs to supply the new Sydney gas market. In essence, the Act reduced the perceived sovereign risk associated with this massive investment by clarifying that joint marketing of the gas by the producers was not a breach of the Commonwealth *Trade Practices Act 1974-75*, that the producers would be entitled to the grant of production licences as required, that the detail of how royalties would be calculated would be explicit, that the producers would have the right to construct facilities, roads and pipelines etc in areas outside their licence areas as required to develop those gas reserves, and that all of the production licences held by the producers could be treated as a single licence for some requirements under the *Petroleum Act* for administrative convenience.

In its current form the Act has a number of elements that are perceived by the NCC as anti competitive and review of this Act is

required under the Competition Principles Agreement 'Legislation Review' obligation. The key issues that are perceived to be anti-competitive are the lack of transparency in the Trade Practice authorisations, and the exemption from being subject to the 'economic" criteria for grant of production licences.

This Bill updates and makes more explicit and clear the Trade Practice authorisations, which in reality have little anticompetitive effect in the current gas supply market. In addition, Trade Practice exemptions for joint petroleum liquids marketing, which also have little anti-competitive effect, and which were previously included in the *Stony Point (Liquids Project) Ratification Act 1981* have also been included in this Bill. It is believed that it is in the public interest to retain these authorisations on the basis that it is important that the State continue to honour commitments made so that future investment and business dealings with governments are not put at risk.

The Bill also requires the Producers to meet the criteria in the *Petroleum Act* for the grant of production licences. The existing Act allows the grant of a production licence on request and is perceived as giving the Producers an advantage over other petroleum licensees—removal of this provision was agreed with the Producers in 1997 and has been voluntarily complied with since that date. Since February 1999, upon expiry of the Producer's exploration licences, no further production licences could be acquired, and the clause no longer has any real effect.

Minor changes to the Royalty provisions to account for the introduction of the GST are also included for convenience.

I commend this Bill to Honourable Members.

Explanation of clauses

Part 1—Preliminary

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for commencement of the measure. Subclause (2) provides for the retrospective commencement, namely 1 July 2000, of 2 amendments to the Indenture.

Clause 3: Amendment provisions

This clause is formal.

Part 2—Amendment of Cooper Basin (Ratification) Act 1975

Clause 4: Amendment of section 3-Interpretation

This clause inserts a number of interpretive provisions used in the Act including, in particular, the term authorised agreements and all the individual agreements that are authorised.

Clause 5: Amendment of section 9

This clause clarifies the effect of sections 27 and 28 of the *Petroleum Act 1940* on certain applications for petroleum licenses, and also clarifies that no licences or approvals have been or will be made after 27 February 1999. The clause also provides that licenses existing before that date continue as normal.

Clause 6: Substitution of section 16

This clause inserts a new section 16 which specifies things that are specifically authorised for the purposes of section 51 of the *Trade Practices Act 1974* of the Commonwealth. These things are:

- the authorised agreements;
- anything done by a party, or anyone acting on behalf of a party, under or to give effect to the authorised agreements or any of them;
- anything done to give effect to the conditions of Pipeline Licence No 2;
- all contracts, arrangements, understandings, practices, acts and things done or made by the Producers before the commencement of the section and related to the sale or delivery of liquids;
- a contract, arrangement, understanding, practice, act or thing done or made by the Producers after the commencement of the section and related to the sale or delivery of liquids if the Producers have given written notice of it to the Minister and the Minister has not, within 60 days of receiving that notice, given notice to the Producers excluding it from the ambit of the section on the ground that it is contrary to the public interest.

Clause 7: Amendment of Indenture

This clause amends the Indenture. Subclauses (1) to (3) insert various terms in the definitions clause of the Indenture. Subclause (4) clarifies the position with respect to the restrictions on granting or approval of new licenses. Subclause (5) establishes the State's good faith in—

- maintaining in force statutory authorisation of the authorised agreements and related acts for the purposes of section 51 of the *Trade Practices Act 1974* of the Commonwealth;
- giving consideration to the introduction of legislation authorising agreements for which the Producers may wish to have authorisations under the *Trade Practices Act 1974* of the Commonwealth.

Subclause (6) provides that GST is to be ignored in determining a range of petroleum-related values and costs. Subclause (7) provides, for the purposes of the amending instructions, that in clause 7 of the measure "Indenture" has the same meaning as that in section 3 of the principal Act.

Schedule 1—Related amendments

Part 1—Preliminary

Clause 1: Amendment provisions

This clause is formal.

Part 2—Amendment of Stony Point (Liquids Project) Ratification Act 1981

Clause 2: Amendment of section 5—Modification of State law in order to give effect to the Indenture etc

Clause 3: Amendment of First Schedule

These clauses make consequential amendments to the *Stony Point (Liquids Project) Ratification Act 1981*.

The Hon. R.I. LUCAS secured the adjournment of the debate.

STATUTES AMENDMENT AND REPEAL (STARR-BOWKETT SOCIETIES) BILL

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries) obtained leave and introduced a bill for an act to amend the Fair Trading Act 1987 and to repeal the Starr-Bowkett Societies Act 1975. Read a first time.

The Hon. P. HOLLOWAY: I move:

That this bill be now read a second time.

The purpose of this bill is to repeal the Star-Bowkett Societies Act 1975 and to amend the Fair Trading Act 1987. A 2001 bill was introduced by the previous government but had not passed both houses before it lapsed as a result of the general election being called. The 2003 bill, in the same terms as the lapsed bill, was introduced on 26 June 2003 but lapsed when parliament was prorogued and so requires reintroduction.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: It's not a popular bill, is it? A Starr-Bowkett society is a type of building society that causes or permits applicants for loans to ballot for precedents, or in any way makes the granting of a loan dependent upon any chance or lot. The Star-Bowkett Societies Act 1975 currently prohibits this activity except in relation to a Star-Bowkett society that was registered under the previous act. The act also prohibits trading or carrying on business as a society unless the person or body is registered under the act.

Following the deregistration of the last Star-Bowkett society, no further regulation is necessary except in respect of any possible offences and to prohibit trading or carrying on a business as a Star-Bowkett society. For this reason, it is proposed to repeal the Star-Bowkett Societies Act 1975 and to amend the Fair Trading Act 1987. The amendment to the Fair Trading Act 1987 will prohibit anyone trading or carrying on business as a Star-Bowkett society in South Australia, including balloting for loans. The maximum penalty for contravention of the prohibition is $5 000.

A prohibition is considered necessary for the protection of consumers, even though the risks are considered to be slight because—

- the last borrowers in a Star-Bowkett society are disadvantaged because of waiting for a loan to be advanced and it is theoretically possible that a person may never obtain a loan due to the element of chance; and
- there is a potential for mismanagement of the balloting process to the disadvantage of members of a society.

Without a prohibition, there would be a regulatory gap where a person or body of persons, whether incorporated or not, could trade or carry on business as a Star-Bowkett society. A prohibition is proposed to be included in the Fair Trading Act 1987 to provide certainty. There would be a net public benefit by imposing a restriction on competition. However, the costs of the restriction would be lower because of open access to housing loans.

New South Wales is the only jurisdiction that provides for the regulation of Star-Bowkett societies with no prohibition on balloting for loans. The proposed bill provides that an interstate Star-Bowkett society will not contravene this prohibition if it conducts business with a member of the society in South Australia, provided the person became a member of the society before the member commenced to reside in South Australia.

Provisions that permit investigations and proceedings for any offences under the repealed act are saved by the operation of section 16 of the Acts Interpretation Act 1915. The time limit will be two years, as applies under the act being repealed. The provisions of the Fair Trading Act 1987 will permit investigations and proceedings for any offences of the prohibition to be inserted into that act. I commend the bill to the council, and I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

Clause 1: Short title

Clause 2: Amendment provisions

These clauses are formal.

Part 2—Amendment of Fair Trading Act 1987

Clause 3: Insertion of Part 8A

This clause inserts a new Part in the *Fair Trading Act 1987* that relates to Starr-Bowkett Societies and the activity of balloting for loans. The new provisions prohibit the trading or the carrying on of a business as a Starr-Bowkett society or using the name "Starr-Bowkett" (that is, a person or body that causes loan applicants to ballot for a loan, or makes the granting of a loan dependent on chance). There is an exception for an interstate Starr-Bowkett society, which may continue to do business with a member in South Australia if the member joined the society before moving to live in this State.

Part 3—Repeal of Starr-Bowkett Societies Act 1975

Clause 4: Repeal of Starr-Bowkett Societies Act 1975

This clause repeals the *Starr-Bowkett Societies Act 1975*.

The Hon. R.D. LAWSON secured the adjournment of the debate.

STATUTE LAW REVISION BILL

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries) obtained leave and introduced a bill for an act to make minor amendments of a statute law revision nature to various acts and to repeal various acts. Read a first time.

The Hon. P. HOLLOWAY: I move:

That this bill be now read a second time.

This bill contains various amendments of a superficial nature to over 60 acts. The amendments address minor structural anomalies in acts. Centred italic or other unstructured headings are deleted or converted to part or division headings. A part heading is inserted before section 1 where such a heading is missing. Provisions that do not clearly form part of a traditional structure are relocated or reworked so as to conform. Where an act is being amended to correct a structural anomaly, descriptive headings are supplied where these are missing and non-standard paragraph numbering is converted to standard numbering.

The opportunity has also been taken to remove obsolete provisions from the acts being amended for the above purposes (such as commencement provisions, provisions stating that offences are summary offences and repealing or amending provisions that have come into operation and are not associated with transitional provisions that may still be active). Care has been taken in preparing this bill not to make any substantive changes to the law contained in the various acts amended.

The bill also repeals the following acts: the Commonwealth and State Housing Agreement Act 1945; the Commonwealth and State Housing Supplemental Agreement Act 1951; the Homes Act 1941; the Loans for Water Conservation Act 1948; the Native Industries Encouragement Act 1972; and the White Phosphorous Matches Prohibition Act 1915. These acts are obsolete. The subject matter of the last act is now a matter for the trade standards or dangerous substances area. The other acts all relate to financial arrangements that have long ceased to have any practical relevance. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

This Bill contains various amendments of a superficial nature to over 60 Acts.

The amendments address minor structural anomalies in Acts. Centred italic or other unstructured headings are deleted or converted to Part or Division headings. A Part heading is inserted before section 1 where such a heading is missing. Provisions that do not clearly form part of a traditional structure are relocated or reworked so as to conform. Where an Act is being amended to correct a structural anomaly, descriptive headings are supplied where these are missing and non standard paragraph numbering is converted to standard numbering.

The opportunity has also been taken to remove obsolete provisions from the Acts being amended for the above purposes (such as commencement provisions, provisions stating that offences are summary offences and repealing or amending provisions that have come into operation and are not associated with transitional provisions that may still be active).

Care has been taken in preparing this Bill not to make any substantive changes to the law contained in the various Acts amended.

The Bill also repeals the following Acts: the *Commonwealth and State Housing Agreement Act 1945*, the *Commonwealth and State Housing Supplemental Agreement Act 1954*, the *Homes Act 1941*, the *Loans for Water Conservation Act 1948* and the *Native Industries Encouragement Act 1872* and the *White Phosphorous Matches Prohibition Act 1915*. These Acts are obsolete. The subject matter of the last Act is now a matter for the trade standards or dangerous substances area. The other Acts all relate to financial arrangements that have long ceased to have any practical relevance.

Explanation of clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal

Clause 3: Amendment of Acts specified in Schedule 1

This clause effects the amendments contained in Schedule 1. Subclause (2) is a device for avoiding conflict between the amendments to an Act that may intervene between the passing of this Act and the bringing into operation of the Schedules.

Clause 4: Repeal of Acts specified in Schedule 2

This clause effects the repeals contained in Schedule 2.

The Hon. R.D. LAWSON secured the adjournment of the debate.

ADMINISTRATION AND PROBATE (ADMINISTRATION GUARANTEES) AMENDMENT BILL

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries) obtained leave and introduced a bill for an act to amend the Administration and Probate Act 1919. Read a first time.

The Hon. P. HOLLOWAY: I move:

That this bill be now read a second time.

This bill amends the Administration and Probate Act 1919 to remove the requirement for administrators of vulnerable estates to provide administration bonds. This will be replaced with surety guarantees and a discretion in the court to appoint joint administrators. At present, the Administration and Probate Act 1919 provides that a natural person who is seeking to administer an estate vulnerable to maladministration must enter into an administration bond with the Public Trustee.

An administration bond is required if the estate is considered vulnerable to maladministration because the natural person-administrator resides outside South Australia, or is a creditor of the estate, or because one of the beneficiaries lacks legal capacity. An administration bond is an agreement between the Public Trustee and the administrator and his or her sureties. The administrator and his or her sureties under the agreement promise to pay to the Public Trustee the full value of the South Australian estate if the administrator fails in his or her duty. If the administrator does fail in his or her duty, an interested party may apply to the court to have the bond assigned from the Public Trustee to him or her. The interested party takes the place of the Public Trustee under the administration bond. The interested party may then sue on the bond to recover the value of the South Australian estate from the administrator and his or her sureties. The interested party then holds the money in trust for everyone entitled to share in the estate.

In recent years there has been a trend away from administration bonds in other jurisdictions. Victoria has abolished administration bonds, instead giving the court a general power to require surety guarantees in any case it deems appropriate. The Western Australian law is similar. In New South Wales, both a bond and sureties are generally required in all administrations, but the court may on application dispense with this or reduce the amount. In Queensland, administrators are in the same position as executers—neither a bond nor a surety is required. The trend is therefore away from the somewhat fictitious exercise of assigning the bond so that the beneficiary can sue and towards using the more direct protection of a surety guarantee. That is what this bill proposes to do. It removes the requirement for a bond with the Public Trustee and requires, instead, a surety guarantee. This is an undertaking by a third party, for example an insurance company, that it will meet a person's liability should he or she fail in his or her duties as an administrator. The undertaking is only between the administrator and the person giving the surety, whereas administration bonds also include the Public Trustee as a party.

It has proven difficult, however, in recent times for administrators to find sureties willing to guarantee the estate. The usual practice has been to arrange for an insurance company to act as a surety at commercial rates. However, owing to changes in the insurance market there is now no insurer trading in South Australia that is willing to act as surety for administration bonds. Sureties will only be available from private persons or entities willing to risk their own funds. Understandably, these are difficult to find. The bill also provides that the court can dispense with the requirement for a surety guarantee and, if needed, appoint joint administrators as an alternative safeguard against maladministration of the estate. The court, for example, might appoint two family members to administer the estate together, or it might appoint a family member together with a professional person such as a lawyer or accountant.

The joint administration provides practical solution to the problem of administrators being unable to find a third party willing to act as a surety. Retaining the requirement for surety guarantees in the first instance maintains protection for estates vulnerable to maladministration as potential administrators will need to satisfy the court that it should exercise its discretion and dispense with the surety guarantee and, if needed, appoint additional administrators. This bill therefore strikes a balance. It solves the practical problems of administration bonds and yet retains the protection for vulnerable estates against maladministration. I commend the bill to members and I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

This Bill amends the *Administration and Probate Act, 1919*, to remove the requirement for administrators of vulnerable estates to provide administration bonds. This will be replaced with surety guarantees and a discretion in the Court to appoint joint administrators.

At present, the *Administration and Probate Act, 1919* provides that a natural person who is seeking to administer an estate vulnerable to maladministration must enter into an administration bond with the Public Trustee. An administration bond is required if the estate is considered vulnerable to maladministration because the natural-person administrator resides outside South Australia, or is a creditor of the estate, or because one of the beneficiaries lacks legal capacity.

An administration bond is an agreement between the Public Trustee and the administrator and his or her sureties. The administrator and his or her sureties, under the agreement, promise to pay to the Public Trustee the full value of the South Australian estate if the administrator fails in his or her duty.

If the administrator does fail in his or her duty, an interested party may apply to the Court to have the bond assigned from the Public Trustee to him or her. The interested party takes the place of the Public Trustee under the administration bond. The interested party may then sue on the bond to recover the value of the South Australian estate from the administrator and his or her sureties. The interested party then holds the money on trust for everyone entitled to share in the estate.

In recent years there has been a trend away from administration bonds in other jurisdictions. Victoria has abolished administration bonds, instead giving the Court a general power to require surety guarantees in any case it deems appropriate. The Western Australian law is similar. In New South Wales, both a bond and sureties are generally required in all administrations, but the Court may on application dispense with this or reduce the amount. In Queensland, administrators are in the same position as executors: neither a bond nor a surety is required.

The trend is therefore away from the somewhat fictitious exercise of assigning the bond so that the beneficiary can sue, and toward using the more direct protection of a surety guarantee. That is what this Bill proposes to do. It removes the requirement for a bond with the Public Trustee and requires instead a surety guarantee. This is an undertaking by a third party, for example an insurance company, that it will meet a person's liability should he or she fail in his or her duties as an administrator. The undertaking is only between the administrator and the person giving the surety, whereas administration bonds also include the Public Trustee as a party.

It has proven difficult, however, in recent times, for administrators to find sureties willing to guarantee the estate. The usual practice has been to arrange for an insurance company to act as surety at commercial rates. However, owing to changes in the insurance market, there is now no insurer trading in South Australia

that is willing to act as surety for administration bonds. Sureties will only be available from private persons or entities willing to risk their own funds. Understandably, these are difficult to find.

The Bill therefore also provides that the Court can dispense with the requirement for a surety guarantee and, if needed, appoint joint administrators as an alternative safeguard against maladministration of the estate. The Court might, for example, appoint two family members to administer the estate together, or it might appoint a family member together with a professional person such as a lawyer or accountant.

The joint administration provides a practical solution to the problem of administrators being unable to find a third party willing to act as a surety. Retaining the requirement for surety guarantees in the first instance maintains protection for estates vulnerable to maladministration, as potential administrators will need to satisfy the Court that it should exercise its discretion and dispense with the surety guarantee and, if needed, appoint additional administrators.

This Bill therefore strikes a balance. It solves the practical problems of administration bonds and yet retains the protection for vulnerable estates against maladministration.

I commend the Bill to honourable Members.

Explanation of clauses

Part 1—Preliminary

Clause 1: Short title

Clause 2: Commencement

Clause 3: Amendment provisions

These clauses are formal.

Part 2—Amendment of Administration and Probate Act 1919

Clause 4: Substitution of section 18

18. Administration guarantees may be required before administration sealed

Sections 18 and 31 of the *Administration and Probate Act* currently provide for administrators to enter into bonds with the Public Trustee for the proper performance of their duties in the administration of estates. Section 18 deals with bonds in relation to the sealing by the Supreme Court of administration granted by a non-South Australian court. Section 31 deals with bonds in relation to administration granted by the Supreme Court. Proposed new sections 18 and 31 similarly relate to the situations of the sealing of a foreign grant of administration and the local grant of administration, respectively. The new provisions contain matching requirements for a surety to guarantee any loss that a person interested in the South Australian estate of the deceased may suffer in consequence of a breach of the administrator's duties in administering the South Australian estate. Such a guarantee will be required where the administrator is not resident in South Australia or has a claim against or interest in the deceased's estate or where a beneficiary is not legally competent or where the court decides that the circumstances are such that a guarantee is required.

The requirement for a guarantee does not apply to the Public Trustee or any Crown agency or trustee company.

The Court is empowered to dispense with the requirement for a guarantee or to order that the guarantee may be with respect to a sum less than the full value of the South Australian estate.

Clause 5: Insertion of section 23

23. Power to appoint joint administrators

Proposed new section 23 is intended to make it clear on the face of the Act that the Supreme Court may grant administration to more than one person. The inclusion of this provision is in the context of proposed new section 31 which contemplates that the grant of administration to more than one administrator might constitute a basis for the Court to dispense with the requirement for a surety.

Clause 6: Substitution of sections 31 to 33

31. Administration guarantees

See the explanation above relating to clause 4.

Clause 7: Amendment of section 46—Land to vest in executor or administrator of owner

This clause amends section 46 so that it is clear that where there is more than one executor or administrator, land passing in the deceased's estate will vest in the executors or administrators jointly.

Clause 8: Repeal of section 57

The repeal of section 57 is consequential on the change from the requirement for administration bonds to the requirement for a surety described above in the explanation relating to clause 4.

Clause 9: Amendment of section 58—Proceedings to compel account

The amendment proposed to this section is consequential on the change from administration bonds to sureties.

Clause 10: Substitution of section 66

This section is reworded so that it reflects the change from administration bonds to sureties.

Clause 11: Amendment of section 67—Judge may dispense wholly or partly with compliance with section 65

Subsection (5) is also reworded to reflect the change from administration bonds to sureties.

Clause 12: Transitional provision

A transitional provision is included to continue the operation of the previous provisions of the principal Act in relation to an administration bond held by the Public Trustee immediately before the commencement of the measure.

The Hon. R.D. LAWSON secured the adjournment of the debate.

FIREARMS (COAG AGREEMENT) AMENDMENT BILL

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries) obtained leave and introduced a bill for an act to amend the Firearms Act 1977. Read a first time.

The Hon. P. HOLLOWAY: I move:

That this bill be now read a second time.

In November 2002, the Australian Police Ministers Council (APMC) agreed on a broad range of measures to restrict the availability and use of hand guns. In summary, the relevant AMPC resolutions restrict the classes of hand guns that can be possessed by sporting shooters and collectors of historical firearms. At its meeting on 6 December 2002, the Council of Australian Governments (COAG) agreed on a national approach to restrict the availability and use of hand guns, particularly concealable weapons.

This COAG agreement included as a centrepiece a compensated buyback of hand guns for sporting shooters and some collectors. The agreement includes provision for commonwealth funding of the state administered buyback where the commonwealth will supply two-thirds of the compensation and administration costs, along with 100 per cent of costs associated with those people who wish to exit the sport. Since the December agreement, officials have met to determine the detail of the hand gun buyback. South Australia's key aims have been to maximise the impact of the hand gun buyback on people who possess illegal firearms, and to minimise adverse aspects on sporting shooters and collectors.

As a result of the December 2002 COAG agreement, an intergovernmental agreement (IGA) was formulated and approved by cabinet on 11 August 2003. The IGA will give South Australia immediate access to commonwealth funding of approximately $1 157 000 remaining unspent from the 1996 gun buyback and commonwealth funding for two-thirds of the state's total expenditure on compensation payments made for the surrender of prohibited hand guns, parts and accessories as well as full reimbursement of the state's total expenditure on compensation payments made for the surrender of non-prohibited hand guns, accessories and parts. The one-third state and two-thirds commonwealth funding for the buyback, agreed to in the intergovernmental agreement, includes the administration of the buyback. The estimated cost for administration of the buyback is $1.865 million, along with an estimated $8.8 million for compensation to gun owners.

Total funding for administration and compensation for the buyback is estimated to be $10.77 million, taking into

account a recurrent loss of about $0.1 million for loss of licence revenue. The net impact to South Australia of the gun buyback is estimated to be $3.17 million (that is, one-third of the total cost after $1.157 million from the 1996 buyback).

It should be noted, however, that the intergovernmental agreement is not just about a buyback. The agreement and, hence, the funding made available by it, are strictly conditional upon implementation by South Australia of the November 2002 APMC resolutions attached to the agreement. This bill therefore provides for the buyback and the implementation of those resolutions.

All Australian governments have agreed to implementing the hand gun buyback, and all state and territory governments have signed the intergovernmental agreement. Most states and territories commenced the buyback on 1 July 2003 for a six-month period. The commonwealth and South Australia have agreed that the buyback will commence in South Australia on 1 October 2003 and extend until 31 March 2004. This necessarily means that the required amendments to the Firearms Act to permit the buyback to take place and for the funding to become available must be passed by 1 October 2003.

The commonwealth is funding a communications strategy that consists of a booklet and a web site. There are costs at a state level relating to a phone hotline and upgrades of a web site. Also the formulation of the stakeholder training package and the implementation of the package to sporting shooters will require funding. Dependent upon an assessment of cooperation with the buyback, there should be funding available for a print and radio approach.

The provisions in the bill which relate to the buyback are to be found in the schedule to the bill. Under these provisions, a person who is in possession of an unregistered receiver is given immunity from the commission of an offence if that person registers it or surrenders it. Similarly, a person who is in possession of a firearm affected by the new provisions of this amending bill is given immunity if the firearm is unregistered or ceases to be registered if that person registers it or surrenders it. It should be noted that the amendments sought to be made to this bill about registration will apply to firearms sought to be registered during the immunity period.

In addition, regulations are contemplated which will bring certain firearms, hitherto exempted from the operation of the act as antique firearms, within the ambit of the act. The schedule provides for immunity during the six-month period for such firearms, provided that during the period the person either registers the firearm and, if necessary, obtains a collector's licence, or the person disposes of the firearm.

The Registrar is empowered to pay compensation for surrendered firearms, firearm parts, firearm accessories or ammunition of a kind approved by the minister on conditions, if any, determined by the minister. It is expected that the terms of compensation will be the approximate estimated retail value of the item in accordance with the national valuation list. The licensed owners of restricted hand guns may retain possession of those firearms during the surrender period but may not use them.

As noted previously, the buyback is firmly intertwined with the implementation of the APMC resolutions adopted as part of the intergovernmental agreement. They cannot and must not be separated. Features of the implementation of these resolutions will now be described.

It is proposed by the bill that an application for a collector's licence may be refused by the Registrar if the Registrar is not satisfied that either the applicant has or genuinely intends to acquire a collection of significant commemorative, historical, investment or other value or that the applicant has been an active member of a collectors' club for the preceding 12 months or for the term of an existing licence. 'Active membership' is defined as meaning attending four or more meetings of the club during the 12-month period. Similarly, an application for a shooting club member's licence may be refused if the Registrar is not satisfied, in the case of a new applicant, that the applicant is a member of a shooting club or, in the case of a renewal, that the applicant has been an active member of the shooting club in each year of the licence. 'Active membership' is defined as meaning participating in at least six club shooting competitions in the 12-month period, of which at least three have to be in each component six-month period. It is further provided that, in relation to each type of 'active membership', it is open to the applicant to persuade the Registrar to excuse the failure by reason of ill-health, employment obligations or some other reason.

The bill evinces an intention to restrict the power to acquire a hand gun and, even where there is power to acquire a hand gun, the type of hand gun that may be acquired or used. This may be seen most clearly in the amendments proposed to section 15A in clause 10. Proposed section 15A(4b) states that the Registrar may refuse an application for a permit to acquire a hand gun for use as a member of a shooting club if the firearm is a self-loading hand gun (other than a revolver) with a barrel length of less than 120 millimetres or if it is a revolver or a single shot hand gun with a barrel length less than 100 millimetres or if it carries more than 10 rounds or if it is more than .38 calibre. This severely restricts the type of hand gun that may be so used and is in furtherance of a purpose that is aimed at high calibre hand guns, hand guns with large magazines and hand guns which may be easily concealed.

The legislative scheme is further aimed at the experience of the shooter. If the applicant applies for a permit to acquire a hand gun under a shooting club member's licence, then he or she must have held a licence for more than six months, and if the applicant has held the licence for more than six months and less than 12 months, then the applicant is restricted to having possession of hand guns of the types listed, namely, one .177 calibre air pistol and either one .22 calibre rim fire hand gun or one centre fire hand gun. Analogous restrictions to these may be found replicated in other provisions of the bill.

It should be noted that the bill proposes to get tough on illegal activities involving firearms, in accordance with the APMC resolutions. The maximum penalties for various offences to do with the unlawful possession and use of firearms will be:

(a) where the firearm is a prescribed firearm—$50 000 or imprisonment for 10 years, an increase from $20 000 or imprisonment for four years;

(b) where the firearm is a class C, D or H firearm—$35 000 or imprisonment for seven years, an increase from $10 000 or imprisonment for two years;

(c) where the firearm is any other kind of firearm—$20 000 or imprisonment for four years, an increase from $5 000 or imprisonment for one year.

That makes the first two offences major indictable and the last minor indictable. The prosecution is given a discretion to elect to prosecute those offences summarily, in which case

the applicable maximum penalty will be $10 000 or imprisonment for two years.

The maximum penalties for acquisition or supply of firearms or firearm parts will be:

(a) where the firearm or firearm part is or involves a prescribed firearm—$75 000 or imprisonment for 15 years;

(b) where the firearm or firearm part is or involves a class C, D or H firearm—$50 000 or imprisonment for 10 years;

(c) where the firearm or firearm part is or involves any other kind of firearm—$35 000 or imprisonment for seven years.

All of these offences will be major indictable. Again, the prosecution is given a discretion to elect to prosecute these offences summarily, in which case the applicable maximum penalty will be $10 000 or imprisonment for two years.

South Australia Police, in common with other Australian police forces, is committed to intelligence based policing. That necessarily involves the covert gathering of information on people which, if made publicly available, would place investigations at risk or the lives and personal safety of police and operatives at risk. Criminal intelligence should be recognised in the critical area of firearms as a basis on which the Registrar can prevent organised crime, particularly motorcycle gangs, from obtaining and using these lethal weapons.

The bill proposes a legislative regime in which the Registrar can refuse or cancel a firearms licence based on criminal intelligence. 'Criminal intelligence' is defined as 'information relating to actual or suspected criminal activity (whether in this state or elsewhere) the disclosure of which could reasonably be expected to prejudice criminal investigations, or to enable the discovery of the existence or identity of a confidential source of information relevant to law enforcement'. A special provision proposes that the classification of information as criminal intelligence may be made only by the Registrar (the Commissioner of Police) personally or by a deputy or assistant commissioner of police. Put another way, the normal rules of delegation do not apply.

The consultative committee and any magistrate hearing an appeal from a decision of the registrar will be obliged to keep information classified as criminal intelligence confidential and, in the case of a magistrate's appeal, the magistrate must hear the information in a court closed to all, including the appellant and the appellant's representative. The bill proposes that, if the Registrar refuses or cancels a firearms licence on the basis of criminal intelligence, the Registrar is not obliged to give reasons for the relevant decision.

Conclusion

The bill is the legislative outcome of a national agreement to reduce the number of hand guns in our community and to significantly toughen up our stance on illegal firearms. It should be welcomed by the parliament and passed speedily so the buy back can begin on time and be funded according to the Inter-Governmental Agreement. I commend the bill to members and seek leave to have the explanation of clauses inserted into *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

Provision is made for the measure to commence on 1 October 2003.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Firearms Act 1977*

4—Amendment of section 5—Interpretation

Firearm is redefined to include a receiver. A number of other definitions are adjusted to reflect this change.

Collectors' club and ***shooting club*** are defined for drafting purposes (without any change from the current descriptions of such clubs in the Act or regulations).

A new definition is inserted. ***Active member*** of a club for a 12 month period is defined as:

(a) —

(i) in the case of a collectors' club—a member of the club who has attended four or more meetings of the club during the 12 months; or

(ii) in the case of a shooting club—a member of the club who has participated in shooting competitions of the club on at least six occasions during the 12 months (at least three of which must have been in the first six months and at least three of which must have been in the second six months); or

(b) a member of the club who satisfies the Registrar that the member failed to meet the requirements of paragraph (a), during the 12 months, due to the member's ill health or employment obligations or some other reason accepted by the Registrar.

Acquire and ***supply*** are given fully expansive meanings.

A definition of ***criminal intelligence*** is introduced:

information relating to actual or suspected criminal activity (whether in this State or elsewhere) the disclosure of which could reasonably be expected to prejudice criminal investigations, or to enable the discovery of the existence or identity of a confidential source of information relevant to law enforcement. This definition is relevant to clauses 8(2) and 13 of the Bill.

5—Amendment of section 6—The Registrar

The Registrar is not to delegate the function of classifying information as criminal intelligence except to a Deputy Commissioner or Assistant Commissioner of Police.

6—Amendment of section 10—Procedure of consultative committee

The consultative committee is to maintain the confidentiality of information provided to the committee that is classified by the Registrar as criminal intelligence.

7—Amendment of section 11—Possession and use of firearms

Section 11 of the Act prohibits the possession or use of a firearm without an appropriate licence. Among the exceptions is the use of a firearm on the grounds of a recognised club in a manner authorised by the club. This exception is amended so that a person allowed to shoot on club grounds cannot be—

(i) the holder of a firearms licence, or a similar licence or authorisation under corresponding legislation of another State or Territory of the Commonwealth, that is suspended or cancelled; or

(ii) prohibited from possessing or using a firearm by an order of a court whether in this State or any other State or Territory of the Commonwealth

The penalties for offences against the section are substantially increased:

(a) $20 000 or imprisonment for 4 years for possession or use of a prescribed firearm is increased to $50 000 or imprisonment for 10 years;

(b) $10 000 or imprisonment for 2 years for possession or use of a class C, D or H firearm is increased to $35 000 or imprisonment for 7 years;

(c) $5 000 or imprisonment for 1 year for possession or use of any other firearm is increased to $20 000 or imprisonment for 4 years.

A person may be prosecuted for a summary offence against the section (except where the firearm is a prescribed firearm), but on conviction of a summary offence the maximum penalty is $10 000 or imprisonment for 2 years.

8—Amendment of section 12—Application for firearms licence

The section is amended so that an application for a firearms licence can be refused if the applicant, within the preceding period of five years, voluntarily gave up as a licence class the class of firearms applied for.

A provision is added allowing the Registrar, when refusing an application for a firearms licence on public interest grounds based

on criminal intelligence, to limit his or her reasons for the decision to the public interest without further elaboration.

New restrictions are imposed on the grant of collectors' licences and shooting club members' licences.

An application for a collector's licence may be refused if the Registrar is not satisfied that—

(a) the applicant has, or genuinely intends to acquire, a collection of firearms that has, or will have, significant commemorative, historical, investment or other value; or

(b) —

(i) in the case of an application for a new collector's licence (as distinct from the renewal of a licence)—the applicant has been an active member of a collectors' club for the preceding 12 months; or

(ii) in the case of an application for renewal of a collector's licence—the applicant has been an active member of a collectors' club for each licence year of the licence.

An application for a shooting club member's licence may be refused if the Registrar is not satisfied that—

(a) in the case of an application for a new firearms licence (as distinct from the renewal of a licence)—the applicant is a member of a shooting club; or

(b) in the case of an application for renewal of a firearms licence—the applicant has been an active member of a shooting club for each licence year of the licence.

9—Substitution of section 14

Section 14 regulates the acquisition of firearms. The section is reworded so that:

· it applies to firearm parts as well as firearms

· taking part in the unlawful acquisition of firearms or firearm parts is punishable in the same way as the principal offence

· the temporary acquisition of a firearm by agreement with the owner must now be by written agreement only and is made subject to exceptions restricting the acquisition of handguns by persons who have held shooting club members' licences for less than 12 months (also see clause 10 and proposed new section 15A(4b)(b) and (c)).

· the penalties are substantially increased, but with the option that a person may be prosecuted, at the discretion of the prosecutor, for a summary offence against the section (except where the firearm is a prescribed firearm), in which case the maximum penalty is $10 000 or imprisonment for 2 years.

A new section 14A, matching section 14, is also inserted relating to the supply of firearms and firearm parts.

10—Amendment of section 15A—Reasons for refusal of permit

New rules are introduced restricting the granting of permits to acquire handguns.

The Registrar may refuse an application for a permit to acquire any of the following for use as a member of a shooting club:

(a) a self-loading handgun (other than a revolver) with a barrel length, as measured in accordance with the regulations, of less than 120mm;

(b) a revolver or single shot handgun in either case with a barrel length, as measured in accordance with the regulations, of less than 100mm;

(c) a handgun with a magazine or cylinder capacity of more than 10 rounds or a modified magazine or cylinder capacity;

(d) a handgun of more than .38 calibre.

An applicant who is the holder of a shooting club member's licence may be refused a permit to acquire a handgun if the applicant has held the licence for less than six months.

An applicant who is the holder of a shooting club member's licence may be refused a permit to acquire a handgun if—

(a) the applicant has held the licence for less than 12 months; and

(b) acquisition of the handgun would result in the applicant having possession of more than—

(i) one .177 calibre air pistol or one .22 calibre rim fire handgun (long rifle or short) or one centre fire handgun; or

(ii) one .177 calibre air pistol and one .22 calibre rim fire handgun (long rifle or short); or

(iii) one .177 calibre air pistol and one centre fire handgun.

The following exceptions will be allowed by regulation:

(a) despite the restrictions on barrel length, the Registrar may grant permits to acquire visually distinctive and highly specialised target pistols;

(b) despite the restriction to not more than .38 calibre, the Registrar may grant permits to acquire handguns not more than .45 calibre that are required for metallic silhouette or single (western) action shooting events .

The Registrar may refuse an application for a permit to acquire collectors' handguns manufactured after 1946 unless the applicant meets the requirements of the regulations. Regulations are to be made requiring an applicant for a permit to acquire collectors' handguns manufactured after 1946 to be a genuine student of arms who—

(a) has been an active member of a collectors' club for at least the preceding two years; and

(b) has a significant collection of handguns with a proper thematic structure; and

(c) has provided displays or published articles to advance the body of knowledge of firearms history and development.

None of the restrictions introduced by this clause is to apply in relation to muzzle-loading handguns or percussion cap and ball handguns.

11—Amendment of section 15B—Transfer of possession

Section 15B regulates the transfer of possession of firearms. A provision is added restricting the transfer of possession of handguns to persons who have held shooting club members' licences for less than 12 months (also see clause 10 and proposed new section 15A(4b)(b) and (c)).

12—Amendment of section 17—Application for dealer's licence

This amendment is consequential on the amendments to definitions treating receivers in the same way as firearms.

13—Amendment of section 20—Cancellation, variation and suspension of licence

A provision is added allowing the Registrar, when cancelling a firearms licence on public interest grounds based on criminal intelligence, to limit his or her reasons for the decision to the public interest without further elaboration.

Provision is also made for cancellation of a licence on the application of the licensee.

14—Amendment of section 21D—Appeals

A provision is added allowing an appeal against a decision to refuse an application for registration of a firearm or to cancel registration of a firearm.

15—Insertion of section 21E

A new section is inserted that applies to a decision of the Registrar to refuse an application for a licence, or to cancel a licence, on public interest grounds because of information that is classified by the Registrar as criminal intelligence. The new section requires a magistrate hearing an appeal against such a decision to take steps, on the application of the Registrar, to maintain the confidentiality of information classified as criminal intelligence, including steps to receive evidence and hear argument about the information in private in the absence of the appellant and the appellant's representative.

16—Amendment of section 22—Application of this Part

This amendment is consequential on the amendments to definitions treating receivers in the same way as firearms.

17—Amendment of section 24—Registration of firearms

The Registrar is empowered to refuse an application for registration of a firearm if he or she is satisfied that—

(a) acquisition of the firearm by the applicant was not authorised by a permit in contravention of the Act; or

(b) the applicant improperly obtained a permit to acquire the firearm; or

(c) the applicant would not, having regard to the firearm sought to be registered and the current circumstances, be entitled to be granted a permit to acquire the firearm; or

(d) the firearm does not have identifying characters as required under section 24A or the identifying characters of the firearms have been defaced or altered without the authority of the Registrar.

18—Insertion of section 24B

The Registrar is empowered to cancel the registration of a firearm if the Registrar is satisfied that, having regard to the firearm and the current circumstances, the owner would not be entitled to obtain registration of the firearm.

19—Amendment of section 25—Notice by registered owner of alteration, loss, theft or destruction of firearm

This amendment is consequential on the amendment made by the preceding clause.

20—Repeal of section 29B

21—Amendment of section 32—Power to seize firearms etc

22—Amendment of section 34—Forfeiture of firearms etc

23—Amendment of section 34A—Forfeiture of firearms by court

24—Amendment of section 35—Disposal of forfeited firearms etc

The amendments made by these clauses are consequential on the amendments to definitions treating receivers in the same way as firearms.

25—Amendment of section 36—Evidentiary provisions

This amendment is consequential on the amendment to section 5 inserting definitions of ***collectors' club*** and ***shooting club***.

26—Substitution of Schedule

The current schedule, which is exhausted in its operation, is replaced by a new schedule dealing with transitional matters and compensation for various surrendered firearms, etc.

Surrender period is defined as the period of six months from the commencement of clause 1 of the schedule.

Provision is made for the surrender (or registration) of the following during the surrender period:

- an unregistered receiver
- an unregistered self-loading handgun (other than a revolver) with a barrel length, as measured in accordance with the regulations, of less than 120mm
- an unregistered revolver or single shot handgun in either case with a barrel length, as measured in accordance with the regulations, of less than 100mm
- an unregistered handgun with a magazine or cylinder capacity of more than 10 rounds or a modified magazine or cylinder capacity
- an unregistered handgun of more than .38 calibre
- an unregistered handgun that was manufactured after 1946 and acquired for the purpose of collection and display.

The Registrar is empowered, during the surrender period, to cancel the registration of a handgun of a kind referred to above. Those of the handguns that are eligible for registration, that is, those for which an acquisition permit might be obtained under section 15A as amended, may be re-registered , without fee, on application during the surrender period.

The following must not be used during the surrender period if unregistered:

(a) a self-loading handgun (other than a revolver) with a barrel length, as measured in accordance with the regulations, of less than 120mm;

(b) a revolver or single shot handgun in either case with a barrel length, as measured in accordance with the regulations, of less than 100mm;

(c) a handgun with a magazine or cylinder capacity of more than 10 rounds or a modified magazine or cylinder capacity;

(d) a handgun of more than .38 calibre.

The Registrar is empowered, subject to conditions approved by the Minister, to pay compensation in respect of firearms, firearm parts, firearm accessories or ammunition of a kind approved by the Minister surrendered to the Registrar during the surrender period.

Finally, provision is made for antique firearms (which under the regulations are to become subject to the Act, having previously been exempted) to be registered without fee during the period of six months from the commencement of clause 5 of the schedule. This will be subject to the owner joining a collectors' club and obtaining a collector's licence. Alternatively, the firearms may be disposed of by the owner.

The Hon. R.D. LAWSON secured the adjournment of the debate.

ADDRESS IN REPLY

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries) brought up the following report of the committee appointed to prepare the draft Address in Reply to His Excellency the Lieutenant-Governor's speech:

1. We, the members of the Legislative Council, thank His Excellency the Lieutenant-Governor for the speech with which he has been pleased to open parliament.

2. We assure Your Excellency that we will give our best attention to all matters placed before us.

3. We earnestly join in His Excellency's prayer for the divine blessing on the proceedings of the session.

The Hon. CARMEL ZOLLO: I move:

That the Address in Reply as read be adopted.

I thank His Excellency the Lieutenant-Governor, Mr Bruno Krumins, for his speech opening the 50th parliament. While Her Excellency was not able to be with us on this occasion, I think it appropriate for me to commend her for the manner in which she continues to discharge her very many duties as the representative of Her Majesty the Queen. She is much admired and respected by everyone. Our Lieutenant-Governor, Mr Krumins, is a person of long and strong service to the public of South Australia, and again I thank him for his contribution. I add my condolences to the family and friends of former members of parliament who have passed away in the last session: the Hon. Charles Murray Hill, the Hon. Trevor Crothers and Mr Leslie David Boundy.

The Lieutenant-Governor outlined the government's commitments to be addressed in this session of parliament, a continuing agenda designed to improve the quality of life for everyone in our vibrant state of South Australia. I want to pay particular attention to some of these issues and commitments. Most of us would agree that one of the most important issues which has raised debate and concern in the community during the parliamentary recess is that of law and order. As the government has already demonstrated, and as was confirmed by the Lieutenant-Governor yesterday, the government will continue with its strong agenda in relation to law and order issues. It will naturally reintroduce those pieces of legislation which lapsed, and it is committed to the introduction of other significant pieces of legislation, as outlined by the Lieutenant-Governor. Some of our legislation is currently in the community consultation phase.

I would like to add how pleased I am to see four women appointed to the judiciary recently, and I welcome the motion by the Hon. Michelle Lensink to congratulate the government on their appointment. For the first time South Australia will have two women on the Supreme Court bench. Regrettably, like all other endeavours, women are still under-represented on the judiciary, with only 14 of the 79 members being women. Nonetheless, I congratulate all four on their very well deserved appointments.

Two significant issues were discussed at the recent COAG meeting attended by Premier Rann: those of health and the supply of water to our state. To a great extent, the destiny of our state in terms of population growth and economic expansion has always been tied to the availability of water and, more importantly, the manner in which we use our existing supplies, whether it be surface water or ground water. I spoke in the budget debate in the last session about the situation of our River Murray, in particular regarding the River Murray levy initiative and the then just introduced water restrictions.

Whilst our state now has a reasonable chance of receiving around 70 per cent of its entitlement flow, the state of our river is still of enormous concern. Obviously, the drought has done its bit to refocus attention on the environmental health of the river. It is, of course, our most pressing environmental issue. At the state level the government has generated a great deal of discussion and a number of initiatives. Federally, it is also a central plank in Labor's policy. The river is an issue which has the support of all parties and, while in opposition, this government supported the previous government's promotion of the issue.

I think we are all in agreement that what we need to see is a greater water flow in the river, as well as of course an

improvement in the water quality. The recent COAG meeting also saw the federal government give what many would say is long overdue recognition to this crucial issue. A future federal Labor government has committed itself to saving the Murray River by delivering desperately needed environmental flows and establishing a new commonwealth corporation, the Murray-Darling Riverbank. Is a plan hailed by conservationists.

The federal Labor Party's policy will see an extra 450 gigalitres in the river over the next three years—enough to keep the mouth of the Murray open—and an extra 1 500 gigalitres over the next decade. Nonetheless, the reality that we currently have before us is the national water initiative presented at the recent COAG meeting. Even though, of course, it is nowhere near enough, Premier Rann was able to convince the federal government to increase its commitment to $200 million over the next five years, as opposed to the $125 million initially proposed.

At the state level, Premier Rann described our commitment as no-one doing more than us to save this lifeblood of the nation. We capped our water allocation in 1969 and have stuck to it, whilst the other states did not cap their water use until 1993-94. For obvious reasons, we cannot have a river which is always on the verge of closing completely, with accumulations of salt along the way. We all know of the threat to the quality of Adelaide's drinking water, so South Australia's commitment has always been strong. The introduction of the River Murray levy in the last budget will raise $20 million per year, and in total this state will spend $225 million over the next four years to assist in restoring water to the river and improve its environmental flows.

The news in the past few weeks in relation to the amount of natural water flow has been very welcome. With the better than expected recent rainfall, the lower Murray lakes reached the level at which some water needed to be released, so, for the first time in nearly two years, fresh water crossed the Goolwa barrages in the first week in September. The recent rainfalls also mean some increase in the level of water irrigators are able to use, as well as an increase in the amount of water for supplying South Australian country towns. As Minister Hill has said, the high level task force on the River Murray is monitoring the river flows and storages, and we will be advised if any further changes to the water restrictions are possible.

In relation to the rehabilitation of the lower Murray flats, I am pleased to see that lower Murray dairy farmers have been given more time to reach a decision about the rehabilitation of the irrigation areas, as well as being offered the option of staging the works. The increase from 65 per cent to 75 per cent in the level of water they are authorised to use is no doubt also welcomed.

Minister Holloway recently announced an allocation of $320 0000 over the next three years towards further development of the South Australian Dairy Plan, which aims to double the state's milk production by 2010, from the 700 million litres produced in 2000-01. I am certain all honourable members would be aware of that goal to double milk production set by the Dairy Industry Development Board, which is still optimistic that that can be achieved. The target set will also triple the wholesale value of South Australia's dairy industry to $1 billion per annum by 2010, which will see a further $680 million added to the state's gross product. The funding announced by Minister Holloway will go towards appointing a program facilitator who will coordinate the Dairy Plan's development and implementation strategies with industry, government and regional communities.

Our health system is also one of the Rann government's key priorities. The government is spending millions of dollars to rebuild our hospitals and to employ more nurses. However, we could do more for our health system if the federal government joined us in paying its fair share. At the recent COAG meeting, the states were forced to sign up to a deal which short-changed our public hospitals. Nonetheless, with the recent Generational Health Review, the government is now developing a blueprint of reform for the next 26 years. We will be introducing amendments to the South Australian Health Commission Act 1976 to accommodate these reform measures.

This time of the year is very exciting for our food industry—our small and medium sized enterprises in particular. The end of August saw Adelaide Epicurean, a new concept in International Business Week. Many visitors travelled to South Australia to look at our food and beverage produce. CITCSA, the Council for International Trade and Commerce South Australia, took the lead role in ensuring the success of Adelaide Epicurean and I congratulate CITCSA, in particular Mr Nick Begakis, the chairman, and Ms Trish Semple, the general manager. For those members who are not familiar with CITCSA, it is the peak council for South Australia's international chambers and business councils. It has a current membership of 39 registered chambers and councils and, by extension, some 3 500 South Australian businesses.

The concept of Adelaide Epicurean was to match inbound delegates with targeted markets. The promotion day at the Adelaide Hilton was appropriately called 'Meet the Makers'. I would also like to acknowledge Food South Australia, Austrade and the Australian Wine Export Council for their efforts in making this happen. Adelaide Epicurean provided the opportunity for some 50 targeted international delegates from nine countries to be connected with export-ready and emerging export companies in South Australia. Adelaide Epicurean is, of course, all about knowing and engaging one's market.

A walk around the Hilton ballroom at the Meet the Makers function saw the fantastic variety of food and beverage products that our state offers. Some of the exhibitors included Enzo Scipioni, the Managing Director of Olivet Estate, who is now producing a fine extra virgin olive oil from the Sellicks Hill region. I am certain many would remember Enzo Scipioni as the proprietor of Casalinga Restaurant. Another McLaren Vale foothills area olive oil stand that I stopped at was Oliveilia's Estate. The Konidis brothers were present on the day to promote their fine quality oils.

Seafood, prime Limecoast lamb and gourmet cakes by Baylies of Strathalbyn were also tempting stops along the way. Robert and Angela Bell, the proprietors of Baylies, would have to produce some of the best quality gourmet cakes and confectionery available in the world. It was also fabulous to see two very fine South Australian artists being promoted on the day—Julie Harvey, who specialises in beautiful sculptural designs created from clay, and Eamonn Vereker's stunning glass work.

Minister Holloway and I also had the pleasure to reacquaint ourselves with Assessore Luciano Manfrinato from the region of Cosenza in Italy. Together with the Italian Chamber of Commerce, PIRSA and Food South Australia, we held discussions about several primary products that the region is seeking for its market. I also attended two CITCSA

Chamber functions during the period: the first was the annual dinner of the Australia-Arab Chamber of Commerce and Industry held in conjunction with Business Week and which, of course, was also attended by several inbound trade missions; the other was the Merdeka Gala Dinner of the Australia Malaysia Business Council. Both chambers are active in fostering trade and professional relationships.

It is particularly pleasing to see that the Australia Malaysia Business Council uses its dinner for an award presentation which acknowledges a Malaysian student from each of our universities who has demonstrated both academic excellence and has made a significant contribution to South Australian-Malaysian relations. This year, the three students who received recognition were Mr Loh Tze Kai of Penang, who is completing a Bachelor of Pharmacy degree at the University of South Australia; Ms Diana Trisha Tembak of Kuching, a Bachelor of Engineering student at the University of Adelaide; and Mr Alex Teng Siong Chung of Selayang, Selangor, who is studying for his Master of Business Administration in International Business at Flinders University. They were each judged the best Malaysian students. All three were given a cheque for $1 000, a certificate of acknowledgment and a trophy designed by a student from the School of Design, University of South Australia. The award winners were also given four weeks' work experience at an Australian company to supplement their studies.

The most outstanding of the three winners, Mr Loh Tze Kai from Penang, received the Patrons Award, which included a return ticket to Malaysia courtesy of Malaysia Airlines. The award was presented to him on the evening by the former South Australian governor, Sir Eric Neal. His Excellency Mr Hussin Nayan, the new Malaysian High Commissioner, was also present on the evening. Professor Hock Tan, Vice President of the Australia Malaysia Business Council and Director of the Department of Paediatric Surgery, Women's and Children's Hospital, and Professor of Paediatric Surgery, University of Adelaide, was instrumental in ensuring that funds raised from the dinner go towards training Malaysian surgeons so that they can help more children in their own homeland.

No sooner was that week over than the Royal Show and Taste South Australia were upon us. The Premier launched an exhibition of value-added food products from some of our best producers. The Hon. Caroline Schaefer was also present. This year, I understand there was a significant growth in the number of exhibitors, which I am certain reflects the growing confidence and capability of South Australia's food industry. Some 26 producers took part in Taste South Australia, and for some it was the first time that their product was available outside their region. Others have developed markets interstate and overseas.

A really healthy product, which I think is particularly worthy of mention, is Tree-Treats Apple Chips, described as 'locking all the natural goodness of fresh apples in a pleasant convenient snack food', and it is available in original, caramel, honey and cinnamon flavours.

An honourable member interjecting:

The Hon. CARMEL ZOLLO: Totally non fattening! The dried chips are available from most supermarkets, fresh food vendors and school canteens. I urge all members to support the product and South Australia.

The Hon. Ian Gilfillan interjecting:

The Hon. CARMEL ZOLLO: They are not genetically engineered. The Tree-Treats factory is located at Pooraka. This year, six of the state's original food groupings were highlighted in an effort to show that the way we eat is often a result of important geographic and historic factors. A week ago, it was again my pleasure to launch the buyers' breakfast for South Australia at Fine Foods Australia—this year held in Sydney. I was—

The Hon. J. Gazzola: You've just been eating for the past two months!

The Hon. CARMEL ZOLLO: The Hon. John Gazzola has just said—

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! I do not think the honourable member needs any assistance from her colleagues.

The Hon. CARMEL ZOLLO: I was at a meeting recently when somebody else pointed that out; I assure you that it is not true—not much, anyway.

Members interjecting:

The ACTING PRESIDENT: Order! I should not have to protect the member from her own benches.

The Hon. CARMEL ZOLLO: I was at a meeting at Fine Foods in Sydney. I was especially pleased to see the Leader of the Opposition (Hon. Rob Kerin) attend Fine Foods, not only this year but also last year in Melbourne. He is obviously another lover of fine foods and a supporter of those who work in the industry.

As I indicated earlier, to be successful one must know and engage one's market. That is why it is important for companies to attend and to be part of such events. The goal is to help producers of innovative value-added products enter new markets and to position their products to target high-end consumers. Both Taste South Australia and Fine Foods Australia are about partnerships between industry and government to encourage producers to find and to enter new markets. Promotions and exhibitions also highlight the importance of building relationships with consumers, other producers, potential distributors and retailers.

It was good to see many new exhibitors at Fine Foods 2003 and some not so new but innovative companies, such as Bickfords, Angelakis Brothers, Mitani Products and B.-d. Farm, Paris Creek—companies producing goods to meet the needs of today's changing society, a society that is constantly on the lookout for something that is produced with good quality ingredients and is new and exciting as well as being practical. Copperpot, another South Australian success story, was also an exhibitor. Its Director, Raymond Khabbaz, was the MC for the morning reception.

The Hon. T.G. Roberts: Kebabs?

The Hon. CARMEL ZOLLO: No—Khabbaz. They make exquisite dips, amongst other things. Exhibitors who have products already on the market but need further promotion were also there. Chateau Barossa's grape products—a range of grape nectar, grape syrup and grape jelly—are honey or maple syrup substitute products which are totally natural and taste sensational. David Pitt mentioned that they are talking to representatives from Canada who are interested in the product as an additional syrup to their maple syrup.

South Australia again won the Best Group Stand Award, as well as many of our exhibitors being finalists in several award categories. Michael Angelo and Sales Manager, George Koutsamanis, of Specialist Foods, were rightly proud of their products. They were awarded the best new retail product with their yiros pack and family pack. I was also pleased to meet a new exhibitor, Melissa Zollo, who is not related. Ms Zollo trades as Heavenly Delights and is the producer of premium quality handmade cookies for food

service and hospitality. Her products are 100 per cent natural, with no artificial flavours, colours or preservatives.

Whilst in Sydney, I was able to accept an invitation from the National Food Industry Strategy to attend the launch of the Halal Australia Food Directory by Senator Judith Troth, Parliamentary Secretary to the federal Minister for Agriculture, Fisheries and Forestry.

The Hon. Ian Gilfillan: Were there samples?

The Hon. CARMEL ZOLLO: There were samples, and some were not halal, which was a bit unusual. The directory is a one-stop shop through which Australian and overseas food buyers can contact the growing number of Australian companies producing halal-certified food. The web site lists 125 companies across Australia that produce all the major categories.

The online directory is targeted at increasing export opportunities for Australian food producers to Muslim countries. We were told that total food exports to six predominantly Muslim countries have increased by over 51 per cent to more than $3.2 billion in the five years from 1997 to 2002. In 2002, food exports to Indonesia alone—the biggest importer of Australian food amongst Muslim countries—were over $1.15 billion.

Another delegation that recently visited South Australia was the NTUC FairPrice delegation headed by its Chairman, Mr Chandra Das, and Mrs Das, along with fellow directors, Dr Chua Sin Bin and Mr John Lim, and General Manager, Mr Gerry Lee. Minister Holloway hosted the evening and pointed out that a key to growing our food exports to Singapore has been the development of Australian Pavilions, with particular NTUC FairPrice stores in Singapore offering a range of authentic Australian products. The partnership between the food industry, Food South Australia, National Food Industry Strategy Limited and NTUC Fair Price is a most available and important one. Today there are 28 South Australian companies supplying the Australia Pavilion.

For me personally it was a great pleasure to renew acquaintances with several officers from Singapore, as I had the opportunity last year on the way to the Rural Women's Congress in Spain to stop over for one day and visit, amongst other appointments, three supermarkets which were then promoting our Australian products. I understand that our products are now in most, if not all, NTUC Fair Price supermarkets.

I also had the opportunity to travel to quite a few country areas during the break and I should mention a couple in particular. First, there was the rural women's gathering at Cummins, where several hundred women converged on this very positive rural community for a weekend of learning, networking, fun, relaxation and camaraderie.

The Hon. J. Gazzola interjecting:

The Hon. CARMEL ZOLLO: I did not say 'eating'. I launched the gathering on behalf of Minister Holloway. I take the opportunity to again congratulate Mrs Valerie Hill, the Chairperson of the 2003 Cummins Rural Women's Gathering, and her committee members for the success of the gathering. The gatherings have become another avenue to take advantage of the many opportunities offered in such forums, such as agricultural and professional information, personal development or the social and recreational opportunities.

August also saw the Murray Mallee Strategic Task Force Forum held at the Karoonda Football Club. I chair the Murray Mallee Strategic Task Force, which developed a strategic plan several years ago with the assistance of federal and state funding. The task force has had a significant input in many community areas as the initiatives are owned and implemented by the community, whether they be promotion of the region, transportation or communication. Whilst federal funding is yet to be forthcoming in relation to the wide implementation of the 'Getting Traction' strategic plan, the state government has made available some funding. The forum was a good opportunity to celebrate, acknowledge, identify challenges and discuss the way forward from here; it was a very positive day. Minister McEwen launched the forum, with the member for Hammond, Hon. Peter Lewis, MP, from the other place, as the lunch guest.

The Murraylands Regional Development Board had a stand at the Royal Show, which promoted all the fabulous aspects of the region, ranging from its industries (it is one of our major food bowls for the state), to the excellent educational opportunities available. Indeed, just the entrepreneurship of the two high school institutions was well highlighted by Unity College and Murray Bridge High School. The melon passionfruit jam I bought, made at the Murray Bridge High School, was a delight to the taste buds.

I also take the opportunity to mention a very special project that Minister Holloway launched in late July at Myponga, the Adelaide blue gum project, based across the Adelaide Hills and Fleurieu Peninsula. I was also invited and planted a tree, probably my first since Arbor Day when I was a child in primary school. I have been planting too many flowers and rose bushes in between. The project has a goal of planting 1 000 hectares of new tree farms per year over the next 10 years. The objectives of the project include the undertaking of a commercially viable tree farming project to secure a stable supply of wood fibre for the manufacture of high quality paper, generating maximum environmental benefits (including carbon sequestration), and promoting the regional economy through industry development and direct investment.

Mr Masaru Mogi, the President of Adelaide Blue Gum Pty Ltd based in Victor Harbor, recently wrote to all participants on the day to ensure them of ABL's long-term commitment to the region and the fact that it will be making a significant contribution to local industry and community development and to environmental sustainability. As was to be expected, ABL is hoping to become an intrinsic part of the local community and it encourages involvement from interested people and organisations. ABL looks forward to commencing the continuous production of high quality wood chip, with the thousand hectares per year being sustainably harvested, then coppiced or replanted.

This time of the year sees the hopes and aspirations of some in our sporting community come to an end. I am not a fanatical sports follower, but I am happy to see either one or both of our football teams in the finals. I congratulate the Crows for their participation and Port Power for their success as minor premiers and wish them all the best in their quest for their first premiership.

There is no denying that the other football code of soccer has been beset by problems for a number of years, both nationally and locally, but it is now time to be positive and move forward, not just sit back and look at past glories and apportion blame as to what went wrong. Soccer at all levels is played by more people than is any other code and is truly a global game. It is important that South Australia be represented at the national league level. We have produced so many talented players over the past 30 years who have

represented their country, as well as playing professionally in many countries around the world.

I welcome the creation of the Adelaide United Soccer Club and urge everyone in the community to get behind it. Gordon Pickard deserves particular commendation for his vision and his long time support of the game. I also congratulate John Kosmina, a living legend of the game, for accepting the challenge as coach of Adelaide United. I urge everyone who loves the game to get behind the team, particularly by attending home matches to be played at one of the best soccer grounds we have in Australia. As Geoff Roach wrote in *The Advertiser* 'United's birth promises a new dawn' which, coupled with the changes being implemented nationally, should see a reinvigorated national league, as well as Australia playing in the next World Cup.

A few weeks ago we saw *The Weekend Australian* feature our capital city of Australia in its magazine. Adelaide was described as the thinking city. Some may disagree, but I suspect the majority would not. Adelaide is seen by most people who aspire to live here as a city with the perfect balance in life—a quality of life that comes with a city of a certain size as well as good educational and health institutions and, of course, ultimately satisfying employment.

The Hon. J. Gazzola: Since we have been in government.

The Hon. CARMEL ZOLLO: Yes, since we have been in government. Also pleasing is the important upgraded AA+ and upward looking rating from Moody's, as well as Standard and Poors positive credit watch. It is important for our state to see our financial health measured equally with the eastern states and Western Australia as a good fillip for our business community. I commend the motion to the council.

The Hon. R.K. SNEATH: I am happy to second the motion. In so doing I thank the Governor for her ongoing representation and the way she represents the state of South Australia. She is a credit to the state and does a wonderful job. I also thank the Governor's deputy for his speech on the opening of parliament. I also pay my condolences to the families of honourable members who have passed away: the Hon. Murray Hill, whom I did not have the pleasure of meeting but heard a lot about from the Hon. Diana Laidlaw. He must have been a person who had his heart in politics and was certainly here to support those he represented. I attended the funeral of the Hon. Trevor Crothers on behalf of the Labor members in the Legislative Council. Yesterday I spoke about David Boundy, with whom I served on the Farmsafe committee and the Training Council of South Australia. I pass on my condolences to the relatives of those three former members.

I would also like to take this opportunity to welcome the newest member to the council, the Hon. Ms Lensink. I congratulate the Liberal Party on preselecting a woman to take the place of the Hon. Diana Laidlaw. I do not think they would have got away with anything else; the Hon. Diana Laidlaw would certainly have made sure of that.

The 2002-2003 financial year has been very productive and successful for the government and the state of South Australia. The Economic Growth Summit which was held in April saw 280 delegates from all walks of life meet to discuss the State of the State Report. This in turn assisted in the creation of a report entitled 'A framework for economic development in South Australia', submitted by the Economic Development Board. I am pleased that the government has accepted 70 of the 71 recommendations in that report which are on their way to being implemented, including the State Strategic Plan.

Labor has made a commitment to streamline government, and will eliminate a number of boards, advisory bodies and statutory authorities. The Economic Development Board, chaired by Robert Champion de Crespigny, will continue to have an advisory role within government working alongside the private sector to further enhance the economic development of our state. I think we are reaping the rewards already. In order to retain skilled workers and economic growth within South Australia, the Labor government aims to develop a higher performance state in the science, research and development sectors. We want skilled workers to stay in South Australia. We want to recruit young families and single people from other states instead of continually losing people to Victoria, New South Wales and Queensland.

The government will also set up a Venture Capital Board and fund to encourage the development of business and investments, hot on the heels of new economic strategies showing a substantial increase in business investment within the state. Business has gained renewed confidence in the state in the last 18 months. Further to recommendations of the Economic Development Board, the Labor government aims to see the state triple its exports by 2013 to a figure of $25 billion. That, in itself, is a very impressive sum by anybody's standards. New legislation will be introduced by the Labor government to alter the approvals process for public projects by raising the level of expenditure requiring cabinet approval and mandatory reference to the Public Works Committee from $4 million to $10 million. I think that is impressive.

I am also pleased with the Labor government's proposal to undertake projects alongside the public sector to update the Port Adelaide area and the port of Adelaide (to complement its wonderful football sides) which will put South Australia on a very competitive footing with the rest of the world. In fact, a new Office for Infrastructure and an accompanying minister are now in place to coordinate development across government. *The Advertiser* of 6 September 2003 ran a headline 'Business booming in the state of revival'. That was a pretty good headline after 18 months of a Labor government, one that we have not seen for a long time in *The Advertiser* or any other newspaper in this state.

The latest figures from the Australian Bureau of Statistics show that almost 31 000 new jobs have been created in this state under the Rann Labor government for the year to July—31 000 new jobs! Unbelievable! I bet the unemployed are happy about that. The unemployment trend rate for the state is now below the national average and amongst the lowest levels of unemployment recorded in 25 years.

The Hon. R.I. Lucas interjecting:

The Hon. R.K. SNEATH: You wouldn't like that at all. You like them all to be unemployed or casually employed. We know what you like. What I find particularly—

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! The honourable member should address his remarks through the chair.

The Hon. R.K. SNEATH: Sorry, Mr Acting President. I thought interjections were out of order, but I must answer them.

The ACTING PRESIDENT: Order! They are out of order and you should address your remarks through the chair.

The Hon. R.K. SNEATH: As I said, our unemployment rate is amongst the lowest levels recorded in 25 years—and that upset the Leader of the Opposition. What I find particu-

larly reassuring is that full-time employment figures have risen by almost 36 000 since the Rann Labor government took office. Nearly 36 000 people have found permanent work. This is a great start by the Labor government to getting casual workers into secure, permanent positions where they can borrow money to purchase a house and other goods as required—

The Hon. R.I. Lucas interjecting:

The Hon. R.K. SNEATH: The Leader of the Opposition interjects because he and the rest of the opposition hate to think that workers (especially low income workers) have full-time jobs. They like them to be casual or employed through labour hire firms so that they can keep them on the ropes and help and encourage their mates in big business. They also like to keep them in casual employment (labour hire employment) to break the morale and the spirit of the working class person. They like to keep them like that. We know that they like to see a long list of the unemployed so that they can sack people at their whim. We know they are like that. That has been the history of the opposition when in government for years and years: to take away full-time employment and security from low paid workers.

Financial management is something of which the Labor government in the last 18 months is very proud. It is obvious that the Labor government has good financial management amongst its highest priorities and will continue to aim high to achieve long-term sustainable results. No more asset sales. The Labor government aims to provide sufficient funding for hospitals, schools and social services through disciplined budget management, something which members opposite would know nothing about. Of course, this task has been made harder—

Members interjecting:

The ACTING PRESIDENT: Order!

The Hon. R.K. SNEATH: —by the last Liberal government which sold off the TAB, ETSA and our workers—

The Hon. J. Gazzola interjecting:

The Hon. R.K. SNEATH: They gave the TAB away, as the Hon. John Gazzola interjects—and I agree. They sold ETSA for a song and our water—

The Hon. R.I. Lucas interjecting:

The Hon. R.K. SNEATH: It would be worth more now with the current price of electricity—income depriving businesses that were owned by the taxpayer (income that was brought in for the taxpayer) and then spent millions building white elephants such as soccer stadiums and wine centres—I hope we can get a national soccer team back to play in the stadium, and I congratulate those involved in trying to do so—when they should have been putting money into jobs, schools and social services. It is a credit to the Treasurer and the Rann Labor government that South Australia finds itself heading towards a triple-A credit rating. When was the last time that happened? We are heading very fast towards it with the new Treasurer in charge. What a difference the Treasurer makes. What a difference a day makes. What a difference 18 months makes.

Members interjecting:

The ACTING PRESIDENT: Order! The Hon. Mr Sneath has the call.

The Hon. R.K. SNEATH: Thank you for your protection, Mr Acting President. Transparency and accountability are still, and always will be, incredibly important to the Labor government. We have found it extremely frustrating that the opposition, the Democrats and the Independents continually prolong the introduction into this place of bills regarding honesty and accountability in government. We can see who wants it and who is not frightened of it: it is the government. To make sure that transparency and accountability within government is upheld, the government will introduce a bill to widen the powers of the Auditor-General to ensure that he has full access to matters of public interest.

It is good to hear that the Labor government also intends to amend the Public Finance and Audit Act to ensure that this and all future governments produce a charter of budget honesty. The charter will include financial targets made by the government, as well as any and all progress made on those targets—something which will frighten the opposition if it ever succeeds in getting back into government. However, the way it is going, I doubt that that will happen for some time. I hope Liberal Party members, the Democrats and the Independents will be more supportive, and not so negative, on these matters.

A preselection report will also be required from the Under Treasurer when a state election is announced. I do not know whether the Riverina Liberal members come into that, or what happens there, but members opposite will have to round up some of those on the river and perhaps declare some of these members. It is encouraging that confidence in the state's economy has increased consumer spending by 4.4 per cent in real terms in the 12 months leading up to the June quarter; and the housing industry is still going strong with growth of 15 per cent compared with a national rate of 4.1 per cent. However, I think it is now important to look at affordability of housing for low income families because of the recent rise in house prices in South Australia. Perhaps something could come from the review that the Statutory Authorities Review Committee is about to start into HomeStart; perhaps that could result in changes to accommodate the rise in the cost of housing and to help sustain the Australian dream of owning your own home. I recently had the pleasure of opening housing for the aged and handicapped in Cleve. Do members opposite know where that is? It is in the bush.

The Hon. T.J. Stephens interjecting:

The Hon. R.K. SNEATH: The Hon. Mr Stephens says that he has never been out there: well, that would not surprise me. It is really good to see that housing is being provided in the country to aged people and that new handicap-friendly housing is being made available. I must say that the Hon. Carmel Zollo in her reply talked quite a lot about food but, of all those great food festivals to which she went, not too many could compare with the country cooking by the Cleve ladies the day I was there. I can totally recommend the apple crumble.

Members interjecting:

The ACTING PRESIDENT: Order!

The Hon. R.K. SNEATH: Members opposite will be very interested in this, because they are still looking for it: I am a passionate advocate for the rights of rural South Australians. I believe the Labor government is making sure that those benefits available to metropolitan residents are also available to those living in the country. I take the opportunity to congratulate the Minister for Agriculture, Food and Fisheries, because he has taken great interest in rural South Australia in the area of agriculture, food and fisheries. I also congratulate the minister for his passionate negotiations with the river fishers and their families, which will result in the restocking of native fish species and encourage native bird life in the Murray.

The Rann Labor government and minister Lomax-Smith should be congratulated for their ongoing commitment to

shearer training. This commitment has been made regardless of the enormous waste of money by the AWI, which could have trained shearers for many years without the use of any taxpayers' money. The introduction of legislation to regulate the cultivation of GM crops has enabled Kangaroo Island and Eyre Peninsula the opportunity to apply for GM-free status to ensure their unique environment is sustained.

The Hon. Carmel Zollo mentioned the Royal Adelaide Show, and I will touch on that also. It is certainly a place where the city meets the bush and vice versa. Unfortunately, this year, for the first time in many years, we were unable to hold a shearing competition because of Ovine Johne's Disease and the change to sheep testing. Whereas it used to take 48 hours to receive the results, it now takes up to three months or longer. I understand that all the sheep have to be tested, so there were some last minute changes that did not allow time to have the sheep tested. So, unfortunately, the Royal Adelaide Show went without a shearing competition this year, although meetings are being held to get it back on track.

The Labor government has taken steps towards revitalising the River Murray, and I know we believe in a cleaner and greener state and that we are prepared to put in the effort, along with the people of South Australia, to make it so. The Rann Labor government intends to introduce a natural resources management bill to restructure and update the procedures we use to manage natural resources such as the River Murray. I think the steps our government is taking are incredibly important for the long-term sustainability of our environment. After one of the worst droughts in our history—which affected our export markets and the farmers—the Labor government surely must be given credit for the wonderful season we are having this year.

The Hon. J.M.A. Lensink: You made it rain!

The Hon. R.K. SNEATH: Yes, just listen. Since announcing the water restrictions, it has not stopped raining. We came up with that idea: we did make it rain.

Members interjecting:

The ACTING PRESIDENT: Order!

The Hon. R.K. SNEATH: The Labor government is committed to protecting our environment and heritage from the ravages of mining and pollution. In fact, legislation will be introduced to establish Zero Waste South Australia as an independent statutory body.

The ACTING PRESIDENT: Order! I point out to the person with the camera in the gallery that he is not permitted to take photographs of anyone other than the member on his or her feet.

The Hon. R.K. SNEATH: I do not think his camera is wide enough to get me in! I look forward to taking my grandchildren to the proposed Adelaide dolphin sanctuary in the Port River and Barker Inlet in the hope of spotting a wild dolphin. The future of all our grandchildren, and indeed our children, is very much influenced by their time in the school system. For this reason I am pleased to note that top priorities for the Labor government include the implementation of smaller junior primary classes, counsellors for an extra 32 schools, and an increase in the school leaving age, as well as over 1 000 school and preschool teachers being permanently placed. I take the opportunity to congratulate the Minister for Aboriginal Affairs and Reconciliation for his handling of a difficult task in relation to the factions that prevailed in that area when he first took over the portfolio. He seemed to quieten the situation during his first 18 months in the role, and he has also had to make other hard decisions.

The Rann Labor government in its first 18 months has not only fixed the problems of the past but also had the foresight to look towards the future, and it has worked with local government and the community to ensure the hills face zone is protected and properly managed for future generations. The Rann Labor government has also seen the urgency in developing an urban growth management plan to control Adelaide's urban sprawl. I take this opportunity to congratulate the health minister, the Hon. Lea Stevens, who inherited a run-down public health system from the previous government. She has persevered and succeeded in putting our health system back on track.

Members interjecting:

The Hon. R.K. SNEATH: Members opposite laugh. How can they laugh at the disgraceful mess in which they left health?

Members interjecting:

The ACTING PRESIDENT: Order!

The Hon. R.K. SNEATH: You're shockers, you are. The government has made our health system a top priority, and is endeavouring to continually work towards giving all South Australians a better and affordable health system, despite the pressure of the federal Liberal government—

The Hon. G.E. Gago interjecting:

The ACTING PRESIDENT: Order! I do not think that the Hon. Mr Sneath needs any assistance from his colleagues.

The Hon. G.E. Gago: Let's just have a really good look at Mount Gambier!

The Hon. R.K. SNEATH: Yes, we will one day. We will show them what they have done to it. We continually work towards giving all South Australians a better and affordable health system, despite the pressures of the federal Liberal government wanting to cut Medicare and slash funding to the states.

The Hon. D.W. Ridgway interjecting:

The ACTING PRESIDENT: Order!

The Hon. R.K. SNEATH: If opposition members are so worried about funding for health, you would think that they would join forces with the government and go and knock on the door of their federal leaders, the federal Liberal government, and tell them not to cut the states' funding by $75 million. It is absolutely disgraceful!

Members interjecting:

The ACTING PRESIDENT: Order! The Hon. Mr Sneath has the call and does not need any assistance.

The Hon. R.K. SNEATH: I am proud that I am part of a government that is trying to fix up some of these problems and messes that we inherited from the former government. You would think that they would join forces with the government; that they would send the leader over with the Premier, knock on the door and say to the Prime Minister, 'We cannot afford $75 million worth of cuts to South Australian health.'

Members interjecting:

The ACTING PRESIDENT: Order! We do not need members having a conversation. The Hon. Mr Sneath is making a contribution.

The Hon. R.K. SNEATH: I understand that, when your minister was there, the latest agreement officially would have stripped the states and territories of $1 billion, and I think he was nodding his head at that. Is it true that your last minister, when you were in government—

The ACTING PRESIDENT: Order! I remind the honourable member to address his remarks to the chair. The chair does not have a minister.

The Hon. R.K. SNEATH: Mr Acting President, I understand that, when the opposition was in government, the minister at the time was not happy with the deal that he was being offered but, all of a sudden, now that it has been offered to the government, and it is a Labor government, he is saying, 'Take it.' The opposition is saying, 'Take it.' Why is that? Why have they changed their minds? Surely we all represent the state. It is time that the opposition started representing the people of the state, along with the government, and started lobbying, on their behalf, their Liberal friends in Canberra.

The Rann Labor government supports Medicare because it is a fair system which looks after those people who would not have been able to afford health care if the American system had been introduced by the Liberal government. We know about their relationship with America, and how they bring ideas back after they have been there. The American health system is a shambles—it is certainly a shambles for the low paid, and Medicare must remain. Health care is a top priority for the aged, the sick and the poor, and we must continue to ensure that the health care system in this country will always be available to those people.

I now want to talk about law and order. Labor made election promises to introduce tougher penalties for crime, especially offences committed against individuals, and laws to make the homes of the elderly safer. In just 18 months, the Rann Labor government has made amazing progress in making South Australia a safer place in which to live, with higher penalties for offenders carrying offensive weapons and crackdowns on motorcycle gangs and those involved with drugs and other serious offences. In the past, restraining orders have sometimes meant nothing to those upon whom they have been imposed, which has meant little protection for those who should be protected. Women, in particular, will sleep a lot easier when tougher penalties for breaching a restraining order are enforced by the Rann Labor government.

The elderly, children and those with intellectual or physical disabilities will all welcome stronger penalties and better protection from violent offenders. I am also certain that nurses, teachers and police officers will be pleased to hear that the government will give more power to the courts to impose longer sentences for those who attack public officials—and rightly so. I am sure the public will be pleased to hear that the Parole Board will be given more powers to stop sex offenders, in particular, from receiving automatic parole, just as the public welcomed the Premier's intervention when he prevented the parole of certain individuals early on in the government's term.

Recently, we have read in the newspapers of children being fed spaghetti sauce laced with marijuana while in the care of a minder. Children must be protected, whether they are with their parents or carers, and I am pleased to see that the government is implementing tougher penalties for those parents or carers who are responsible for harming or even killing children. I recently saw a news report about a young woman who was run down and killed at an intersection.

A few weeks ago, there was a report of a car that was being chased by police running into a car being driven by a young woman at an intersection. The woman was injured. A few weeks earlier there were other high speed police chases, and every week we hear of stolen vehicles being chased by police, not to mention the spate of road fatalities attributed to probationary drivers in powerful cars. It is due to incidents such as this that I am relieved to see that the government is targeting irresponsible drivers who misuse motor vehicles and endanger the community. I would also like to congratulate the government for the recent appointment of four women to senior judicial positions.

Industrial relations is a matter close to my heart, and I recently had the pleasure of being a guest speaker on industrial relations at the Whyalla campus of the University of South Australia.

An honourable member: That would be riveting!

The Hon. R.K. SNEATH: Actually, it was. Would you like me to read the letter that I received from the pupils and the teacher?

The ACTING PRESIDENT: Order!

The Hon. R.K. SNEATH: It is very complimentary. I do not have it here, but it is the sort of letter that you would have a lot of trouble getting, because you would have to know something about industrial relations.

The Hon. R.D. Lawson: Go to the cemetery and get a few names off headstones!

The ACTING PRESIDENT: Order!

The Hon. R.K. SNEATH: The Hon. Mr Lawson says, 'Go to the cemetery and get the names off headstones,' and I was just going to get to that, because I know that he is talking about those poor workers who have been killed in the workplace. There are too many there, and the former government did nothing about it. What we are doing about it—

The Hon. R.D. Lawson interjecting:

The ACTING PRESIDENT: Order! The Hon. Mr Lawson is out of order.

The Hon. R.K. SNEATH: Workplace safety is an issue that is very close to the hearts of all Labor members. In 2000-01, based on workers compensation data, 319 Australian men and women died from accidents or exposure in the workplace. These figures do not include those who died from work-related diseases, estimated to be over 2 000 per annum. The cost to South Australia of work-related injury and illness is conservatively estimated at $2 billion a year. In 2000-01, there was only one prosecution under the Occupational Health, Safety and Welfare Act. In 2001-02, there were eight. This year, over 22 prosecutions are under way. We still have some way to go in preventing work-related deaths, injury and disease, but it is a start. The government has introduced the SafeWork SA bill to allow for essential improvements to the administration of workplace safety in this state. Some of the key initiatives of this bill include a balanced package of occupational health and safety training provisions, which will ensure that upper and middle management as well as employees better understand occupational health and safety issues and work together to improve workplace safety.

We might try to get Mr Lawson into this course. Other initiatives include ensuring that government departments can be prosecuted for occupational health and safety offences, non-monetary penalties for occupational health and safety offences, the implementation of expiation notices and on the spot fines. The government has allocated an additional $2.5 million to Workplace Services to expand occupational health and safety inspectorates. The additional funding will be increased to $3.5 million in subsequent years. The funding will also increase Workplace Services' capacity to improve its approach to targeting nationally agreed high risk sectors, such as construction, transport, manufacturing, health and community services.

I understand that the government is also in the process of employing up to 27 new workplace inspectors, of whom at

least four will go into the country areas. I point out to the Hon. Mr Lawson that that is what we have done about it—quite a bit more than he did. In fact, he did very little about attempting to save lives in the workplace. What he did was put more speed cameras out there to gain revenue, arguing that he was trying to save lives on the road, but he did nothing about saving lives and he did not make it easy to prosecute people with unsafe workplaces, so we have done something about it and he did not. We have ensured that 27 new inspectors are available to go out in the workplace to crack down on those who are not doing the right thing.

We must also congratulate the industrial relations minister on appointing the new WorkCover board to undo the damage done by the previous Liberal government's dropping of levies. Anyone who knows anything about WorkCover and the old insurance system would know that the levy should never have been dropped and that employers were under a reasonable deal in the first place, because the levies had dropped enormously from the old system to the new WorkCover system.

The Hon. R.I. Lucas interjecting:

The Hon. R.K. SNEATH: They should go up to what they were; that's for sure.

The Hon. R.I. Lucas interjecting:

The Hon. R.K. SNEATH: I agree; they should go up to what they were. It is not bad when you have a sawmill paying not much more than a delicatessen or something like that. In my opinion the rates should be looked at and the industries should be judged on their record and levied accordingly.

The Hon. D.W. Ridgway interjecting:

The Hon. R.K. SNEATH: If the Hon. Mr Ridgway would like to come and see me about the problem he has at Keith or Bordertown, where an employer seems to be paying workers' compensation for somebody else's employee, I might be able to sort it out for him, which seems rather strange. No wonder their levies are pretty high down that way, if they are paying for somebody else's employees.

The Minister for Transport, who is also the Minister for Industrial Relations, should be congratulated on his road safety initiatives and on trying to introduce bills that we hope will continually reduce deaths on the roads. To combat the appalling figures, the state government is injecting an additional $9.5 million into road infrastructure investment during 2003-04. This will add up to the ongoing safety investment program of at least $20 million in last year's budget commitments; $3.5 million in new money for the state's black spots; $6 million for the smart road safety program; and $1.7 million for the shoulder sealing program.

To modernise the public transport fleet, $17.5 million has been invested in metropolitan area public transport, with the replacement of the bus fleet and the commitment to upgrade the Glenelg trams to light rail. An investment of $1.2 million was made to launch the $56 million three year project to revolutionise the Glenelg to city tram line, which should be operating by 2005. By upgrading interchanges, patronage on Adelaide metropolitan buses can be increased. Adelaide's third biggest transport hub will be constructed at Mawson Lakes, thanks to a $2.7 million allocation this financial year. So, it is all happening. The Minister for Transport is to be congratulated on implementing and publishing the first transport plan for South Australia since 1968.

Recreation is an important part of South Australian life. The ministerial physical activity forum proposed late last year by Minister Wright held its first meeting in May 2003. The forum brings a whole of government approach to the promotion of physical activities and healthy lifestyles to all South Australians, from school children to senior citizens. One of the first initiatives of the forum was to establish a physical activity council and a South Australian physical activity strategy, which includes input from suitably qualified members of the community and representatives of the government agencies. The government has also produced a guide book and web site called *Trails SA*, which provide information on the network of recreation trails throughout South Australia.

In summary, I take this opportunity to congratulate all the government ministers on a job well done in the first 18 months of government; it is a credit to them. The Rann Labor government can be proud of its achievements over the past 18 months, and the future looks bright, despite a very ordinary opposition which is not behind its leadership and which has cracks appearing that are wider than those in the Mallee during the drought. An example of those cracks is the senior Liberal frontbencher asking for sweeping changes before the next election and naming a number of Liberals who should fall on their sword.

The opposition energy spokesman, Wayne Matthew, wants an end to the warring factions within the Liberal Party and, according to an article in *The Advertiser* of Saturday 6 September, he is naming poor teamwork and disunity as one of the main reasons for the party's loss at the 2002 election. According to the majority of Liberal comments in the corridors, nothing has changed. The opposition should spend less time on wild goose chases and more time having positive input into policies, as a good opposition should. The Rann Labor government should be congratulated on being a very good government, because it has made these changes in the face of very poor opposition. I would say the Rann Labor government has been so good since it has taken office that some would say it could even be responsible for tonight's return of *Dr Who* on the ABC.

The Hon. J.M.A. LENSINK secured the adjournment of the debate.

PUBLISHING COMMITTEE

The House of Assembly notified its appointment of the Publishing Committee.

ADJOURNMENT

At 5.25 p.m. the council adjourned until Wednesday 17 September at 2.15 p.m.