LEGISLATIVE COUNCIL

Tuesday 23 September 2003

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

QUESTION ON NOTICE

The PRESIDENT: I direct that the written answer to the following question from the last session be distributed and printed in *Hansard*: No. 232.

SPEED CAMERAS

232. **The Hon. T.G. CAMERON:** For the years 2000-01 and 2001-02:

1. How many motorists were caught by speed cameras and issued fines as a first offence?
2. How much did these first offence fines raise in revenue?
3. How many motorists were caught twice or more by speed cameras and issued fines?
4. How much did these second offence or further fines raise in revenue?

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

SAPOL's Expiation Notice System has been designed to manage and track the electronic file history of individual expiation notices. The primary index of data entered is the expiation number assigned to each individual notice. Other information captured within an individual record assigned to that unique expiation notice number would include the registration number of the vehicle, date of the offence and the name of the registered owner of the vehicle.

Each individual incident or electronic file links these elements but they are only linked within the context of the one particular event. There is no capacity within the system to link incident to incident and to electronically extract and group files according to the number of offences committed. Data related to first, second or subsequent offences for speed camera offences is therefore not able to be extracted. SAPOL is unable to provide the information sought.

PAPERS TABLED

The following papers were laid on the table:

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

Reports, 2002-03—
Pharmacy Board of South Australia
The Physiotherapists Board of South Australia
Regulation under the following Act—
Occupational Health, Safety and Welfare Act 1986—
Building Site Toilets.

QUESTIONS, REPLIES

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I table a ministerial statement made last night by my colleague the Attorney-General about a question asked by the Hon. Angus Redford .

BROWNLOW MEDAL

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I table a ministerial statement about South Australia's three Brownlow medallists made by the Premier in the House of Assembly today.

MURRAY RIVER RED GUMS

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I table a ministerial statement about the Murray River red gum rescue made by the Hon. John Hill today.

QUESTION TIME

GOVERNMENT PROMISES

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make a brief explanation before asking the minister representing the Premier a question about government promises.

Leave granted.

The Hon. R.I. LUCAS: One of the key features of the Labor Party's election policies in the area of industry was summarised in the industry and innovation policy document. In brief, it stated:

> Under this approach, Labor will create the Centre for Innovation in Manufacturing, Industry and Business to lead and deliver economic development programs. It will combine the resources of the Centre for Manufacturing, the Business Centre and other parts of the Department of Industry and Trade and parts of other agencies, to provide practical and strategic assistance to existing industries.

Under the heading 'Small and medium enterprises', it continued:

> The centre will target small and medium enterprises, which often lack the resources needed for innovation, such as new technology, new forms of business organisation, excellent management skills, the development of clusters and networks between companies, information on international market opportunities and design innovation, amongst other things. It will support start-up companies in high growth areas through business incubators and other means.

Without my going through the entire policy document, it summarises a potentially vibrant and active role for a Centre for Innovation. Mr President, as I am sure you are aware, the former government had already established a Centre for Innovation, Business and Manufacturing which had already combined the Centre for Manufacturing premises on Port Road and the Business—

The PRESIDENT: Order! There is too much conversation in the chamber. It is very difficult to hear the leader speaking.

The Hon. R.I. LUCAS: —Centre operations on South Terrace to provide assistance for small and medium sized enterprises. You will also be aware, Mr President, that there were proposals for bringing those two centres together in one location, rather than their being separately located at Port Road and South Terrace.

I am sure that all members are interested to see reported again in the press today an acknowledgment from the new government that the potential role of the Centre for Innovation in Manufacturing, Industry and Business is now being examined by a further review of the Department for Business, Manufacturing and Trade. Minister McEwen is quoted as saying:

> But no decisions have been made, and no-one has had contracts terminated as a result of the review.

Some commentators might say that that is a rather ominous quotation coming from the minister in defence of the centre. Obviously, this has caused some concern in small business circles, as to whether or not this is another promise which the Rann government made to gather votes from the small business community and which it now intends to jettison. My questions are:

1. Is the Premier committed to the policy commitments outlined in documents such as 'Labor South Australia—

industry and innovation: jobs for our future' and, in particular, the commitment for the establishment of a Centre for Innovation?

2. In relation to any further review, which is evidently being conducted of the Department of Business, Manufacturing and Trade, will he rule out that, in essence, such a review potentially will lead to the removal of the existing Centre for Innovation, Business and Manufacturing, and its support for small and medium enterprises in South Australia?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will pass that question on to the appropriate minister—I think it is the Minister for Industry, Trade and Regional Development—and bring back a response.

POLICE CHECKS

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Leader of the Government a question about police checks for public sector employees.

Leave granted.

The Hon. R.D. LAWSON: In October 2002, a medium-sized business in the western suburbs of Adelaide discovered that its payroll officer had embezzled $90 000 from the company. The officer was dismissed, and after a police investigation the police advised the company that the officer involved, a woman, would be charged with larceny as a servant and that the papers would be passed onto the Director of Public Prosecutions. Later inquiries revealed that a charge had not been laid, and the police stated that the person in question was already on bail for social security fraud. This came as something of a surprise because, prior to the woman's employment, the business had obtained a national police certificate—an innovation of Australian police forces, which uses the intelligence that is exchanged between police forces and allows, as in this case, a certificate to be issued which states that the person named in the certificate was at the date of the certificate not recorded as being wanted by any Australian police service.

Subsequently, the business has endeavoured to make civil recovery of the moneys defrauded, but the woman involved has become bankrupt. Her bankruptcy report states:

> She is now employed as a payroll officer with the Department of Human Services and expects to earn income in the vicinity of $34 000 in the first assessment period.

My question is: do government departments, when employing people in positions such as payroll officers, avail themselves of the police checks through the national police certificate system; if not, why not?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will pass that question onto the Minister for Police and bring back a response. Within that question, there are a number of issues and I will attempt to get an answer for the honourable member.

BUCKLAND PARK WASTE TREATMENT FACILITY

The Hon. CAROLINE SCHAEFER: My question is addressed to the Minister for Agriculture, Food and Fisheries. Will the minister give this council an absolute assurance that no officer or officers of PIRSA were put under any pressure with regard to their response to issues regarding the proposed Buckland Park-Virginia organic waste project?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I certainly have not put any of my officers under any pressure in relation to that project. As for others doing it, the honourable member will need to explain if she wishes to suggest that that has been the case. The department has been left to do its job in relation to that matter, and I believe it has done it appropriately.

The Hon. CAROLINE SCHAEFER: I ask a supplementary question. Will the minister check?

The Hon. G.E. Gago: Check what?

The Hon. P. HOLLOWAY: Check what? That is exactly the question. If the honourable member wishes to make an allegation, let her do so. I am certainly not aware of any pressure being put on people in the department to come up with any particular answer in relation to that matter. The only requests that have been made to the department in relation to Jeffries Waste are for an assessment and to provide the information required.

FOOD INDUSTRY SCORECARD

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

Leave granted.

The Hon. R.K. SNEATH: The country has just gone through the nation's worst drought on record and the SARS epidemic. As well, movements in the Australian dollar have had an impact on the state's food industries. My question is: will the minister advise the council what the latest scorecard has to say about the state of South Australia's food industry?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): Food production fell dramatically in most sectors as a result of the drought. Fortunately, strong consumer demand and the sustained performance of processed exports have helped to cushion the fall in gross food revenue from $9.4 billion to $8.9 billion (5 per cent). Processed exports fell just 4 per cent compared with the national average of 12 per cent, substantiating the need for a continued focus on value adding rather than being dependent on the volatile commodities sector.

This suggests that South Australia's growing competitiveness has helped to compensate for the ongoing challenges of trading in a global market. The measuring of processed exports is a particularly important part of the scorecard analysis, as the State Food Plan has focused industry effort toward higher value adding as a way of ensuring against seasonal volatility associated with commodity focused production.

Gross food revenue for 2002-03 has dipped slightly below the $9.4 billion mark required to achieve the target of $15 billion by 2010. Despite the disappointing year, South Australia is still $600 million in front of where it would have been without the direction set by industry and government in the State Food Plan. The horticulture sector defied the overall trend, performing better than last year, due mainly to strong demand domestically. In spite of this year's negative trends, the results show positive signs of structural changes taking place within the food industry. A 30 per cent increase in new capital expenditure in food processing and retail is an example of this.

South Australia's food scorecard report indicates that the state's food industry has performed well compared with the national average, despite being severely hit by drought, the

SARS epidemic, global unrest and the impact of a strong Australian dollar. I conclude by saying that the full Food Industry Scorecard report is available on the South Australian Food web site at www.safoodonline.com.

SUPREME COURT COSTS

The Hon. IAN GILFILLAN: I seek leave to make an explanation before asking the minister representing the Attorney-General a question about Supreme Court charges.

Leave granted.

The Hon. IAN GILFILLAN: A male constituent of limited means has approached me. The best way to give the preliminary to my question is to read a couple of points from his communication to me, in which he states:

> I am currently appealing over a De Facto Relationship Property Settlement, where the judiciary made substantial errors and my contribution as a homemaker and parent and partner was totally ignored. I stand to lose my home as a result of an administrative decision by the Supreme Court Registrar. The Registrar has refused to give me copies of the court transcript, vital for my appeal. The court must allow me to obtain a copy of the transcript of evidence taken in my defacto property settlement hearing.

Further on, the letter states:

> I may take or. . . (order) copies of the transcript on payment of the appropriate copying fee (which is prescribed by regulation by the Governor). . .

At the time of this communication, the fee was $5 a page, but, as my colleagues on the Legislative Review Committee may remember, it has gone up to $10 a page, effective from 1 July this year. The letter goes on:

> The appeal rules require me by—

I will not disclose the date, because I do not want to disclose the identity of my constituent—

> to lodge 3 copies of the transcripts (and a further two copies (one for the appellant and one for the respondent). As the transcripts contain 914 pages, with each page costing—

although the cost to my constituent was $5, currently it is $10 per page—

> this amounts to a [whopping total]. . . This fee is even harder to justify given that the Schedules under the Supreme Court Rules which sets a maximum that parties can claim from each other for photocopying of the standard commercial rate..[at] 20 cents per page)!

The Attorney-General's office advises that it is aware of a number of current cases where people suffering poverty are denied access to justice. They say that it is a slow process of reform. They have been saying it for decades, and yet nothing is done. As my constituent says in a somewhat tragic plea, 'My situation cannot wait.' My questions are:

1. Does the Attorney-General agree that, under the circumstances, the charging of $10 per page for photocopying for an applicant who is on a pension and is quite obviously of limited means is excessive?

2. Does the Attorney-General also agree that such charges actually prevent the proper process of justice in the Supreme Court of South Australia?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will refer those questions to the Attorney-General and bring back a reply. I would suggest that if the honourable member were to supply the Attorney with the details he can have a look to see whether there are any particular features of that case that might be able to be addressed in another manner.

The Hon. J.F. STEFANI: I have a supplementary question. Will the minister ask the Attorney-General to seek advice from the Courts Administration Authority as to whether it is possible to have the transcript available on the internet in the same way as *Hansard* is available on the internet so that people can access the information without paying the earth for it?

The Hon. P. HOLLOWAY: I understand that a significant amount of information is available on the internet. As I have said, what the particular features of this are, I do not know. That is why I have suggested that the honourable member who asked the original question should supply that information to the Attorney to see whether there are some other solutions. However, I will take up his worthwhile suggestion with the Attorney.

The Hon. NICK XENOPHON: I have a supplementary question. How much revenue does the Courts Administration Authority project that it will obtain from court transcripts for this financial year compared to the previous two financial years?

The Hon. P. HOLLOWAY: Again, I will refer that question to the Attorney.

An honourable member interjecting:

The Hon. P. HOLLOWAY: I would hope that most of these sort of measures are applied in a cost recovery sense.

An honourable member interjecting:

The Hon. P. HOLLOWAY: A significant amount of retrieval is involved, and increasingly in government we are attempting to do such things as the very sensible suggestion of the Hon. Julian Stefani. Where possible, we attempt to make information available on the internet, and I refer to the answer to an earlier question. The more information that can be provided on the internet, the better that would be. It would certainly be useful if people can take advantage of that. Obviously, the administrative costs involved depend on the nature of the material requested and how much effort is involved. I will endeavour to get a response from the Attorney for the honourable member.

The Hon. NICK XENOPHON: As a further supplementary question, what protocols does the Courts Administration Authority have in advising parties, particularly unrepresented parties, as to the potential transcript costs in cases?

The Hon. P. HOLLOWAY: Again I will refer that to the Attorney.

SAME SEX COUPLES

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Attorney-General, a question about the government's discussion paper on removing legislative discrimination against same sex couples.

Leave granted.

The Hon. A.L. EVANS: On Monday 15 September, the Hon. Kate Reynolds asked some questions concerning the discussion paper that the Attorney-General announced earlier this year. The discussion paper generated enormous interest in the community, and more recently a number of constituents have contacted my office posing similar questions to those raised by Ms Reynolds. My question is: given that submissions closed on 7 April, will the minister provide an indication of the number of submissions opposing the change to the law and the number of submissions supporting the change?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will get that information from the Attorney and bring back a response for the honourable member.

OFFICE OF THE UPPER SPENCER GULF, FLINDERS RANGES AND OUTBACK

The Hon. D.W. RIDGWAY: I seek leave to make a brief explanation before asking a question of either of the two ministers in the chamber, because I am not sure which one should answer it, although that will become more apparent as I make my explanation. My question concerns the Office of the Upper Spencer Gulf, Flinders Ranges and Outback. I refer to some comments made by the Hon. John Dawkins who, in his speech on the Appropriation Bill, referred to the Office of the Spencer Gulf, Flinders Ranges and Outback, which has been established in Port Augusta. Originally, this office was flagged last year by the then minister for regional affairs as a regional ministerial office, although there was some confusion within the government as to whether this was the case or whether it was actually a regional office of the Office of Regional Affairs. He said:

> Although either option would seem to have been reasonable, these offices have actually been established under the budget line of the Office for Sustainable Social, Environmental and Economic Development within the Transport and Urban Planning portfolio.

I had a look recently at the ministers' directory and I notice that Mr Justin Jarvis, who I believe is employed in Port Augusta, is listed under the Premier's staff as adviser and manager of regional offices. My questions are:

1. What is the role and function of the Office of the Upper Spencer Gulf, Flinders Ranges and Outback at Port Augusta?
2. How many people are employed in this office?
3. What are the salaries of the employees?
4. What are the job descriptions of the employees?
5. If government vehicles are provided to this office, how many are provided and to whom are they provided?
6. Which department or departments are funding this office and the employees of the office?
7. Do any of the staff of this office ever accompany local members of parliament on electorate visits?

The PRESIDENT: The honourable member was a little bit enthusiastic and launched straight into his explanation without seeking leave. I will give the honourable member leave. I note that the member has consulted the ministerial list, so he should have known that the Hon. Mr Roberts represents the Minister for Regional Affairs.

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): In an equally enthusiastic way, I will attempt to pass those questions on to the minister in the other place—being the Minister for Transport, I assume—and bring back a reply.

The Hon. D.W. RIDGWAY: I apologise for my enthusiasm but I do have a supplementary question, and it is directed to the Minister for Agriculture, Food and Fisheries, representing the Premier. Can the minister explain why Justin Jarvis, an employee of the Port Augusta office, was seen recently visiting the school in Hawker in the electorate of Stuart with the member for Giles?

The PRESIDENT: Does the Minister for Regional Affairs want to pass that on?

The Hon. T.G. ROBERTS: I will pass that on to my colleague in another place and bring back a reply.

SCHOOLS, SAFETY

The Hon. A.J. REDFORD: I seek leave to ask the Minister for Agriculture, Food and Fisheries, representing the Minister for Police, a question on the topic of school safety.

Leave granted.

The Hon. A.J. REDFORD: On 4 November last year, premier Mike Rann and the Minister for Education and Children's Services, the Hon. Trish White, unveiled what they described as the most comprehensive package 'ever produced in South Australia to strengthen security in our schools'. That is their opinion, not mine. The further opinion given by Mr Rann, in a typically understated announcement, was as follows:

> This package will mean greater safety and security for students, teachers and school sites.

The government announced increased expenditure of $4 million, extra security and strategies dealing with violence against staff. The press release also promised legislation for greater school protection in addition to regulations giving teachers the power to prevent access to schools. No legislation has been forthcoming. Since then we have had reports of teachers leaving schools because of the failure of the principal to protect staff against student violence, assaults on teachers, etc. Indeed, in May last year, the Minister for Education and Children's Services said:

> This government will not tolerate violence or offensive behaviour of any kind in our schools.

She went on to talk about the ever increasing number of violent incidents in schools. Indeed, in May this year, the minister proudly announced the following in a press release:

> A decrease in the number and seriousness of incidents in our schools.

She went on to suggest that the government's policies had been working. After submitting an FOI application, I received some information about ex gratia payments made by DECS to teachers and or students in the past 18 months. In the period March to November last year, prior to, as the Premier describes, 'the greatest and most comprehensive package ever produced', there were two ex gratia payments to teachers arising from violence on the part of students. One was for $800, where a teacher's bag, containing prescription glasses, was damaged; and one was for $346 for another teacher on yard duty whose glasses were broken by students.

It is interesting to note that since the unveiling of the package—which in the opinion of the Premier was 'the most comprehensive package ever produced in South Australia'—the number of ex gratia payments has gone up by approximately 250 per cent. I refer to incidents such as teachers being hit in the face; teachers attempting to restrain violent students; teachers trying to restrain violent students and causing damage to glasses; school services officers being assaulted; and a range of other incidents. In light of that information, my questions are:

1. Will the minister acknowledge that the strategy overseen by the Minister for Education has failed?
2. Has the Treasurer or the minister done anything to attempt to recover, from the students involved, the payments made by the government in relation to these incidents?
3. Will the minister take responsibility for school security given the apparent failure on the part of the Minister for Education?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): What apparent failure? I do not think

any information is provided in the honourable member's question that would indicate that. I think the honourable member is drawing a very long bow. As one of my colleagues pointed out, it would not have to be too much to be the greatest package ever produced, given how little there was in this area previously under the former government. I will refer the question to the Minister for Education and Children's Services and bring back a response.

The Hon. J.F. STEFANI: I have several supplementary questions. Will the minister advise the council how many teachers are on stress leave as a result of assaults by their students from June 2002 until June 2003? What has been the cost associated with the teachers who have been off work, have any teachers claimed compensation and, if so, what is the amount?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will refer those questions to the Minister for Education and Children's Services and bring back a reply.

ABORIGINAL AQUACULTURE DEVELOPMENT

The Hon. G.E. GAGO: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question regarding Aboriginal aquaculture development.

Leave granted.

The Hon. G.E. GAGO: Access to successful industry is a very important way to help Aboriginal communities create employment, income and self-reliance. I understand the minister was recently in Port Lincoln to discuss participation by the Aboriginal community in a new aquaculture development. Will the minister outline this project and the benefits that may flow on to the Port Lincoln Aboriginal community?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for her question and her continuing interest in Aboriginal affairs. The week before last I had the opportunity to meet with members of the Port Lincoln Aboriginal Community Council (PLACC) to discuss such developments in relation to the community's ability to involve itself in any aquaculture programs that might manifest themselves in the Port Lincoln area. Port Lincoln is a very wealthy area. It has built up, over a long period, expertise and investment in aquaculture ventures that have been very successful. If you want to benchmark them against the international scenario, particularly in the tuna industry, one would find that it is probably second to none in the world.

Other shellfish ventures have been and are being commenced and, as Minister for Aboriginal Affairs working with the Minister for Fisheries, my colleague Paul Holloway, we were able to use the efforts the community has made at its own behest to engage the community in Port Lincoln to examine opportunities for their advancement through making applications for effort into the aquaculture industry. I am pleased to report that the major indigenous aquaculture project that I visited the week before last has moved a step closer to reality, with applications being lodged for a development site in the waters off Port Lincoln.

The applications follow a decision by this government to grant a shellfish lease to encourage indigenous participation in aquaculture. The Port Lincoln Aboriginal Community Council will develop this exciting project on behalf of the local Aboriginal community. This venture is an important milestone for indigenous people. It offers excellent opportunities to gain experience and understanding of all aspects of growing shellfish in the aquaculture industry. It will, too, hopefully, bridge some of the gaps between private and public sector knowledge in cooperating with the public-private sector and the Aboriginal community within the region to advance at least one lease to a working lease, where the community can benefit from it in many ways.

It can provide excellent employment opportunities to build up the skills development for young Aboriginal people in the Port Lincoln area and on the West Coast generally to use it as a model for other ventures throughout the state. If we get the building bricks put in correctly and ownership taken by the community, the reconciliation value of such a project is immeasurable. Already the community is working hand in hand with other sections of the fishing industry—not just those involved in aquaculture but generally. Young people are now being encouraged to look at work options within that region. Secondary and primary schools are looking at developing aquaculture. The aquaculture curriculum will also be developed to advance the ability of teachers and schools in the area to hold the interest of young Aboriginal people longer so that we can work on the issue of absenteeism from our school system, thereby guiding those young people into work opportunities where the community can support each other.

The applications lodged will seek all relevant approvals, and they have been organised as part of a comprehensive business plan prepared by the Port Lincoln Aboriginal Community Council (PLACC) with the assistance of the Eyre Regional Development Council. Engagement with the Regional Economic Development Boards is another benefit in relation to enterprise building within regions. In the main, Aboriginal communities have absented themselves from these boards, because they have seen them as a resource for the broad community rather than as programs for Aboriginal communities within regions; however, that is now starting to change. Local government is starting to engage communities where there is leadership and where there is critical mass in respect of the numbers of people within those communities. In regional and remote areas, the mining and other industries are starting to look at enterprise building and the engagement of communities.

We are starting to change slowly people's attitudes in relation to the distinct and separate development of Aboriginal communities within our broad regional areas. The benefits that flow from this form of engagement include employment, income, economic independence, skills development and training, curriculum development and education, the lowering of the absentee problem within schools and the building of self-reliance and self-determination. We are trying to break the cycle of reliance on welfare, which many of the states and the commonwealth are starting to talk about now and, with this application for a lease for an aquaculture project, it is now starting to happen.

I want to acknowledge some of the individuals involved. I must say that it takes strong leadership within communities to get things moving, particularly in a field such as aquaculture, which has a long lead time. It is some feat to hold the enthusiasm to go through the planning stages that lead to outcomes, and I pay tribute to some of the individuals who have been the driving force behind this project: Mr Hayden Davey and the rest of the Port Lincoln Aboriginal Community Council (PLACC); Mr Peter Burgoyne and Jack Hancock, who are household names in South Australia through the

activities of their sons in football; and Harry Miller, who is a very energetic ATSIC Regional Chair and worker within the Eyre Peninsula and Port Lincoln regions.

I also thank Ian Nightingale of PIRSA, who was very patient at the meeting that I attended in describing what would be required, namely, the responsibilities that would fall on the communities' administrative arm and the responsibilities of the hardworking community council, which is made up of women and many family, language and geography groups. Mr Nightingale went through the issues that the communities would have to deal with in a patient and descriptive way and made it easy for those sitting around the table to understand exactly what their responsibilities would be.

I thank, too, my colleague, the Hon. Paul Holloway, who has been of great assistance in one cross-agency activity, where we were able not only to plan but, hopefully, to see the benefits and to be able to transpose that experience to other parts of the state.

The Hon. J.F. STEFANI: I have some supplementary questions. First, will the minister advise the council how many students from Aboriginal background are undertaking studies at Roseworthy College, which is part of the University of South Australia; and what courses are they undertaking at that college? Secondly, will he ensure that the communities about which he has just spoken will encourage young Aboriginal students to undertake such courses, which will be extremely valuable in the future in this area of development?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): In relation to the Roseworthy courses, I will undertake to bring back the number of participating Aboriginal students, but I would say the figure would be quite low. The academic entry for Roseworthy College is quite high. It is a centre for excellence in relation to matters agricultural, horticultural and aquacultural. The way in which we will be developing and structuring the courses for the aquaculture programs, for instance, in Port Lincoln, will be to utilise the services of the TAFE facilities; to work in conjunction with the research facility in Port Lincoln; and to start to describe curriculum build-up through upper primary into secondary school.

It will be a slow process to get the long-term results that are required, but there are Aboriginal students within the tertiary sector who may be able to play a role in the more senior levels of the aquaculture industry in biotechnology and a range of other fields associated with the industry. Electronics is a key area and electrical mechanical engineering is of assistance. We will be putting together a suite of programs. It will not be exclusively for Aboriginal students, but certainly they have had a slow start in relation to participation within this broad industry. We will be concentrating our efforts on Aboriginal students in this way.

COMMUNITY HOUSING

The Hon. KATE REYNOLDS: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Treasurer, a question about income and expenditure for public and community housing.

Leave granted.

The Hon. KATE REYNOLDS: The release of a national poverty report last week highlighted that thousands of South Australians are living below the poverty line. The Roy Morgan Research survey showed that a South Australian family of four spends $647 a week on basics, leaving unemployed parents on social security payments $128 short. These people struggle to pay rent, let alone save up for a house deposit, making community housing vital for their survival. This is coupled with the fact that there is a crisis in the private rental market, with many people on low or fixed incomes simply unable to afford increasing rents charged by landlords.

In fact, the most recent survey by Shelter SA, designed to put a human face to the statistics about housing stress, showed that many renters struggled to meet every day living expenses; had no social life, which made them feel isolated and alone; had very poor health; were unable to adequately heat their home; suffered mental anguish; gave up meals or ate poorly in order to pay the rent; needed to seek assistance from welfare agencies; found it difficult or impossible for their children to participate in school excursions or to have parties or presents; and had a deep sense of hopelessness about their situation.

Some 44 000 low income households are in housing stress, including four out of five low income private renters in South Australia. Despite this the government continues to reap enormous windfalls from the continuing housing boom, collecting hugely inflated stamp duty taxes. Earlier this month figures showed there was a 25 per cent jump in the cost of housing in South Australia. This means that the state government is receiving a windfall in relation to money raised from the emergency services levy on fixed property, as well as stamp duty and land taxes, which will raise millions in extra revenue every time values rise. My questions are:

1. Will the Treasurer reveal exactly how much additional revenue is being realised through the rises in housing prices?

2. Will the government redirect some of this stamp duty windfall to fund additional public or community housing; if not, why not?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will refer that question to the Treasurer. Let me say that perhaps all that information should be readily available from the budget. It is not difficult to find out from the budget papers the increases in various forms of taxation. Of course, that increased taxation goes into general revenue, which is used to provide the very things that the honourable member is talking about. The priorities of this government in relation to additional expenditure have been in the areas of health (which includes the matters to which the honourable member refers), education and community services. However, I will see whether the Treasurer can provide any additional information.

Let me add: I would not like the honourable member to fall for the trap that the commonwealth government seems to be setting of abrogating all responsibility in relation to housing. We have seen what happened to the Commonwealth-State Housing Agreement, retirement housing and so on. The commonwealth government is now trying to put the focus on sales tax as if that is the only problem that has contributed to the record unaffordability index of housing that we have at the moment.

The Hon. R.K. Sneath interjecting:

The Hon. P. HOLLOWAY: Well, there are significant problems with housing availability within our community. Of course, it is in the interests of the commonwealth government to try to shift the debate onto sales tax, which is a relatively

small part of this problem. After all, we have had sales tax on housing at the current levels for many years. There are other factors. My colleague mentioned the GST, but there are other specific policies of the federal government that have led to the problems we have with housing in this country at the moment.

It would be unfortunate if the Prime Minister were allowed to get away with taking the heat off it in terms of the many problems that we have with housing at the moment and the difficulties that young people in our community face in getting housing. As I said, it is more difficult now for young people to get access to housing than it has been at perhaps any other time in our history.

The Hon. KATE REYNOLDS: I ask a supplementary question. Do I take it that the government's answer is no?

The Hon. P. HOLLOWAY: The honourable member asked a number of questions. If I heard her correctly, one of those questions was about the amount of information that is available on sales tax. As I said, that information should be readily available from the budget, but I will ask the Treasurer to provide that information.

The Hon. J.F. STEFANI: I ask a supplementary question. Will the ministry admit that, because of the revaluation of properties, increases in water rates, sewer rates, land tax and local government charges are totally disproportionate to the CPI and that, as a consequence, they will unfairly impact on the recovery of rent by landlords from poor and needy tenants?

The Hon. P. HOLLOWAY: I understand the point the honourable member makes. However, he would be aware of what the Prime Minister of this country said the other day. He said—if I can paraphrase him reasonably accurately—that no-one ever complained to him about the rising value of property in this country. The honourable member has just indicated that, in fact, there is a downside to that. He would be aware that, following taxation changes in this country in recent years, the states now have an incredibly narrow and highly regressive tax base. That is one of the facts of life under the federal system of taxation that we have in this country. Until that is addressed, it will be difficult for the states to do anything about that situation.

The Hon. J.F. STEFANI: I ask a further supplementary question. Is the minister saying that the state government cannot amend its taxation policy in relation to land tax and water rates to reflect CPI increases rather than property valuation increases?

The Hon. P. HOLLOWAY: What I am saying to the honourable member is that the commonwealth government, which has been responsible for driving much of this, has also been responsible for a number of taxation changes which have removed the capacity of the states to provide—

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: The member opposite should be aware that his federal colleagues are by far and away the highest taxing government in the history of this country. The federal government is now getting more revenue from income tax than any government in Australian history, in spite of having the GST on top of it. If there has been a massive increase in taxation revenue in this country—and there has been—it is in the hands of the federal government and not the states.

REAL ESTATE, AUCTIONS

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Attorney-General, a question regarding South Australian property auction laws.

Leave granted.

The Hon. T.G. CAMERON: The New South Wales government recently introduced laws tightening the rules for property sold at auction so that they are fairer and more transparent. The new rules covering residential and rural auctions require potential buyers to register before the auction and take a numbered paddle to display when bidding. Vendors are restricted to one bid, which the auctioneer must clearly announce. Sydney auctioneers and real estate agents have praised the system, because it gives this method of marketing more credibility, integrity and transparency, and they have found the changes easy to implement.

The need for action is reinforced by an article in last Saturday's *Advertiser* which quoted high profile auctioneer Anthony Toop as saying that dummy bidding was widespread in South Australia. He said:

> It is rife—it is normal practice, it's part of the culture. The South Australian industry as a whole is involved in dummy bidding.

One can only assume, from Anthony Toop's comments, that this includes Toop and Toop, but that is for him to answer to the public and the government. My questions are:

1. Will the Attorney-General investigate how widespread dummy bidding is and what effect it is having on South Australian auctions and bring back a report to the chamber?

2. Will the government give urgent consideration to tightening auctioneering laws by introducing a similar system to that operating in New South Wales?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will take that question on notice. It is my understanding that the member for Enfield (John Rau) prepared a report for the Attorney in relation to real estate practices. It may well have covered—

The Hon. A.J. Redford: Has anything come out of that?

The Hon. P. HOLLOWAY: I am sure that something will come out of it—the specific information the honourable member requested. I will get the information for the honourable member.

WHYALLA SPECIAL SCHOOL

The Hon. T.J. STEPHENS: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Minister for Education and Children's Services, a question about the Whyalla Special School and its Riding for the Disabled program.

Leave granted.

The Hon. T.J. STEPHENS: Sadly, the Whyalla Special School has been forced to abandon its Riding for the Disabled program, because the school governing council is unwilling to allow the head coach, who is also a teacher at the school, time to take that class, despite the fact that he has been doing the job for the last three years. The teacher requires only a day a week to perform these tasks to provide the children with a valuable and much loved learning experience. This has caused a great deal of concern and distress within the Whyalla Special School community. My question is: will the minister intervene and provide the relief teaching resources necessary to enable this extremely valuable program to continue?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will ask the Minister for Education and Children's Services to investigate the issue raised by the honourable member and see what can be done in relation to it.

The Hon. T.J. STEPHENS: I have a supplementary question. Will the minister give me an assurance that I will get some sort of priority with this answer? It is a pressing issue within the community and, if he would do me the courtesy of getting back to me reasonably quickly, I would appreciate it.

The Hon. P. HOLLOWAY: I will make sure that the minister is notified personally of this as soon as possible. I can do no more than that.

DANGGALI CONSERVATION PARK

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Correctional Services a question about an incident at Danggali Conservation Park.

Leave granted.

The Hon. J.S.L. DAWKINS: I thank the minister for his prompt response to my second question on the prisoner incident at the Danggali Conservation Park in May. The detail that he has provided in relation to the actions of two of the five Port Augusta prisoners undertaking environmental maintenance programs in the park is appreciated. I also acknowledge his advice that no further action was necessary following the decision not to allow the two offending prisoners to continue to take part in the environmental program. However, in seeking some clarification of his response, I would like to quote an extract from it, and I read from *Hansard* of 22 September as follows:

> I have received a report on this incident and it is regrettable that the use of words such as 'stand-off' and 'barricading' have been used to describe this incident. They do little to represent the true facts of this situation and can lead to the same incorrect perception that the honourable member has gained that this matter was serious. It was deemed to be serious by the Department for Correctional Services.

Will the minister clarify the statement in his response that I had gained an incorrect perception that the matter was serious, given that he went on to say that the incident was deemed to be serious by the Department for Correctional Services?

The Hon. T.G. ROBERTS (Minister for Correctional Services): I thank the honourable member for his question and his logic. He is quite right, from my understanding of the reply that was sent to the honourable member. The message that the reply was to convey was that, where prisoners are on detail, performing duties in the community, they have to respond to requests made of them by their supervising officers. Any attempts by those prisoners who are working in a privileged position outside the prison system not to respond to those reasonable requests is unnerving in some cases, and could be seen as threatening in others. In the worst case scenario, officers may feel that they are being threatened.

The honourable member picks up the incongruous descriptions that are included in the reply. I suspect that he also knows that there are two meanings within the reply, and both of them are accurate. One is that you can overstate a case and that may make a situation appear to be a perilous and dangerous one if the facts are not relayed correctly. Information must be put together and disseminated, particularly to enable the media to report on incidents that have happened in the field, and sometimes the media, and others, exaggerate for effect. Sometimes situations are downplayed for effect, so that a program, such as the one in this case which is doing a lot of good work, is not put at risk.

I suspect that adjectives were used in such a way as to try to put the incident into perspective and that an attempt was made to take the tone in which the request for information was made by the honourable member in a responsible way and also provide the honourable member with an accurate description of what happened. In that way we may not get to the position where we have to suspend the activities of community programs because of the irresponsible action of a couple of recalcitrants. Perhaps on a bad day they put up a barrier to those requests made in an earnest way by their supervisors.

GAMBLING RELATED CRIME

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Attorney-General, a question about gambling related crime and statistics relating thereto.

Leave granted.

The Hon. NICK XENOPHON: The Attorney, in an answer to a question I asked about gambling related crime on 1 May 2003, tabled on 16 September 2003, indicated that his department, through the Office of Crime Statistics and Research, is finalising an agreement with the Independent Gambling Authority to undertake a study on gambling and crime. The answer went on to say that the research plan for the study was approved by the AGA in 2002 and the four-month study commenced in June 2003. However, the answer says that, although the study will not address the cost of gambling related crime to the criminal justice and corrections systems, the study would go on to address other issues. My questions to the minister are:

1. Why will the study not address the cost of gambling related crime, and what was the basis for the decision not to so investigate?

2. What comparative research of the cost of gambling related crime in other jurisdictions did the government have before making a decision not to investigate the cost of gambling related crime in South Australia?

3. What funding and resources have been allocated for the study and have researchers been retained to undertake the study?

4. Given that the study commenced in June 2003, when will the existing study be completed and when will the results be tabled?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I thank the honourable member for his question, which I will pass on to the Attorney-General and bring back a reply.

STATUTES AMENDMENT (EXPIATION OF OFFENCES) BILL

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries) obtained leave and introduced a bill for

an act to amend the Expiation of Offences Act 1996, the Road Traffic Act 1961 and the Summary Procedure Act 1921. Read a first time.

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

That this bill be now read a second time.

This bill addresses three major problems that have been identified in the interpretation and administration of the Expiation of Offences Act. First, on 17 October 2001, Magistrate Vass, in Police v Hunter, ruled that when an expiation noticed had been issued and then withdrawn because of an error, there was no power in the Expiation of Offences Act to issue a fresh expiation notice for the same offence. After this decision, and acting in reliance on Crown Law advice, the Commissioner of Police ceased the previously common practice of correcting a defective expiation notice by withdrawal and reissue of the notice. The Police Commissioner then refunded approximately $290 000 in expiation fees from about 3 300 defective notices that had been issued up until September 2002. Demerit points applied to drivers' licences have had to be reversed and in some cases licence disqualifications have also had to be reversed.

Being unable to reissue defective infringement notices is still causing revenue losses. SAPOL has advised that in the 10 months ending 31 July 2003, expiation notices to a total of $320 000 were withdrawn and could not be reissued. Occasionally, persons promptly pay an expiation fee before a defective notice is identified and withdrawn. In these circumstances refunds are made. SAPOL has advised that in the four months ending 31 July 2003 refunds totalling $21 882 were made to persons who had paid fees on the basis of defective notices that were later withdrawn.

Secondly, there is an even more common problem involving offences detected by speed cameras or red light cameras. When these offences are detected an expiation notice is sent to the owner of the vehicle. The owner may respond by sending to the Commissioner of Police a statutory declaration under section 79B(2)(b) of the Road Traffic Act. The statutory declaration will be a complete defence if the owner either provides the name and address of some other person who was driving the vehicle at the time or if, despite the exercise of reasonable diligence, the owner cannot identify the driver.

Assuming that an identifiable person is named as the driver, the Commissioner of Police routinely issues a fresh expiation notice to the nominated driver. If the nominated driver convinces the commissioner that he or she was not driving, then, unless a third person is identified as the driver, the commissioner's policy is to issue a fresh expiation notice, usually sent for a second time to the registered owner. Alternatively, rather than target the owner, if there is a real prospect of identifying the offending driver, the commissioner will follow a chain of several persons, if necessary, each with successive expiation notices, in an attempt to identify the driver responsible for a camera detected offence. This is a labour-intensive practice and it is expected that the practice is about to become much more common.

The Statutes Amendment (Road Safety Reforms) Act of 2003 allocates drivers licence demerit points to persons who expiate camera detected offences. When that act comes into operation the Commissioner of Police estimates that the number of statutory declarations will grow from 2 000 to 3 000 per month to more than 10 000. There is clearly a need to ensure that the responsibility for offences detected by cameras can be sheeted home to either the responsible driver or the registered owner as efficiently and justly as possible.

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: No, it is a matter of getting justice and the appropriate person. Thirdly, section 6(1)(e) of the Expiation of Offences Act prevents an expiation notice from being issued more than six months after the date on which the offence or offences are alleged to have been committed. The Commissioner of Police believes that the present practice of withdrawing and reissuing notices enables owners and nominated drivers to collude to delay procedures so that the ultimate notice cannot be issued because it is more than six months after the commission of the offence.

Substantive amendments. The bill addresses all three of these problems. First, it provides explicitly that an expiation notice may be withdrawn and reissued, both to correct defects in the notice and in circumstances where a statutory declaration has been received. Secondly, it provides that when a statutory declaration is received from a registered owner and it is not accepted as constituting a defence, then the issuing authority is not required to issue a reminder notice inviting the vehicle owner to make another statutory declaration. Rather, the owner is to be sent an expiation enforcement warning notice, offering the choice of either paying the expiation notice within 14 days, or contesting the matter in court.

Thirdly, when a registered owner provides a statutory declaration, an issuing authority will be provided with 12 months, rather than six months, in which to issue an expiation notice in relation to that offence. The additional time period is intended to thwart the prospect of owners and successive nominated drivers colluding to delay matters beyond the present six-month time limit.

Parking offences. Because the bill amends the Expiation of Offences Act, rather than the Road Traffic Act, the changes are relevant to many other expiable vehicle offences. These are mostly parking offences and are found in:

- the Road Traffic Act, section 174A;
- the Local Government Act 1934 and council by-laws made under those statutory powers;
- the National Parks and Wildlife Act; the National Parks (Parking) Regulations 1997; the Highways Act 1926;
- the West Beach Recreation Reserve Act 1974;
- the Technical and Further Education (Vehicles) Regulations 1998; and
- the Botanic Gardens and State Herbarium (Vehicles) Regulations 1993.

For these offences, however, the provision of any exculpatory statutory declaration by an owner is sufficient to escape liability, provided only that the statutory declaration is not false in a material particular.

Consequential amendments. The bill provides that, if enforcement proceedings have been commenced before an expiation notice is withdrawn, the court must be notified and any orders taken to be revoked. An amendment to section 52 of the Summary Procedure Act would prevent issuing authorities from gaining extra time to prosecute by withdrawing and reissuing defective notices. The prosecution period (six months plus the expiation period of 28 days) is to be fixed by reference to the original defective notice, not any subsequently reissued notice. An amendment is also proposed to the Road Traffic Act so that a nominated driver must be informed that he or she has been nominated in a statutory declaration by a registered owner.

Drug equipment to be forfeited. One unrelated amendment is proposed to section 13 of the Expiation of Offences Act to facilitate the forfeiture of drugs, drug-growing equipment and drug-using implements when a cannabis expiation notice is enforced. Under existing provisions, when simple cannabis offences are expiated, any substances or items lawfully seized by police are automatically forfeited. The amendment proposes that the same items will be forfeited when an expiation notice is not voluntarily paid but is enforced by the court under section 13. I commend the bill to the council and seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

Clause 1: Short title

Clause 2: Commencement

Clause 3: Amendment provisions

This Part is formal.

Part 2—Amendment of Expiation of Offences Act 1996

Clause 4: Amendment of section 6—Expiation notices

These amendments adjust the structure of the provision and do not make a substantive change. They are of a statute law revision nature.

Clause 5: Amendment of section 11—Expiation reminder notices

These amendments provide that an expiation reminder notice is not to be given where a statutory declaration sent by the alleged offender has been received by the issuing authority. Instead, the new procedure set out in section 11A is to be followed.

The amendments also require a reminder notice to set out details about the payment of the expiation fee and to be accompanied by a notice by which the alleged offender may elect to be prosecuted and, in relation to relevant motor vehicle offences, a form suitable for use as a statutory declaration. This material is elevated from the regulations to the Act to ensure consistency of approach between expiation notices and expiation reminder notices.

Clause 6: Insertion of section 11A

A new section is inserted to establish a separate process where an issuing authority does not accept a statutory declaration sent by the alleged offender as a defence to the alleged offence.

The issuing authority is required to send the alleged offender an expiation enforcement warning notice informing the alleged offender that the statutory declaration is not accepted, setting out details about how the expiation fee can be paid and accompanied by a notice by which the alleged offender may elect to be prosecuted.

The expiation enforcement warning notice need not be accompanied by a further invitation to send in a statutory declaration.

Clause 7: Amendment of section 13—Enforcement procedures

Currently, if an expiation fee is paid in a case where property has been seized in connection with the alleged offence, the property is forfeited to the Crown if it would have been liable to forfeiture in the event of a conviction.

The amendment provides that this is also the case if an enforcement order is issued in respect of an offence that has not been expiated. The provision contemplates that a court conducting a review of the enforcement order or hearing an appeal against the conviction may make an order to the contrary.

Clause 8: Amendment of section 14—Review of enforcement orders and effect on right of appeal against conviction

This amendment clarifies the expiation period and the prosecution period in a case where, on the review of an enforcement order, a fresh expiation notice is taken to be issued (because of some procedural default in the initial process). In effect, the process starts afresh as if the initial process had not taken place.

Clause 9: Amendment of section 16—Withdrawal of expiation notices

The grounds on which an expiation notice can be withdrawn are reworked. An expiation notice will be able to be withdrawn if:

- the authority is of the opinion that the alleged offender did not commit the offence, or offences, or that the notice should not have been given with respect to the offence or offences; or
- the authority receives a statutory declaration or other document sent to the authority by the alleged offender in accordance with a notice required by law to accompany the expiation notice or expiation reminder notice; or
- the notice is defective; or
- the authority decides that the alleged offender should be prosecuted for the offence, or offences.

The amendment requires the notice of withdrawal to specify the reason for withdrawal.

It also sets out the consequences that follow if a notice is withdrawn other than for the purposes of prosecuting the alleged offender. Any enforcement action is to be undone and the authority cannot prosecute the alleged offender for the offence without giving the alleged offender a further opportunity to expiate the offence.

The period within which a fresh notice may be given is extended to 1 year if:

- the notice is withdrawn because it becomes apparent that the alleged offender did not receive the notice until after the expiation period, or has never received it, as a result of error on the part of the authority or failure of the postal system; or
- the notice is withdrawn because of receipt of a statutory declaration. (In that case a fresh notice can be given to the owner of the vehicle or to a person alleged to be a driver within the extended 1 year period.)

Part 3—Amendment of Road Traffic Act 1961

Clause 10: Amendment of section 79B—Provisions applying where certain offences are detected by photographic detection devices

This amendment requires an expiation notice or summons given to an alleged driver identified through a statutory declaration of the owner of a vehicle to be accompanied by a notice setting out particulars of the statutory declaration.

Part 4—Amendment of Summary Procedure Act 1921

Clause 11: Amendment of section 52—Limitation on time in which proceedings may be commenced

The amendment sets out how withdrawal of an expiation notice affects the prosecution period for an alleged offence. The withdrawn notice is to be ignored only if it was withdrawn because the issuing authority received a statutory declaration or because it has become apparent that the alleged offender did not receive the notice until after the expiation period, or has never received it, as a result of error on the part of the authority or failure of the postal system.

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

ADDRESS IN REPLY

Adjourned debate on motion for adoption.

(Continued from 22 September. Page 148.)

The Hon. J. GAZZOLA: I wish to acknowledge the traditional owners of this land, the Kaurna people, and I thank Mr Lewis O'Brien for his welcome. I would also like to thank the Lieutenant-Governor of South Australia, representing the Governor of South Australia, for the opening address to the Third Session of the Fiftieth South Australian Parliament and to commend the Address in Reply to the council.

It is pleasing to have the opportunity to be able to reflect on a wide range of issues in this debate. I note that speakers in the other place and in this council have been allowed to be far ranging in their addresses in relation to federal issues—a practice which recognises the broad ideological connections between the parties at state and federal level. The world is going through a period of radical and worrying change and, first, I would like to discuss some of the defining issues that are confronting us at the federal level.

It is not unusual for governments, or their followers, to rewrite history according to their view of the world. This usually happens when governments start believing in their own publicity, which usually presages their political and moral decline. In this vein, the Howard government and its followers claim that their construction of society accurately reflects a new rational and moral public view. I am referring to a review in *The Australian* by Howard sympathiser and Liberal elitist, Emeritus Professor of Law, David Flint of his own study 'The Twilight of the Elites'. I might add that he

is not alone in trying to remove ex-prime minister Keating from the pages of history, as other commentators have noted.

I was also interested in the contribution made by the member for Enfield in the other place, when he also referred to 'the' David Flint, as presumably understood by Mr Downer. I was interested in what has been reported as Mr Downer's thoughts on the chattering classes. I discuss this because I think we need to apply the corrective to the habit some politicians have of exaggerating, or utterly and deliberately misrepresenting, a political position to sully their opposition—'reds under the beds', as Menzies often said to effective purpose.

As an example, a member of the opposition bench in this council in his address labelled the Whitlam government as 'democratic socialists'. If this were not a flourish of rhetoric, it could have arisen because the honourable member's political beliefs by comparison are relatively out in right field. It is interesting how Liberal members nowadays are frequently self-labelled in their panoply of titles as Liberal capitalists or economic determinists—a philosophical position the present federal government predominantly occupies.

By a similar bent, as I see it, Mr Downer also refers to the chattering classes as the left wing, liberal, bourgeois orthodoxy—presumably, the majority being remnants of the adherents to the Whitlam-Hawke-Keating years. The fact is that these chattering classes, as presumed representatives of a past federal Labor government elite (as also referred to by Mr Flint), were never philosophically or politically left wing—capitalism with a friendly face, reformist, neocapitalist, but never left wing.

The point I want to make again, outside any argument about the influence the chattering classes are deemed to have, is the deliberate attempt by the Flints and the Downers to create, by association, the myth and the untruth which confuses and constrains arguments and falsifies perception. The issue here is to point out a disturbing trend in politics under the present Howard government, when cultural myths are stolen and reworked; reality is pictured as black and white; tolerance for dissenting views is minimalised; and the pragmatic becomes the preferred.

I say 'disturbing' because the Howard government has tapped into a particular vein of consensus politics as a defining mantra on most big issues. According to the views of Paul Kelly in his critique of La Trobe University's Judith Brett's study of Australian Liberals and the moral middle class, the Prime Minister has also stolen and refigured Australian legends.

In relation to the book that for Judith Brett outlines the reasons for Howard's success, Paul Kelly says:

> He stole for the Liberals the Australian legend, with its working class roots in egalitarianism, mateship, the fair go and practical improvisation. The legend was once ALP property. Now it is tied to Howard Liberalism, a breakthrough that enables Howard to relate to virtually all sections of our society.

Howard's grasp and creation of a new mainstream have, according to Brett:

> come at a moral cost—that of the party's moral middle class.

But she also argues against his detractors. Kelly's article states:

> She also fingers the blunder made by Howard's professional critics, arguing that, to understand Howard, his denial of racism must be taken seriously and his policies assessed within the terms that Howard himself advances.

I am grateful, at least, that myths and legends are being seen for what they really are. Are we being led to consider, however, that Howard's vision of nationalism is the path to a new unifying spirit? One quivers in fear. As the article argues, Howard is sincerely bound to a narrow view of nationalism. Howard's sincerity aside, the narrowness of his vision as reflecting, articulating and exploiting consensus politics has been assiduously sold to the public and, I would add, to our moral and social detriment. Regardless of the sincerity of one's beliefs, however, a person is judged on the outcomes of those beliefs; and the objective outcomes of the Howard government's policies are what they will be judged on. Motives aside, leadership in the contemporary global world should be an exemplar of honesty, tolerance and fair play.

What really is the Howard government's view of our place and destiny? We have the story of the children overboard that the government shamelessly used to sway the last federal election, where Howard claims that vital information was withheld from him. When the refugees were accused of deliberately throwing children overboard, Howard remarked at the time that such deliberate and premeditated actions were a 'sorry reflection on their attitudes of mind'; and further remarked that their callous actions were those of people who would never be allowed into Australia.

Later, and well after the federal election, we were told that, to the contrary, the children were not sacrificial lambs but that the boat was actually sinking. We now witness the anonymous release of defence department photos, which would have been taken by the Navy with the same camera that took the photos which were given to the Prime Minister (as reported in *The Australian* of 26 July) and which give the lie to the callous and despicable acts of the refugees. Why were these not produced at the time of the last federal election? Why have these not been released by the federal government?

Then we have the tragic story of the *SIEV-X*, where a subsequent federal committee inquiry raised doubts about the federal government's role. It seems that we can rescue Tony Bullimore from 1 000 miles away but, while acknowledging the use of correct distress equipment, and the courage and skill of the Navy in this instance, we could not rescue a boat whose departure from Indonesia was known but whose position close to Australian shores went undetected for three days before it tragically sank with the loss of 352 lives. The committee report stated that there were serious gaps in the findings that have not been answered, short of a judicial inquiry. I wonder what would have been the federal government's response if a *SIEV-X* had been carrying westerners or Australian nationals. We can—and rightly so—weep for our own lost in Bali, but it seems we cannot show equal compassion for those unfortunate souls.

It is also interesting to note that, as *The Australian* pointed out, the Australian Federal Police have been or were secretly monitoring and downloading information from the sievx.com web site for the purpose of information gathering, so they claim. The detention centre stories and the public and judicial debate about the incarceration of refugee children are well known.

We are also aware of the David Hicks story and the way in which the Howard government has resiled from its responsibility to an Australian citizen in order to consolidate and further the interests we share with our powerful ally. Just to highlight what has been independently and generally acknowledged as a lack of due process and justice for Hicks, we need only to compare the rightful application of justice and process afforded to Dr Hollingworth. I note the dissimi-

larity in the cases, but the concept of a 'fair go' means just that—regardless of position or politics. Members should contrast the silence of the silks on the Howard front bench on Hicks' plight with the condemnation by the British Labour government and former Tory ministers of a similar situation faced by several British nationals.

We can also note the remarks of the now foreign minister who, as an opposition spokesperson, fell off his bike in an apoplectic fit over the unjust treatment by the Chinese government of Australian citizen, James Peng; or Howard's remarks on human rights to federal parliament in support of the Universal Declaration of Human Rights in 1966, in which he supported the rights 'that all individuals should have as a birth right'. Members should compare this with the Howard government's fawning attitude in the current round of human rights discussions between Australia and China, which Anne Kent (a senior research fellow at the Centre for International and Public Law at ANU) described as an 'absurdity'.

The Howard government's path to war in Iraq, and its subsequent handling of events post Iraq, reflect Howard's vision that an Australian-US alliance is the growth foundation for Australia's future economic prospects and that we share the same values; and that pragmatism at home and abroad is the shared tenor of the times. It should be noted that the Howard government has never established a case beyond doubt for the war in Iraq. Depending on the level of public disquiet—some 70 per cent of Australians at one stage being opposed to war unsanctioned by the UN—the Howard government vacillated from conditional support for UN intervention to unfettered support for unilateral US action. Now the Howard government is refusing to either enter into comprehensive debate on the truth of the real threat of weapons of mass destruction (as is vexing the Blair government at the moment) or openly meet the criticisms levelled at the government over its handling of intelligence from ONA.

Howard is again claiming that he received no evidence to the contrary on weapons of mass destruction in the 'sexed-up' criticism claim. Again, there is the familiar pattern of a breakdown in intelligence communication, though this is contradicted by Andrew Wilkie, a former intelligence officer in the ONA, who claims he is denied access to the information—evidence, we should note, that has been acknowledged in the Hutton inquiry. The inquiry established that one week prior to Mr Blair's speech on Iraq's 'imminent threat' no such evidence existed. The Hutton inquiry has heard that in that week before Blair's speech the evidence had been 'hardened up' in the final dossier, but the source was uncorroborated and, despite being opposed by the British intelligence community (according to a report in *The Guardian Weekly*), is based on hearsay. This pivotal information was used by the Bush administration and, presumably, handed on to ONA, which, according to Andrew Wilkie, would be handed directly to the Prime Minister's office.

Given the revelations coming from the Hutton inquiry, and the intelligence sharing between the coalition of the willing, it would be fanciful to suggest that the full story was not available to the Howard government. While it has taken a tragic death to instigate an inquiry in the UK, if the stated crucial evidence for war did not exist at that time, or if it existed as uncorroborated hearsay, either possibility of whether it was or was not brought to the notice of Mr Howard as pivotal evidence for a war should be the basis for an inquiry. Again, there seem to be questions that need to be answered about truth, faith and trust, especially in a war that has no international sanction. In the face of a lack of evidence for weapons of mass destruction, both Mr Blair and Mr Bush have resorted to the comfort of providence, of 'a history will prove us right' approach.

As a justification for something as serious as war—and in no way do I condone the horrors of the past regime in Iraq—this is analogous to secretly robbing a responsible friend of his life's savings to protect him from the ravages of a possible future gambling addiction; or, worse still, and sadly I must say, exhorting Power supporters to put their house on Port Adelaide as a grand final winner on the strength of two minor premierships. It is interesting to note that, on the question of evidence, Mr Bush is starting to 'fess up on Iraq, with Hans Blix referring to Mr Bush and Mr Blair and, by inference, Mr Howard, as 'medieval witch-hunters'. Given that western values are the very rock and foundation of civilisation, as Messrs Howard, Bush and Blair were often wont to remind us, the public deserves more than what has been proffered so far. The era of pre-emptive strikes demands that the accuracy of information informing decision making be spot on. It must be balanced and impartial, given that innocent lives and the lives of our soldiers and armed forces depend on this.

Others will say that I am just quibbling as sufficient other reasons existed, but a matter of such gravity needs to be answered, given that this is the pivotal evidence on which the governments hung their hats. This is the evidentiary bar that we expect of civilised nations. Unfortunately, unlike his British counterpart, there is no public pressure on Howard at the moment to investigate the matter further, given that 67 per cent of voters in Australia accept and can live with the proposition that the Howard government knowingly misled them on weapons of mass destruction. The federal government has often played fear as a trump card, but it is dealing from a house of cards.

The Hon. R.K. Sneath: How many porkies is that that they've told?

The Hon. J. GAZZOLA: I'll get onto that. There are many other federal issues that deserve discussion. We are dealing with a secretive, pragmatic federal government, one that has not only stolen (as Brett points out) but manipulated the Australian ideals of egalitarianism and mateship. As the Howard government further unfolds and justifies its attachment to pax Americana as a suppliant trade and defence partner, playing and exploiting its international cards on freedom and world terrorism to a nervous Australian constituency, it gives little credence to addressing fair play or moral independence.

If the Howard government has captured the ethos of the mainstream as a dream spinner like Flynn suggests and if Howard is sincere (as Brett claims), then he and his government have appealed to the lowest common denominator in their exploitation of the worst and most narrow aspects of nationalism. It reflects Hewson's comment that Howard's manipulation of public opinion '. . . runs on prejudice, not policy'.

The truth is catching up with this complacent federal government—a government of deception. The Prime Minister has pushed his role as the boundary rider for an alliance of US and Australian interests but, as those headlines/issues recede, we see a similar approach to the truth regarding domestic issues. The deputy sheriff's badge is looking tarnished. We had the ethanol affair, the lamentable Wilson Tuckey affair and the pretence that is Howard's ministerial code of conduct, and the fudging by Tony Abbott as to when he instigated the Hanson fund.

This is not the first time that Abbott has gone grubby. This was seen in an attempt by two contractors to frame a member of the CFMEU when fabricated evidence was tendered to the Federal Court. The Howard government (through Abbott's predecessor, Peter Reith) granted financial indemnity to the tune of $96 000 to these two witnesses in 2000 after the Federal Court found that they had lied under oath. Tony Abbott (as Workplace Relations Minister) defended Reith's act of indemnity as 'perfect propriety'. In further justification of his belief, Abbott stated that the indemnity was granted on the ground that 'people who gave testimony on behalf of the commonwealth should be supported'—even, it seems, when they tell pork pies. To add to the impropriety, as far as I know at the moment, documents associated with that indemnity have not been released by his ministerial office for public scrutiny.

It appears that the rate at which the wheels of the federal government are falling off will soon have them catch up with the motionless vehicle that is their South Australian counterpart. The lack of momentum that characterises the state opposition's efforts has been exceeded only by its failure of memory. We will no doubt hear ad nauseam attempts by the opposition to claim the high moral ground. The opposition still fails to grasp—and needs to be reminded of—the sober reality of its litany of half-truths and deceit in its abuse of office.

It is the opposition's right to inquire, but we hope it is handled with more dignity and propriety than the Leader of the Opposition in the council exhibited at times during the last parliament. Playing politics is one thing, but the opposition leader's continual and continuing attempts at personal denigration should put him in mind of his own thoughts on character assassination at the time of the debate on the Clayton report in October 2001.

So far, there is not much evidence to show that he is mindful of his own advice. In the first six months of this government's life we witnessed the opposition's tawdry and tasteless attack on the member for Hammond, no better exemplified than by the crafted and spiteful rambling tendered by the opposition leader in his Address in Reply to the council. In conjunction with this, we witnessed the challenge in the Court of Disputed Returns to the electoral outcome in the seat of Hammond. We note the failed outcomes of these mischievous and misplaced adventures.

I might also add that the public noted the opposition's real motives as they certainly noted the issue's irrelevance to governance. It failed to bring dignity to this parliament. I hope that soul searching will be as high on the opposition's agenda as the requirement to pay the hefty legal costs of its misplaced folly. As Greg Kelton pointed out in *The Advertiser*, political sense should tell it that there is no substitute for policy, and what it has displayed so far is well wide of the mark.

I want to reflect on the second Rann government's budget. Back in 1998, the then premier said in respect of the 1998 Appropriation Bill:

> . . . we have brought down a budget which prepares the finances; reinvests in education, health and law and order and plans for the next three years.

He continued a little later:

> As I have said in this house on a number of occasions, a number of very tough and difficult decisions were made, some of which were unpopular and some of which we would have preferred not to make.

I now turn to the remarks of the then treasurer, the current Leader of the Opposition in the council, regarding the sale of state assets and the 1998-99 Appropriation Bill. I raise this to remind members that the opposition's criticism of the second Rann Labor budget as being predicated on broken promises is a convenient forget. The then treasurer said in regard to his policy mix:

> Mr Speaker, it is important to note that the asset sales are an essential part of the policy solution.

By 'asset sales', he was referring, in the first instance, to ETSA and Optima.

I raise this history of events only to elucidate the facts and not to continue the blame game. The point is that this firm but fair budget—as the then treasurer stated of his 1998-99 Appropriation Bill—was predicated on the big broken promise made prior to the 1997 election. This does not deny the reality of the state debt figure at the time nor the economic consequences that ensued from the previous government's strategy but indicates that the present opposition really needs to move away from its line of criticism in its appraisal of the current budget strategy, in its criticism of the Murray levy as 'the Rann tax', and regulatory increases in gas and service charges.

The public has a keen memory of the broken promises of the previous government and, frankly, they can see through this stunt. Before we start to believe the previous treasurer (now opposition leader) and his public statements on characterising the Treasurer as 'Scrooge incarnate', we only need read the then treasurer's concern (and, one might add, proper concern) with the need for budgets to address fiscal priorities. The Federal Platform of the Liberal Party of Australia states:

> The security and prosperity of all Australians depends on sound financial management producing economic stability, low inflation, high employment and a state debt that does not risk the economic well being of future generations.

I might add that, personally, I would like to see more spent on services—and I look to the next budget to address this—but this reduction by the opposition of the current budget to a dry, economic statement is unbalanced and at some odds with its own budgetary philosophy, as outlined in the previous government's budget speeches.

The current Treasurer has made some very difficult decisions, but they will stand this state in good stead. The budget was given some good press. John Spoehr of the Adelaide University's Centre for Labor Research gave the figures his approval, and an editorial in *The Australian* gave qualified approval and applauded the Treasurer's grasp of fiscal realism in pushing for improved surpluses and reducing debt. The possibility of reclaiming the AAA rating in the medium term has been recognised by Standard and Poor's. Alan Woods, the Economics Editor for *The Australian*, while painting a qualified picture of the push for a AAA rating, recognises the positive thrust of the budget and the difficult legacy of the past. According to the article in *The Australian* on the South Australian budget, it appears that the former treasurer '. . . supported the Government's debt reduction efforts'. So as not to quote him out of context, the former treasurer went on to say, 'but felt a little [of the surplus] could have been returned in some way.'

In an interview on the state budget on 5AA in what the former treasurer described as a buoyant economy in this state, he said that he felt that the announced increase in taxes and charges would have a negative impact on the state regarding investment. Given the thrust to further eliminate state debt and the likelihood of a rating upgrade, the implementation of the Economic Development Board recommendation of the

$11.4 million venture capital fund and initiatives for science and skilled migrants, it would appear that the former treasurer's opinion of a negative effect on business investment is an exaggeration.

We also read in *The Advertiser* of 4 August a report of the thriving economies in the southern and eastern areas of the state and the shortage of workers to such an extent that the Regional Communities Council chairman (Mr Dennis Mutton) is calling for migration to assist the regional labour pool. The former treasurer's opinion is at odds with Business SA, which is pleased with the strategy and long-term view of the budget. With regard to South Australia's employment figures, Mr Peter Vaughan of Business SA pointed out that our overall unemployment rate has, in fact, declined and is now in line with national figures, and he rated that as a significant achievement.

BankSA's *Trends* economic bulletin recommends that it is essential that we continue to build on our economic strength or risk, because of our declining skill base, population decline and other factors falling back to where they were a decade ago.

There has been considerable criticism by the opposition over what it claims is 'a mean and tricky' budget. 'It will,' claimed the opposition leader (Hon. Rob Kerin), 'wipe out the federal government's recently announced tax breaks under the federal budget.' What the opposition did not reflect on in the Liberal Party leader's media release was the pitiful tax break provided by his own federal Treasury colleague. This has been quite openly commented on, but the state opposition seems very quiet on this. It is clear, though, that South Australia needs to clearly look at its tax structure in the future, given our ageing population and the increasing demands on health and education, our diminishing state tax base, and the constraints of and state reliance on commonwealth grants and financial assistance.

Given these factors and the thrust of the budget to address and strengthen the long term by directing surplus to debt in a cooling economic climate (a path the Treasurer has deliberately adopted), I would like to comment on some of the remarks made by the opposition in its concerns for ordinary South Australians. If the opposition is as concerned for working class families as it claims to be in its media releases, there needs to be consistency in its appraisal. For example, how concerned is the state opposition about the effect of the national competition policy on small business?

In an article in the Small Business section (admittedly, concerning another state) in *The Australian* of 3 June, Mr Peter Wilkinson, President of the Liquor Stores Association of Victoria was quoted as saying that the policy was responsible for 'wrecking small business, pharmacies, newsagents, independent liquor stores—the very constituencies Liberals purport to represent'. Again, read the Liberal's 'Consumer Affairs policy' in the section called 'Labor's alternative' if you want a heightened appreciation of the contrast between Liberal policy and political reality.

The situation is the same in South Australia. I do not hear or read any criticism by the opposition of their federal colleagues in regard to the plight of these small business people—these ordinary Australians and, I might add, South Australians. The same fate seems assured for independent service station operators, both country and city. One independent country operator—again quoted in *The Australian*—is looking at economic oblivion in the petrol war between Coles and Woolworths. 'Only legislation can save is,' he is quoted as saying in the article.

He and the Service Stations Association in New South Wales, as well as small business in general, have little faith in the temporary chairman of the ACCC saving them. Mr Samuels has expressed some guarded reservations about the power of big business, according to the articles mentioned. However, relevant to the current and future plight of South Australians, what has the opposition in this state said about the national competition policy?

If the state budget is mean and tricky, it does not hold a candle to successive federal Liberal budgets in their consequences for ordinary South Australians. Criticism by the state opposition requires much more balance and comprehensiveness. As we found in the retail shopping hours deregulation debate, competition policy and payments have given us little room to move, and we must accept the consequences.

This brings me to my next concern, about the opposition's professed concern for low income families and individuals—that is, a section of employees in the retail industry. This arose during the third reading of the Shop Trading Hours (Miscellaneous) Amendment Bill, in particular, the amendment moved by the Hon. Nick Xenophon, which was carried by and argued for by the Hon. Robert Lawson for the opposition. The opposition's support for workers in small business—at least in regard to the retail industry—whether by cleverness or naivete, is an attack on penalty rates for those workers outside current EBAs.

The thrust of the amendments to clauses 7 and 8, and the direction they imposed on the Industrial Relations Commission, were uncovered for what they really are. As the Hon. Terry Roberts pointed out in his speech, there exists the logical possibility of the Industrial Relations Commission approving an increase in pay rates. I find it difficult to see that the opposition would entertain, or did entertain, this outcome.

Yet I wonder whether opposition members have any knowledge of wages and allowances under Schedule 2 of the Retail Industry (South Australia) Award. If we take the highest adult employee pay rate and add the penalty adjustment for 50 per cent of all Sundays per year that an employee could or would want to work, we arrive at the princely gross figure of $31 000 per annum. This is the ceiling of the adult wage rate until death, outside of hard won further agreements under the award or increases in the minimum award wage. I would challenge any opposition member or any of us to survive on this amount. Clearly, the SDA is under no illusion as to the intention of the amendments. Given the existing rights—

The Hon. R.D. Lawson interjecting:

The Hon. J. GAZZOLA: Well, you are the ones who wanted to wreck it—of parties, under the current Industrial and Employee Act to make application, together with the opposition's argument and vote for the amendment, its claim for fair play was exposed. Then, when the government in the other place rejected the opposition's amendment, the bluff was exposed and still the Liberals, according to their web site media release, are claiming victory for the interests of small business.

The Hon. A.J. REDFORD: I rise on a point of order, Mr Acting President. Standing order 192 provides:

> No member shall reflect on any vote of the council or upon any statute, except upon motion for rescinding or appealing the same.

The honourable member has been reflecting upon the vote and the debate in this place now for about five minutes. I thought that you, Mr Acting President, might draw his

attention to it, but, in the absence of that, I feel it is my duty to do so.

The ACTING PRESIDENT (Hon. R.K. Sneath): If it has taken the honourable member that long to raise the matter, there is obviously no point of order.

The Hon. A.J. REDFORD: It is at your ruling, Mr Acting President, because it has taken so long. The member is reflecting upon a vote of this council, namely the vote which we took on shopping hours.

The ACTING PRESIDENT: I rule that there is no point of order.

The Hon. J. GAZZOLA: The opposition's running with this amendment, as the Hon. Terry Cameron clearly pointed out, brought no credit to them, but, clearly, it trumpeted their lack of compassion for ordinary workers. And this opposition has the temerity to criticise the government for being mean. I wonder whether the opposition was really that interested in the plight of small business, given the eleventh hour nature of the amendment and the opposition's earlier push for total deregulation.

It did not make me wonder too much about the opposition's stance when I read the Liberal federal platform set out in 'Work and Prosperity for Australians' on how the opposition attempts to resolve the complexities and contradictions between employees' rights and the place of small business and free trade in the global market. I suspect that the best way for the opposition to navigate between the rock of the government's firm and, I think, rightful belief in the independence of the Industrial Relations Commission and support of employees' rights and the hard place of the opposition's own failing stance on full deregulation was to sacrifice the workers on penalty rates and fly the pretence of upholding the rights of small business. I suspect that its end game was to save political face.

I want to say something now about the River Murray tax. A recent poll found that around 50 per cent of people surveyed supported the levy which, given people's abhorrence of taxes—

The Hon. A.J. Redford interjecting:

The ACTING PRESIDENT: Order! The Hon. Mr Redford will come to order. Interjections are out of order.

The Hon. J. GAZZOLA: Thank you for your protection, Mr Acting President. This underlies the persistent concern that people have for the future of the river. The imposition of the tax, together with recently announced and publicly supported water restrictions, sends a clear and important message to other relevant states that we are becoming serious and responsible about this issue, that it helps create a paradigm for change. The previous government, as well as the Brindal select committee, must be commended for the work it did. I hear no interjections. Bipartisan support—

The ACTING PRESIDENT: Order! You will not hear any, Mr Gazzola, because they are out of order.

The Hon. J. GAZZOLA: I apologise for that, Mr Acting President, and I also apologise for trying to talk up the opposition when it was in government. The River Murray Bill will further focus and consolidate, as legislation and public consciousness, these past efforts. The levy will help to address in practical terms the health of the Murray and the consequences of the water restrictions. The opposition in the council pooh-poohed the River Murray Bill as impractical window-dressing but, as well as addressing real issues, the idea and the reality of a legislative focus has an important part to play in determining and furthering the sense and need for effort in all its required aspects.

It is interesting to read an article on the thoughts of Dr Geoff Wells, the Executive-in-Residence of Flinders University's School of Commerce, on the collective efforts of Australian academics and big business to develop environmental accounting strategies. The challenge to overseas and Australian companies and academics is to fully determine and responsibly manage the costs and sustainability of their environmental impact. It is environmental issues like the required action for the Murray through the River Murray Bill and the budget specifics that are driving programs like this. The article continues:

> Before now, big business has often avoided taking responsibility for the level of resources, such as water, that it uses. Instead it has left it to the rest of society to pick up the cost. However, according to Dr Wells, some business sectors now admit their actions have a direct impact on the state of the environment and are open to accepting help in developing preventative and accountable strategies.

The practical action now being taken at the federal level and the state budget measures are necessary drivers of the business sector's recognition of the part it also has to play.

Comment has been made that the River Murray flat tax is inequitable, but would it have the support of the opposition if it had been based on residential property value or if it had been commercial-earnings based? There are exemptions for a range of pensioners and concession holders. There has been comment, for example, by the Greens member in the other place and in an *Advertiser* editorial on the budget that the modest demand is not really enough.

The River Murray measure, according to a radio interview given by the Hon. Angus Redford, seems to have his imprimatur. The opposition leader in the council, as reported in *The Australian* of 30 May, supported additional spending on the Murray, although he had the expected good moan about the tax in his web media release to the faithful, while the Conservation Council has welcomed the measure. As an aside, I would like to hear the opposition leader's comments on the National Farmers Federation President's opinion on the federal government's reduction of funds towards the National Action Plan.

Back to the budget: there must be a start which every member of the community, every party and industry recognises, and the specific initiatives outlined are an important lever in regard to other relevant states, as well as practical responses. It is a start; we have no other choice. I also hope in time that additional measures, such as incentives for good practice by users, apart from the incentive to use less water, are adopted.

There has been the usual criticism by the opposition that the budget has left the country areas out to dry. I would like to quote a letter from a Goyder constituent on previous Liberal budgets. I am not suggesting that he is happy with the present government, but his capacity to deflate hypocrisy is refreshing. He says in relation to previous Liberal budgets:

> Mr Meier has a selective memory when he complains about the shortfalls in the allocation of money towards health, police, dental waiting lists, etc. Mr Dean Brown can believe all he likes that hospitals will have their grimmest year, but we will never forget when our local hospital had to close its doors twice and cancel all surgery due to a lack of money.
>
> Mr Meier, your Liberal government was in charge of the purse strings back then when you wrote about no extra money being budgeted for new police officers. Have you forgotten about the shortage of police that we in the Goyder area are having to put up with, even when your party was in power? I know that the Liberal government is in opposition and their job is to oppose the incumbent party's policies, but please do not insult the intelligence of the average voter, as there are many who have long memories and have absolutely no allegiance to either party. When it comes to failed

promises, the Liberal government must take full responsibility for the disastrous privatisation deals we in South Australia are dearly paying for now.

I am reminded of my thoughts in my first address regarding the public's view of politicians. In my first speech I lamented the lack of esteem with which politicians are generally held, a situation that I feel has further deteriorated through the federal scene over the conflict—

The Hon. R.I. Lucas: Since you have been here!

The ACTING PRESIDENT: Order!

The Hon. J. GAZZOLA: —and misinformation generated by the Iraq war. Large federal issues carry with them important ideological differences. Likewise in state politics these differences are evident. There is, however, another overlay that contributes to public dissatisfaction with politicians, and that is the blame game. The public image of state politicians is not helped by regressive argument over who is to blame for what, and I sincerely hope that this ends.

In my first speech I also spoke about the demise of the lucky country under the pressures of globalisation and free markets. I also talked about how much more needed to be done in the areas of Aboriginal issues and the environment, amongst others. I am pleased that the government has shown and is showing leadership in these areas. It is also pleasing to reflect on the government's priorities in spending on education and health. While much more needs to be done, the government's focus and efforts are to be commended. After the malaise and divisiveness of the previous Liberal government, we are witnessing a government that is committed to restoring pride and direction in our state. I commend the Address in Reply.

The Hon. T.G. ROBERTS secured the adjournment of the debate.

FIREARMS (COAG AGREEMENT) AMENDMENT BILL

In committee.

Clauses 1 to 3 passed.

Clause 4.

The Hon. P. HOLLOWAY: This amendment will alter the definition of an active member of a club to ensure that the additional requirement to attend six club organised competitive shooting matches each year applies solely to class H licences. The amendment clarifies that point. I move:

Page 3—Lines 5 to 18—
delete the definition of *active member* and substitute:
active member of a club for a 12 month period means—
(a) in relation to a collectors' club—
(i) a member of the club who has attended four or more meetings of the club during the 12 months; or
(ii) a member of the club who has made a personal contribution (not being a financial contribution) to the club during the 12 months in a manner and to an extent that satisfies the Registrar that he or she should be regarded as an active member of the club; or
(b) in relation to a shooting club and the holder of a firearms licence authorising possession of class H firearms—
(i) a member of the club who has participated in shooting club organised competitive shooting matches for class H firearms on at least six occasions during the 12 months; or
(ii) a member of the club who satisfies the Registrar that the member failed to meet the requirements of subparagraph (i), during the 12 months, due to the member's ill health or employment obligations or some other reason accepted by the Registrar;

Amendment carried.

The Hon. R.D. LAWSON: I move:

Page 3—
After line 18—
Insert:
(1a) Section 5(1)—after the definition of *ammunition* insert:
antique firearm means a firearm that—
(a) was manufactured before 1900; and
(b) is kept solely for curiosity, display or ornamental purposes; and
(c) is not used to fire projectiles; and
(d) —
(i) in the case of a firearm other than a class H firearm—
(A) is designed to fire breech loading cartridges and is not a firearm for which live rounds of ammunition are commercially available factory loaded; or
(B) is not designed to fire breech loading cartridges; or
(ii) in the case of a class H firearm—is a handgun designed or altered to fire by means of a flintlock, matchlock, wheellock or other system used prior to the use of percussion caps as a means of ignition,
and includes a receiver of such a firearm;
Page 4—
After line 13—
Insert:
(10a) Section 5(1), definition of firearm—after 'but does not include' insert: an antique firearm

These amendments will insert a definition of 'antique firearm'. It will enable certain antique firearms to be excluded from the buy-back and from the general scheme of regulation. The definition, sought to be inserted, is one which is already included in certain new regulations. The combined shooters and the opposition would like to see this definition in the act itself. It is important, as I am advised, that antique firearms do not include firearms for which live rounds are—as the expression is—commercially available, factory loaded. The effect of these amendments is seen in the second of the amendments, which is to insert after the definition of firearm 'does not include an antique firearm'. This is consistent with the COAG agreement.

The Hon. NICK XENOPHON: In relation to the amendment, I note the definition that has been tabled. Can the Hon. Mr Lawson clarify whether an antique firearm can be used to fire projectiles? Is it capable of being able to fire projectiles and, if it is, is the honourable member saying that the projectiles that it is capable of firing are projectiles which are not commonly available?

The Hon. R.D. LAWSON: Yes, that is my understanding. I will take the committee through the definition, which is to exclude this form of firearm, as follows:

(a) One that is manufactured before 1900—

so it is over 100 years old—

and—
(b) is kept solely for curiosity, display or ornamental purposes; and
(c) is not used to fire projectiles; and
(d)—
(i) in the case of a firearm other than a class H firearm. . .

In other words, a handgun that is designed to fire breech loading cartridges and is not a firearm for which commercial-

ly available factory loaded ammunition is available; or, is not designed to fire breech loading cartridges or, in the case of a handgun:

(ii) in the case of a class H firearm—is a handgun designed or altered to fire by means of a flintlock, matchlock, wheel-lock or other system used prior to the use of percussion caps as a means of ignition,

My understanding—and the minister has available to him expert advice, and I would be obliged if he will confirm this—is that this will exclude a firearm used for the purpose of firing projectiles.

The Hon. P. HOLLOWAY: The government will support the amendment. Essentially the large part of this amendment exists in legislation by way of regulation at present under the firearms regulations. This amendment will bring it in under the act—we have no objection to that. There is one additional part that was not previously in the regulations, and that relates to the class H firearms that are part of the COAG agreement. Essentially it brings into the act what was previously in the regulations, with the additional class H firearm requirement that was subject to the COAG agreement.

The Hon. IAN GILFILLAN: I refer to the formality of this. The bill is entitled the Firearms (COAG Agreement) Amendment Bill 2003, so I presume it will become the Firearms (COAG Agreement) Act. Does that mean that we are at risk in these amendments of including aspects which are not in fact part of the COAG agreement?

The ACTING CHAIRMAN (Hon.R.K. Sneath): Order! There has been a clerical correction to the amendment. Where it says, in paragraph (d)(A), 'is designed to fire breech loading cartridges and is not a firearm for which live rounds of ammunition are commercially available factory loaded;', it should be 'commercially manufactured factory loaded;'—leave out 'available' and insert 'manufactured'.

The Hon. P. HOLLOWAY: The Hon. Ian Gilfillan asked a question in relation to whether this bill was essentially dealing with the COAG agreement measures. That is my understanding and advice. Essentially that is all that is covered in this bill, but there was no model legislation that accompanied the COAG agreement, so it was up to the states to interpret it.

The Hon. R.D. LAWSON: Although I used the expression 'commercially available factory loaded' in relation to ammunition, I should have used the correct terminology of 'commercially manufactured factory loaded', which correction has now been made to the amendment I moved.

The Hon. IAN GILFILLAN: To clarify the minister's answer, I assume that the minister is content with the amendments before us now, but has he had a chance to assess the amendments that have just arrived warm off the press from the shadow attorney? Has he assessed whether any of them appear to contradict some of the aspects of the COAG agreement?

The Hon. P. HOLLOWAY: At the start of the debate I should have said that the amendments tabled by both the government and the opposition have been the subject of considerable discussion by the shadow minister, the minister, the South Australian police and the major sports shooting groups. There has been extensive consultation and these amendments conform to the COAG agreement: the government would not have agreed to them if they were outside the agreement.

Amendments carried; clause as amended passed.

Clauses 5 to 7 passed.

Clause 8.

The Hon. P. HOLLOWAY: I move:

Page 6—
Lines 2 to 7—delete subclause (1).
Lines 32 to 39—delete subclause (7c) and substitute:

(7c) An application for a firearms licence authorising possession of class H firearms may be refused if—

(a) the applicant was the holder of a firearms licence authorising possession of class H firearms that was, on application made by the person within the period of six months from the commencement of this subsection—
(i) cancelled; or
(ii) altered so that class H firearms ceased to be endorsed on it; and

(b) not more than five years has elapsed since the end of that period.

(7d) An application for renewal of a shooting club member's licence authorising possession of class H firearms may be refused if the registrar is not satisfied that the applicant has been an active member of a shooting club for each licence year of the licence.

The main elements of this amendment are to reconstruct the provisions relating to the surrender of licences to ensure that they apply solely to class H licences surrendered during the handgun buy-back period. There has been extensive consultation in relation to the development of these amendments.

The Hon. IAN GILFILLAN: What is the purpose of deleting subclause (1)?

The Hon. P. HOLLOWAY: Subclause (1) has been deleted. However, the new clause that is being substituted in the next amendment, clause 8, page 6, lines 32 to 38, effectively reinserts that provision. That is my advice.

Amendments carried; clause as amended passed.

Clause 9.

The Hon. R.D. LAWSON: I move:

Page 7—
Lines 7 to 9—
Delete paragraphs (c) and (d)
Lines 13 and 14—
Delete "or firearm part"
Lines 19 and 20—
Delete "or firearm part for a firearm"
Line 22—
Delete "or firearm part for a firearm"
Line 23—
Delete "or firearm part"
Lines 37 to 40—
Delete paragraph (d)
Page 8—
Line 23—
Delete "or firearm part"
Line 26—
Delete "or firearm part"
Lines 36 and 37—
Delete "or the firearm part is a firearm part for a prescribed firearm"
Lines 39 and 40—
Delete "or the firearm part is a firearm part for a class C, D or H firearm"
Lines 42 and 43—
Delete "or firearm part is any other kind of firearm or firearm part" and substitute:
is any other kind of firearm
Page 9—
Lines 3 and 4—
Delete "or the firearm part is a firearm part for a prescribed firearm"
Lines 11 to 13—
Delete paragraphs (c) and (d)
Lines 17 and 18—
Delete "or firearm part" twice occurring
Lines 24 and 25—
Delete "or firearm part for a firearm"
Line 27—

Delete "or firearm part for a firearm"

Line 28—

Delete "or firearm part"

Page 10—

Lines 1 to 4—

Delete paragraph (d)

Line 29—

Delete "or firearm part"

Lines 31 and 32—

Delete "or firearm part"

Lines 42 and 43—

Delete "or the firearm part is a firearm part for a prescribed firearm"

Page 11—

Lines 1 and 2—

Delete "or the firearm part is a firearm part for a class C, D or H firearm"

Lines 4 and 5—

Delete "or firearm part is any other kind of firearm or firearm part" and substitute:

is any other kind of firearm

Lines 9 and 10—

Delete "or the firearm part is a firearm part for a prescribed firearm".

All these amendments seek to delete firearm parts. As I am advised, the fact is that firearm parts were not included in the 1996 legislation. The possession of firearm parts in relation to lawful parts by an existing licence holder in classes A, B, C and D should continue. I understand that it is accepted by the government and also by the firearms dealers and associations that it is appropriate for this exclusion to occur and is consistent with the COAG agreement.

The Hon. P. HOLLOWAY: I indicate that the government will accept the amendments. We understand that these should be in line with the COAG agreement. I believe that firearm parts were not specifically part of the supplier acquisition arrangements that are covered by clause 9 of the bill. We will not oppose the amendments.

The Hon. IAN GILFILLAN: Without having analysed all the implications of these amendments, I assume that they apply to the material which would be subject to buyback, rather than legal retention.

The Hon. P. HOLLOWAY: It is about the acquisition and the supply of a firearm and the conditions related to—

The Hon. IAN GILFILLAN: I will put the other part of my question. Is there scope within these amendments for various parts of a firearm to be accumulated and, therefore, be the basis of an illegal firearm?

The Hon. P. HOLLOWAY: I am advised that the answer is no and that the essential part of a firearm is the receiver, which is defined as the firearm.

The Hon. IAN GILFILLAN: I thank the minister for that answer. Having only just recently come to understand the meaning of the word 'receiver' when it is related to firearms, my first reading was that I thought receivers moved around on two legs and did all sorts of strange things; however, I have been advised by experts that that is not the case.

The Hon. P. Holloway interjecting:

The Hon. IAN GILFILLAN: No—just the smell of gunpowder perhaps. I want to ensure that I have this answer well established in *Hansard*. As I understand it, the answer is categorically: no, there is no opportunity through these amendments for the accumulation of parts to establish an illegal firearm, because the receiver of such a firearm would still remain illegal to hold.

The Hon. P. HOLLOWAY: I believe that you cannot assemble a firearm without the receiver, which is the essential part of the firearm, and it is that which must be registered. So, the answer is no.

Amendments carried; clause as amended passed.

Clause 10.

The Hon. R.D. LAWSON: I move:

Page 12, after line 22—Insert:

(4ca) In determining whether an applicant meets the requirements of the regulations referred to in subsection (4c), the Registrar must have regard to any certificate lodged by the applicant that has been prepared and signed by an office holder of the collectors' club of which the applicant is a member (being an office holder nominated by the club for the purpose) starting that the applicant meets those requirements and setting out details in support of that statement.

This amendment is designed to ensure that the registrar must take into account the certificate of a responsible officer of a collectors club in relation to a club of which the applicant is a member. It is in aid of existing section 15A of the act, which deals generally with the acquisition of firearms and the reasons for refusal by the registrar of an application for a permit to acquire a firearm.

This is not a significant amendment of principle, but it is designed to reinforce the fact that the registrar cannot simply ignore a statement issued by a club in relation to an applicant.

The Hon. P. HOLLOWAY: I indicate that the government supports the amendment. I note that subsection (4c) provides:

The registrar may refuse an application for a permit to acquire a class H firearm for the purpose of collection or display if—

This provides an aid to the registrar in exercising that function, in that he must 'have regard to any certificate lodged by the applicant that has been prepared and signed by an office-holder of the collectors' club'. We support the amendment.

The Hon. IAN GILFILLAN: I would like to ask whether this clause authorises the collection and display of a firearm which was manufactured before 1946 and which is capable of firing.

The Hon. P. HOLLOWAY: It has always been the case that a firearm manufactured before 1946 must be collected with a collector's licence.

The Hon. IAN GILFILLAN: So, the answer is yes.

The Hon. P. HOLLOWAY: Perhaps if you rephrase the question. I am not quite sure whether it is a negative or a positive. We had better get this correct.

The Hon. IAN GILFILLAN: My question is based on the fact that there is the opportunity for a firearm manufactured before 1946, which is in an operative condition and which is capable of being fired, being accepted. In fact, I do not see any reason why the registrar can refuse if it is kept for the purpose of collection and display.

The Hon. P. HOLLOWAY: In relation to what the honourable member is suggesting, my advice is that that has always been the case. This provision creates a more stringent requirement for collectors in relation to firearms manufactured after 1946.

The Hon. IAN GILFILLAN: If that is the case, I express my concern for this provision. Under those circumstances, I will vote against this provision.

The Hon. P. HOLLOWAY: What we are voting on here is the amendment that the opposition has moved, which simply provides:

. . . the registrar must have regard to any certificate lodged by an applicant. . .

If the honourable member has a problem, then he has a problem with the law as it exists at present. New subsection (4c) toughens the provisions in relation to class H

firearms manufactured after 1946. If I understand the point the honourable member is making, his beef might be with the current situation rather than any amendments in the bill.

The Hon. IAN GILFILLAN: The minister is correct, but I do not see any reason why I should not express the Democrats opposition to this. It is before the committee ready for further debate and voting. I acknowledge that the first vote will be on the amendment moved by the Hon. Mr Lawson, and then I assume the amended clause will be put. I express my intention on behalf of the Democrats to vote against it for the reason I explained before.

The Hon. P. HOLLOWAY: Under the current firearms regulations, there is a provision that, in the case of all firearms in a collection manufactured after 1900, the bulk-breach block or firing pin of the firearm must be locked in a container kept separately from the firearm, or the trigger of the firearm must be immobilised by means of a trigger lock, or the firearm must be secured by such other method as is approved by the registrar.

There are other provisions, including that the holder must be an active member of a recognised firearms club, and so on. The regulations cover those matters. It is called temporary deactivation, so provision for temporary deactivation is required under the current regulations.

The Hon. R.D. LAWSON: In support of the amendment I have moved, the registrar is not bound by the certificate that is issued by the club in these circumstances, but the registrar is required to have regard to the certificate. In my view there is no offensive dictation by the club to the registrar of whether the applicant meets the requirements. As the minister correctly identified, it is a measure designed to clarify the important administrative role which the registrar plays.

The Hon. IAN GILFILLAN: I think it is appropriate to remind the chamber that we have remained steadfastly opposed to the proliferation of firearms in the metropolitan area, except under extraordinary circumstances. This reflects a basic policy of the Democrats. I am still not persuaded that temporary deactivation justifies the keeping of a firearm for the purpose of collection and display. It is not just for the purpose of using it in a sporting club for shooting. There may be a separation in space of the machinery necessary to make it operate, but I express, again, our concern for this being accepted as 'full control of firearms'.

Amendment carried; clause as amended passed.

Clauses 11 to 25 passed.

Clause 26.

The CHAIRMAN: I point out to the committee that this clause being a money clause is in erased type. Standing order 298 provides that no question shall be put in committee upon any such clause. A message transmitting the bill to the House of Assembly is required to indicate that this clause is deemed necessary to the bill. I understand the Hon. Mr Lawson wants to make a comment on clause 27.

The Hon. R.D. LAWSON: Mr Chairman, my amendments Nos 28, 29 and 30 are covered by the ruling which you have just made. I accept that I cannot move these amendments at this time. However, I indicate to the committee that, if the bill returns to this place in the same form, I will move the amendments at that stage.

Title passed.

Bill reported with amendments; committee's report adopted.

Bill read a third time and passed.

ADDRESS IN REPLY

Adjourned debate on motion for adoption (resumed on motion).

(Continued from page 168.)

The Hon. A.L. EVANS: I rise to support the Address in Reply motion. I would like to thank His Excellency the Lieutenant-Governor, Mr Bruno Krumins, for his speech opening the third session of the fiftieth parliament. I would also like to acknowledge the efforts and commitment of Her Excellency, the Governor. I offer my condolences to the family and friends of former members of parliament (the Hon. Charles Murray Hill, the Hon. Trevor Crothers, and Mr Leslie David Boundy), whom I did not have the opportunity to meet, but I understand that each of them made a substantial contribution to the parliament.

I would also like to welcome the Hon. Michelle Lensink and to congratulate the Liberal Party for appointing a woman to replace the Hon. Diana Laidlaw. I wish the honourable member every success and trust that she will thrive on the challenge of being a member of parliament.

The Lieutenant-Governor referred to many government commitments. I concur with the point raised by the Hon. Angus Redford that much of what we were told at the opening of parliament related to past matters: bills that are to be reintroduced and initiatives that have now passed. However, Family First is delighted to hear that an Aboriginal Lands Parliamentary Standing Committee will be established: an initiative that is well overdue given the needs and issues affecting the Aboriginal community.

Our concern is that the committee may be too narrowly focused in that it is restricted to Aboriginal people living in remote and rural communities. There are many issues impacting on Aborigines who live in regional and metropolitan areas. Is it envisaged that the committee will not consider issues affecting this group? Family First would like to see the committee's mandate amended so that it will have the scope to consider issues on the basis of regional management, which would include remote and metropolitan areas.

Again, we hear of the government's tough stance on law and order. Whilst some government measures have been justified, others have been extreme. The need in this context is to examine what is best for the state and not what is the most popular. Family First will strive to examine every government initiative from that viewpoint.

As a relatively new member of parliament and belonging to a minor party, I would like to put on record my observations about democracy in our state and the parliamentary process. First, I agree with the requirement that there be a minimum of 150 members for registration as a political party. Anything higher would make it difficult for minor parties to be registered, and a lower number would make it too easy for all kinds of groups to form a party.

Since being elected, Family First has been pleasantly surprised at the opportunities for its voice to be heard. The well-organised question time enables a minor party to get two or three questions a week on the floor of the house. The opportunity to speak on every piece of legislation is also available to the minor parties. If they so desire, they can present a private member's bill and, if they receive the necessary support, their bill can be successful. Various topics can also be raised by minor parties when they speak on matters of interest, and they can propose amendments to any bill. This is encouraging as it demonstrates that in our

democracy even the voice of minor parties can have a reasonable opportunity of being heard.

The Legislative Council is an excellent house of review where there is an additional opportunity for critical assessment of proposed legislation. In the time that I have been here, I have seen many bills substantially improved as a result of the input of this council. The council can also serve as an excellent safeguard against possible government excesses by keeping the government more accountable. Contrary to some views, it is rare that the house is responsible for legislation not being passed. This council is absolutely essential and ought never be abolished.

Family First believes that a conscience vote is a positive for democracy in our state. It enables people of all persuasions to express their views without having to stick to the party line. This is to be commended, and I trust it will always continue. I find it curious and disappointing that, to date, the Premier has not allowed members of his party to have a conscience vote when dealing with same-sex legislation. This is at odds with the two longest serving Labor premiers in this state. Mr John Bannon allowed a conscience vote on a homosexuality reform bill, and Mr Don Dunstan also decided that the matter of homosexuality was one of conscience.

In 2001, the Hon. Carolyn Pickles introduced an amendment to a Liberal government bill concerning same-sex putative spouses. The late Hon. Trevor Crothers was outraged at the fact that members of the Labor Party were not given a conscience vote. In his contribution, he said:

> I go back far enough in the Labor Party to recall in Don Dunstan's time when we were dealing with the matter of homosexuality and it was ruled by the then chair of the day (and it has never been altered to my knowledge) that the issue was one of conscience. A ruling like that stands for all time unless it is rescinded.

Both Mr Bannon and Mr Dunstan rightly recognised that there were some members of their party who struggled if required to vote in a certain way, so they were given the opportunity to vote according to their conscience concerning same sex issues. I urge the Premier to follow the example of his predecessors and allow those who have difficulty in supporting this kind of legislation to vote as they wish.

A negative about democracy in South Australia is that minor parties find it almost impossible to get members elected to the lower house. In the 1997 elections, the Democrats achieved a relatively high poll figure of close to 17 per cent, yet they were unable to achieve success. It seemed a pity to me that in the last state election we had two very high profile and capable candidates in the seat of Adelaide, one of whom was defeated by a very small margin. This meant that almost 50 per cent of that electorate was denied the opportunity of representation by their candidate.

There are areas which I believe could be improved in terms of parliamentary processes. One area concerns the length of speeches in the Legislative Council. Why can't we adopt a similar rule to that in the House of Assembly of a maximum of 30 minutes per speech? I question the need for parliament to sit for such long hours. I do not believe that well-informed, accurate decisions can be made in the small hours. Tradition aside, I would like to see sitting times commenced earlier in the day, perhaps late morning. The impact of late nights on members and their families is substantial, as we heard in a poignant way from the Hon. Michael Elliott last year.

I agree with the comments of the Hon. Kate Reynolds concerning the scheduling of parliament during school holidays. As the honourable member quite rightly pointed out, families should come first. The fact that sitting times coincide with school holidays is making for some members and staff an already difficult job that much harder. Surely some commonsense can be brought to this issue. I encourage the government to consider the interests and wellbeing of families when scheduling sitting dates.

Overall, my 18 months in the Legislative Council has been very pleasant but a steep learning experience. I want to thank my colleagues on both sides of the council for their kindness and assistance to me on many occasions. I have been very appreciative and I am impressed by the high level of integrity and skills that members of the Legislative Council have. I believe South Australia is in good hands.

The PRESIDENT: Hear, hear! That was one of the more thoughtful speeches I have heard for some time.

The Hon. CAROLINE SCHAEFER: I rise to support the Address in Reply. In doing so, I thank the Lieutenant-Governor, Mr Bruno Krumins, for his speech and for the support he and his wife show for his office and the people of South Australia. I also take this opportunity to thank Her Excellency Marjorie Jackson-Nelson for her outstanding contribution as our head of state. She has given many regional people a great deal of pleasure during her many visits to the country.

I also wish to add my condolences to the families of former members: the Hon. Trevor Crothers, the Hon. Murray Hill and Mr David Boundy. I take this opportunity also officially to welcome my new female colleague the Hon. Michelle Lensink and to wish my former colleague the Hon. Diana Laidlaw every success in her new career, whatever that may be. We all know her too well to imagine that she will be retiring!

In preparation for an Address in Reply speech, it is necessary not only to assess the government's future plans, as outlined in the opening speech, but also to review where the government has taken us since it came to power some 18 months ago. In particular, it is important to reconcile the promises made by a government prior to an election against its actions once it has taken office.

The Governor's opening speech should also be an important glimpse into the direction in which the government plans to take our state over the term of its office. I have spent quite a bit of time trying to do this. Sadly, whether I look at it from the point of view of my portfolio as shadow minister for primary industries and regional affairs, or as a wife, mother and grandmother, or as a farmer, taxpayer and voter, I can find no direction, no vision or credibility—merely a government committed to rhetoric and imagery.

I would like to refer to some of the topics mentioned in the Governor's speech, as follows:

> During the past 12 months, my government has continued to work to rebuild the state's economy, while at the same time, seeking to ensure every South Australian will share in the benefits. It is working to ensure those benefits reach people no matter where they live and work, in the city or in rural and regional South Australia.

What an amazing statement! Wherever I travel throughout the state, people tell me that this government has totally forgotten the regions or, worse still, has decided to persecute them.

As an example, together with the member for Flinders (Liz Penfold) and the Hon. John Dawkins, I recently attended the South Australian Regional Development Board's conference at Victor Harbor, only to find that no government member was in attendance for the first two days. Minister Conlon did make a brief cameo appearance to close proceedings, but

Minister McEwen (the Minister for Regional Development) could not find time to attend any part of the three-day conference.

Needless to say, the hardworking members of the boards are very concerned that they no longer count. They know, because of the EDB report, that their existence is threatened and that, in the first place, there will be a reduction of at least two and probably three boards (for the sake of so-called efficiencies). However, no-one has been able to tell them which boards will go or what the efficiencies will be, and the boards and local government have not been consulted. Yet this government promises to share the benefits no matter where people live!

The Rann Labor government has further shown its concern for all South Australians with the Crown Lands Bill, which, after 12 months or more, will finally be debated in early October. Basically, this bill will force leaseholders to freehold, either now for $2 000 per application or later for $6 000 per application. Make no mistake: this change is compulsory. This government will make freeholding mandatory at change of ownership, even between family members. Of course, this is nothing more than a retirement tax on landholders. This is from a government that promised no new or higher taxes and charges. I wonder whether the 28 river fishers dispossessed of their property and their right to make a living, without consultation and without compensation, believe they 'will share in the benefits, no matter where they live and work'.

It has been fascinating and devastating to watch the different treatments meted out to the people who, through no fault of their own, were dispossessed by the flooding of the Patawalonga and the people who, through no fault of their own, were dispossessed by a compact to gain government. It is interesting to watch how often this Premier can find time to speak with and for the people if the press is involved, yet I have been getting copies of almost daily emails to the Premier's office sent by the dispossessed since 16 July this year. Not one of them has received the courtesy of a reply. Yet this professes to be a government for all the people. I think not. This is a government for the best media grab and the most populist topic.

We have heard much rhetoric about law and order. Again, I quote from the opening speech, as follows:

> . . . It [my government] wants to see a community in which people feel safe in their homes and on the streets.

Please note the emphasis on 'feel' safe in their homes, because little has been implemented to ensure that people 'are' safe. By far the greatest part of the Governor's speech was devoted to law and order, yet there was nothing about crime prevention. We know that the crime prevention officers were scrapped some 12 months ago; we know that this government has not appointed one additional police officer; we know that 70 fewer police officers will be available by Christmas; and we know that crimes against the community, such as graffiti, are on the rise. We also know that the police force is under increasing stress. Yet this is a government that professes to be strong on law and order. Well, I would rather see action than hear about it. Similarly, the Governor's speech states:

> My Government wants to see a state in which children are given every available opportunity to learn and make the most of their potential.

However, the government devoted just eight lines to outlining its education policy for this session, and a fair bit of that is about granting permanency to contract teachers. I am sure that is nice for those teachers, but does it increase our education opportunities? The government talks about smaller junior primary classes, but it does not mention the desperate shortage of childcare and preschool positions, especially in the regions. Nor does it mention the many (I believe it is 55) senior educators who, at the end of last month or thereabouts, left the department, largely as a result of the frustration they feel with this minister and the new system of governance.

The fact that all education department districts have been redrawn with confusing boundaries and with no commonality of interest (such as Jamestown away from Clare and into Port Pirie and Kimba away from the north and west and into Whyalla) is also not mentioned. Nor is the fact that the number of area superintendents has been reduced from 24 to 18 and, as a result, applications for transfers and promotions have been frozen. This has destabilised and demoralised teachers, particularly in rural South Australia. However, we still have to listen to the rhetoric and the gloss. The Governor's speech goes on to say:

> My Government will continue working on the major task of reforming and improving South Australia's public health system.

Yet we see unprecedented chaos throughout the public health system (epitomised by the now almost non-functional Mount Gambier Hospital) and, in particular, within our mental health system. We now see at least eight of the homes provided for mental health patients facing closure for want of some government assistance. We have also seen James Nash House bursting at the seams, thereby forcing the dangerous mentally ill to be transferred to Glenside, and the ensuing escapes. However, the plight of the mentally ill within the metropolitan area pales into insignificance when compared to the isolation and lack of specialist expertise in regional areas. But there is no additional help and, in some cases, services have been reduced, and this is supposed to be a government strong on law and order for all people, no matter where they live!

Increasingly, South Australians are saying, 'Show us the proof, not just the words.' After all, this is not about affordability. We all know that this government has received a windfall of some $700 million from the stamp duty generated by the housing market boom. Surely there is no excuse for not using some of that money for our most needy citizens.

The Hon. Ian Gilfillan interjecting:

The Hon. CAROLINE SCHAEFER: You are right; I think I am paying that penalty. Further, the government:

> 'Wants to see sustained economic growth, more exports and growing job opportunities for South Australians.'

However, there is no plan and no indication of how the government intends to do this. We have seen the maximum media announcement of the appointment of Mr Robert Champion de Crespigny and his board. We have had the maximum media release of the report and we have had the maximum media summit. However, the board and Mr de Crespigny always said that its report and its recommendations were a forerunner, merely a forerunner, to a state strategic plan.

The new Minister for Infrastructure Development, who spoke at the Regional Development Conference, talked about a strategic plan, but where is it? How are we going to treble exports? Which industries will help us get there? Which government departments will help us get there? Certainly it will not be the now decimated Department of Industry and Trade.

The Hon. A.J. Redford interjecting:

The Hon. CAROLINE SCHAEFER: Equally certainly it will not be the skeleton of the former primary industries department or the farmers whom it formerly supported.

The Hon. A.J. Redford interjecting:

The Hon. CAROLINE SCHAEFER: After all, Primary Industries did not rate a mention in the Economic Development Board report.

The Hon. A.J. Redford interjecting:

The Hon. CAROLINE SCHAEFER: I may have to seek your protection, Mr President.

The PRESIDENT: Order! The honourable member makes a good point. The Hon. Mr Redford, in particular, is a participant in this parliament and he does not need to commentate every move. We are not at the football.

The Hon. CAROLINE SCHAEFER: Just today we have heard the minister wax lyrical about the fact that South Australia's food exports fell by only 4 per cent as opposed to 12 per cent for the rest of Australia. However, the latest economic figures show a reduction of almost 9 per cent in all exports from this time last year in this state. It is easy to explain away these alarming figures by talking about the drought, the SARS epidemic and the higher dollar, but anyone with a basic understanding of export economy can foretell that South Australia is in for some trying economic times in the near future.

Global economic conditions have been far from robust, reducing the demand for commodities. Wool exports are likely to be well down, given that Michells are no longer first stage processors of wool. While they still have part of their carbonising line here, they are moving to importing early stage processed wool from China. Wool prices are high, but they were last year, and the volume of wool is well down.

Grain prices are also down by $10 per tonne on the previous pool. In the last six months, we have seen some 2001-02 wheat being shipped overseas, but not much of the 2002-03 wheat. Wheat export prices in the last six months are running at between $30 and $100 a tonne lower than they were 12 months ago. The higher dollar must have greatly impinged on the dollar value of wine exports and must have also impacted on the value of manufactured exports. As long as the dollar continues to lift against the US dollar, South Australia, which is so dependent on its primary industry sector, is in for an anxious economic time.

The answer to the current and looming export problems and the higher dollar is clearly productivity gains, but what is this government doing to promote that within both the manufacturing and rural sectors? For instance, is it getting behind saving the vital rail system for transporting Eyre Peninsula grain? What is it doing to boost regional tourism against a rising dollar? Where is the Rural Infrastructure Fund? Maybe it will ride on the back of a good crop this year, but it ignores its responsibilities if it fails to recognise its duty to secure South Australia against the rising dollar.

I note with absolute concern the government's rhetoric on environmental sustainability. Again, we are to have a summit, with no mention of economic or social sustainability. There is an underlying message in much of this government's legislation, such as the Natural Resource Management Bill, the Native Vegetation Act Amendment Bill and the River Murray Bill, that farmers are environmental vandals rather than the acknowledgment that farmers are the most committed of environmental caretakers. After all, their livelihoods depend on it.

I could continue to speak indefinitely on the withdrawal of services, of cuts to road funding, of the dismissive attitudes towards regional tourism, of the projected budget wind-back of the food plan, the lack of support for the dairy industry, particularly in the Lower Murray flats, and the fact that any initiatives for rural or regional South Australia, announced within this government's opening speech, were merely reannouncements of initiatives already introduced and well under way by the former government.

I could speak of the lack of funding and encouragement to innovators, of the stalling of promised school upgrades in places like Ceduna, of the lack of consultation with irrigators at the inception of water restrictions, and, in particular, about the shift in focus away from economic growth in rural and regional South Australia. But that is just more proof of the scant regard this government has for rural South Australia, and most people outside of the city and increasingly within the city boundaries are well aware that this is a government of spin doctors, for spin doctors, by spin doctors. In fact, it is far easier to talk about what this government has not done than to find anything positive to say about what it has done. Unless premier Rann begins to focus on what really needs to be done, rather than continuing to promote a glitzy image with no substance, it is hard to be optimistic about the future of South Australia. I support the Address in Reply.

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

ADMINISTRATION AND PROBATE (ADMINISTRATION GUARANTEES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 18 September. Page 134.)

The Hon. IAN GILFILLAN: The Democrats support the second reading of this bill. In the plainest terms that I can express, it simplifies the process for the administration of estates where those estates are considered vulnerable to maladministration, and it makes provision for surety guarantee or for joint administration of an estate at the court's request. That is a very succinct summary of the bill. I did actually take the risk of trying to look through the second reading explanation and found it to be virtually incomprehensible. I will be looking forward to the minister explaining its subtleties, such as the difference between bonds, sureties, guarantees and the impact of joint administration. I am sure it will all be revealed, and it will be interesting to hear the minister's second reading summary.

I do not doubt the very serious intention of the legislation. I do not want to belittle the plight of some beneficiaries who, for various reasons, are abused in the way an estate is administered before they actually achieve their particular benefit from it. That may well be purely inefficiency or malicious mismanagement, for which there needs to be protection. Some beneficiaries are, for various reasons, physically or mentally incapable of being actively involved in the management of an estate.

I believe that, with the passage of this bill, many people will feel much more relieved about the security of their estates. From that point of view, I do not believe that any member of this place will not support it. However, there may be some amendments, and there may even be some Democrat amendments—it will depend on the thoroughness of the answer that the minister gives to the points that I have raised. I notice that he has not been tempted to interject by saying

something rude, such as, 'Don't you understand the difference between bonds, sureties and guarantees?'. The other point of some alarm—not that it is mentioned in the second reading explanation—is that I have been told that insurance companies will not cover the business. With that brief but thorough contribution to the second reading debate, I indicate Democrat support.

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I thank honourable members for their indication of support. Unfortunately, I was at a meeting and missed the early part of the Hon. Mr Gilfillan's contribution. I thank all contributors to the debate for their indication of support for this very important bill.

Bill read a second time.

UNIVERSITY OF ADELAIDE (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 22 September. Page 152.)

The Hon. KATE REYNOLDS: I indicate that, at this second reading stage, the Democrats intend to support the majority of the amendments proposed by the Hon. Mr Lucas. However, during the committee stage we will be seeking clarification of some points from the government and the opposition. We believe that in order to maximise opportunities for good governance—which this bill supposedly proposes to do—it is essential that there be a wider degree of comment and scrutiny from the broader education community than the government's bill proposes.

This is particularly important in an environment where our universities are chronically underresourced and we can expect that fees and charges will skyrocket if universities are granted flexibility to charge full fees and increase HECS charges by up to 30 per cent, potentially locking out students from disadvantaged backgrounds, particularly indigenous or rural and regional students or those of lower socioeconomic background, who have suffered under the regressive education policies of the past 10 years.

The Democrats will only support a governance structure that is expected to emphasise and value teaching and learning and strong research and scholarship programs to provide the basis of sustainable, high quality and equitable higher education. We will reject any university governance structures which, by design, support cost shifting to students or show a blind faith in markets and competition. On that note, I also take this opportunity to pay tribute to the work of the university senate over many years. As this place does in the parliament, the senate has provided an important check and balance to the council of the University of Adelaide.

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

ADMINISTRATION AND PROBATE (ADMINISTRATION GUARANTEES) AMENDMENT BILL

Second reading debate adjourned on motion.

(Continued from page 175.)

Bill read a third time and passed.

CITIZENS' RIGHT OF REPLY

Adjourned debate on motion of Hon. P. Holloway:

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.

(Continued from 16 September. Page 58.)

The Hon. R.D. LAWSON: I move:

Paragraph V, subparagraph (c)

Add the following words at the end of the paragraph:

'at least one clear sitting day prior to the publication of the response;'

Paragraph VII

Add the following words at the end of the paragraph:

'Nothing in this clause will prevent a member from responding to matters contained in the response.'

My amendments have been formulated only this day and I have not had an opportunity to discuss them with the minister or with other members, but they are self-explanatory. However, I would appreciate the opportunity to discuss with the minister and other members the intended effect and reason for these amendments.

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

ADJOURNMENT

At 5.36 p.m. the council adjourned until Wednesday 24 September at 2.15 p.m.