LEGISLATIVE COUNCIL

Wednesday 25 February 2004

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

LEGISLATIVE REVIEW COMMITTEE

The Hon. J. GAZZOLA: I bring up the 13th report of the committee.

Report received and ordered to be read.

The Hon. J. GAZZOLA: I bring up the 14th report of the committee.

Report received.

QUESTION TIME

FREEDOM OF INFORMATION

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make a brief explanation before asking the Leader of the Government a question about the Rann government's disgraceful and despicable manipulation of freedom of information applications.

The Hon. P. HOLLOWAY: I rise on a point of order. That is a gross abuse of question time by the Leader of the Opposition.

Members interjecting:

The Hon. P. HOLLOWAY: Well, it does not matter. That language—

The PRESIDENT: It is not the normal course of action. I think the Hon. Mr Lucas wants to seek leave to ask a question on the subject of FOI.

Leave granted.

The Hon. R.I. LUCAS: I would be interested if you could point out the point of order that was allegedly breached.

Members interjecting:

The Hon. R.I. LUCAS: No. It was not an opinion. It was the subject of the question. Have a look at the standing orders. As members would know, in the last 24 hours the information relating to freedom of information requests from my colleague the Hon. Mr Redford has been publicised in another place. In particular, without going into all the detail, the response from the Ombudsman quoted the CEO of the Department of Premier and Cabinet, Mr Warren McCann, as follows:

> . . . in reaching his determination about all but one part of one document, the FOI officer was instructed by Mr Lance Worrall [who is the Premier's economic adviser].

That was the subject of some questioning in another place and publicly as well. The leader would also recall that he was asked a series of questions last year relating to freedom of information requests lodged by the opposition in which the Premier's senior legal adviser at the time was present with all FOI officers from all departments and agencies; an agenda was circulated which listed for consideration the issue of the FOI application of the Hon. R. Lucas MLC. As you will recall, Mr President, questions were asked of the leader in the council on that occasion.

There have been a number of other occasions where ministerial officers have been actively engaged in processing freedom of information applications. I remind the Leader of the Government that, on 17 February last year, he indicated that it would be quite improper for him under the Freedom of Information Act to instruct an officer in any way. He also went on to say that there would not be government interference in relation to the processing of information. Yesterday in the House of Assembly, minister Weatherill stated a number of things and, again in the interests of brevity, I will not quote all he said. However, the key aspect of his statement was as follows. Referring to the government he said:

> We have promulgated protocols which provide opportunities for ministers and their advisers to have input. That advice is to be articulated and it is to be transparent.

My questions are:

1. Has the minister read the protocols that have been promulgated by minister Weatherill? If he has, will he undertake to provide a copy of those protocols to the parliament so that we can all be aware of those protocols that allegedly govern the opportunities for ministers and advisers to have input?
2. Will the minister outline his understanding of the role that he and his advisers can play under minister Weatherill's protocols in the processing of freedom of information applications that come to his office and his agency?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): We are certainly aware of the behaviour of the former government, especially that of the Leader of the Opposition's great colleague, the former premier John Olsen. We know how his staff, namely one Alex Kennedy, acted. We know what her involvement was in FOI applications. That was the standard. It is perhaps easy after two years of a principled government for us to forget the appalling standards of behaviour under the previous government. Responsibilities under the Freedom of Information Act are set out in the act. As was indicated yesterday by my colleague who is responsible for this measure, there have been a series of workshops, if I can describe them as that, to inform freedom of information officers of their responsibilities under the act.

Members interjecting:

The Hon. P. HOLLOWAY: The policy that I have adopted since I have been responsible for FOI matters is to have those matters referred to the department for consideration. I leave those matters to the freedom of information officer from the department who is properly accredited and who, under this government, has been properly informed of his responsibilities.

The Hon. R.I. Lucas: Have you read these protocols?

The Hon. P. HOLLOWAY: I am not the minister responsible for establishing these protocols. They have been through my office and I would have referred them on to the appropriate officer. I have plenty of other things to do. As I said, they do not refer to me or apply in the sense that I send the requests or the information off to the appropriate accredited officer within the department. It is those officers who are responsible for that.

The Hon. R.I. Lucas: Will you provide a copy of the protocols?

The Hon. P. HOLLOWAY: I will seek that from my colleague who is responsible for the Freedom of Information Act. The act was one of the few achievements of the previous government. When the government knew it was going to get kicked out at the last election, it modified the FOI Act to make it at least approach something like reasonable freedom of information legislation. However, we know that the previous government was the most secretive government this state has ever had in relation to its operations. I do not wish

to comment on the question that was asked yesterday. I believe my colleague in another place will more than adequately address it.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: No, you will not. But let me flag for the members of this chamber that they should await with some interest the answer that my colleague will give, because I am sure that will put a proper perspective on what is suggested in relation to that particular case. We did not get that wrong.

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: The Hon. Angus Redford has been in the upper house—I think he can see brighter targets beckoning in the other house. He seems to spend all of his time over there these days at the start of question time.

The Hon. A.J. REDFORD: I rise on a point of order, Mr President. First, it is improper for members to refer to whether other members are in or out of the chamber and, secondly, it is tiresome to listen to this member for a full hour.

The Hon. P. HOLLOWAY: I apologise to the member for my reference, Mr President.

The Hon. R.I. LUCAS: I have a supplementary question. Will the minister confirm that he himself has not read the protocols that were promulgated by minister Weatherill which, in the words of minister Weatherill, provided opportunities for him, as minister, and his staff to have input into FOI applications which go to his office or to his department?

The Hon. P. HOLLOWAY: I can confirm again that when I have requests for FOI information I have referred all those documents to the relevant officers, because they are the ones who will make the judgment. So, when I have had these requests for information I have referred them on to the relevant officers. The Liberal opposition, after two years, has made precious little headway in relation to its role as an opposition. So, is it surprising that after two years in government we should be getting questions such as this in relation to the technicalities of FOI? Again, I think this government should take it as a compliment that we are getting questions about these sorts of technicalities.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: The most secretive government we ever had. And there we have government advisers sitting in there—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Well, just wait for the answer. That is all I can say.

The Hon. R.K. Sneath interjecting:

The PRESIDENT: Order! The Hon. Mr Sneath will come to order.

The Hon. NICK XENOPHON: I have a supplementary question. To what extent have ministerial protocols on FOI referred to been vetted by crown law to ensure there is no inconsistency or incompatibility with the FOI act?

The Hon. P. HOLLOWAY: I will obviously have to seek that answer from the Minister for Administrative Services.

CONSTITUTIONAL CONVENTION

The Hon. R.D. LAWSON: 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 Constitutional Convention.

Leave granted.

The Hon. R.D. LAWSON: On 10 November last year there was tabled in this parliament an extensive report of the Constitutional Convention entitled Final Report dated 1 September last year, prepared by Issues Deliberation Australia. On 16 February this year the Speaker in another place laid on the table a report which he described as the Constitutional Convention delegates' report, and he made a statement explaining how that report had come into existence. It was a statement which was somewhat of a surprise to those members of the steering committee who, like myself, were unaware of what the Speaker was doing.

Today, I received a copy of a letter written by Issues Deliberation Australia to the Attorney-General referring to the fact that the final report to which I have just referred was, and I use its words, 'a comprehensive quantitative analysis of the changes in participants' knowledge and attitudes through the pre and post-deliberation surveys, as well as a qualitative analysis of both group and individual recommendations'. It describes it as an objective report 'based on responses from a random, representative sample of voting-age South Australians'. The letter states:

> We were alarmed on Sunday at Parliament House. . .

That was at a meeting which the Speaker referred to in his statement to the parliament. The letter continues:

> 1. Mr Lewis's draft report was titled 'Report of the Delegates [being the report tabled last week]. . . We believe this is a possible misrepresentation. Unlike the comprehensive summary of delegates' individual and collective responses detailed in the [final] report, we are concerned that the draft report is not a report of all of the delegates. Any psychologist can point to the dangers of selective perception, selective attribution, and group influence. . . We fear that the nature of the process resulting in the construction of the draft report may not only bias what is reported therein, but reflects the selective perceptions and attributions of the small number of delegates involved. Whereas the deliberative polling methodology was completely transparent, the methods used to develop the draft report are obscure.
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> 2. Mr Lewis announced that the draft report was available on the internet. . . A comprehensive search of the internet, beginning at the Constitutional Convention web site, failed to locate the report. . .
>
> 3. . . . the draft report represents a very small part of the proceedings of the Constitutional Convention. We believe it is another dangerous misrepresentation of the Constitutional Convention that a draft of report of some five pages long can be alleged to be an accurate description of such an intensive, rigorous research program.
>
> 4. . . . the draft report appears to be a very selective sample of the total number of recommendations. . .
>
> 5. Mr Lewis asserted to the assembled delegates: 'we know what Pam Ryan thought, but we don't know what the delegates thought'. . . These data in no way reflected what Pam Ryan thought about parliamentary reform in South Australia. As a political scientist and registered psychologist, she adheres to the utmost ethical standards of her profession. To insert her own opinions in the. . . final report would have violated all she believes in. . .
>
> We believe that Mr Lewis's draft report does not adequately represent the findings of the Constitutional Convention. . . the draft report of the delegates undermines the integrity of the Constitutional Convention, and the informed voice of the people, that the IDA and Newspoll teams worked so hard to achieve.

My questions to the Attorney-General are:

1. Has he received the letter?
2. Has he responded to it?
3. Does he agree that this draft report tabled on 16 February undermines the integrity of the Constitutional Convention?
4. Does he agree that the so-called Constitutional Convention delegates' report is nothing more than a con?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will refer those questions to the Attorney-General and bring back a response.

The Hon. A.J. REDFORD: I have a supplementary question. When are we likely to get an answer to that question?

The Hon. P. HOLLOWAY: As soon as the Attorney-General is in a position to do so.

The Hon. A.J. REDFORD: I have a further supplementary question. Is the minister able to give us some indication as to when that might be?

The Hon. P. HOLLOWAY: Without speaking to the Attorney-General, no.

The Hon. R.D. LAWSON: I table the letter from which I have quoted.

The PRESIDENT: That is the normal process when one quotes from a document. I myself am most interested in that answer.

DROUGHT RELIEF

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

Leave granted.

The Hon. CAROLINE SCHAEFER: In late October 2002, the Premier visited drought ridden South Australia and announced with great publicity a $5 million state drought assistance package. It has come to my notice that only just over $3 million of that package was spent; inclusive of that, the state approved $150 000 for community support grants. Only 22 grants, totalling $77 000, were approved. Only six domestic water supply grants were approved at a total of $5 000; and individual business support and domestic water supply grants of $1.5 million were approved and that, too, was underspent by some $100 000. There has been a great deal of criticism come to me about the difficulty of how one actually accesses one of these packages. My questions are:

1. Will the minister confirm that the state government drought assistance package was underspent by almost $2 million?

2. Was this underspending due to the fact that eligibility was too difficult for most drought affected farmers and pastoralists to obtain?

3. Will the minister confirm that, while the CWA and Red Cross grants administration costs were 2 per cent, the state government administration costs, that is, his department's administration costs, were almost 30 per cent?

4. Will he give us an update as to whether any more grants have been given since the annual report of PIRSA?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I did provide some information last year in relation to the government package. Let me say, though, that the very generous drought package provided by the Rann government has not been fully expended, in the sense that we would expect that some of the funding under this package will flow through into the next financial year. One of the issues was that the principal individual grants under that package was the $1.5 million provided as restocking or reseeding grants. That was paid to those individuals who were approved for grants on receipt of documentation showing that they had spent money on the restocking and reseeding, and obviously that needed to be indicated some time after the event. In fact, the government had extended the period in which that sort of information could be provided.

I will have to obtain the final outcome of that package, but it certainly is my understanding that the whole $5 million of that package ultimately will be spent and, in some cases, there have been some small changes to the original proposal in relation to where that package has gone. For example, we provided some money to those fishers in the Lower River Murray, the Lakes and the Coorong, who, as a consequence of that drought, experienced severe difficulties with the closure of the mouth. We provided some assistance in relation to funding research into the situation in that fishery, which enabled them to keep their licence fees down. We have provided assistance to a number of people under that package and I will be pleased to provide those details, but I expect that there will still be money to be spent from that package.

HARRIS GREENSTONE BELT

The Hon. R.K. SNEATH: I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about mineral exploration in the Gawler Craton.

Leave granted.

The Hon. R.K. SNEATH: The Gawler Craton has consistently proved to be one of the most prospective regions in the state. A number of explorers are now operating in the area. Have there been any developments in this region?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): There have been some developments in recent times, and I am happy to keep the council informed of them. On 29 January 2004, Mithril Resources announced a joint venture agreement with BHP Billiton to search for nickel sulphide mineralisation in the Harris greenstone belt of South Australia. BHP Billiton has agreed to enter into a joint venture agreement to earn 52 per cent interest through the expenditure of $2 million. The Harris greenstone belt is located to the south of Tarcoola and within the central Gawler Craton.

The area has been the focus of a detailed scientific study and drilling program conducted by the Gawler Craton team with the geological survey branch within the minerals and energy resources group of PIRSA. The study concluded that there is significant potential for nickel sulphides within the Harris Greenstone belt. The publication of these project results has resulted in this under-explored area being subject to complete coverage by mineral exploration licences.

The attraction of BHP Billiton, one of the world's largest global mining companies, to South Australia in the current globally competitive environment where mining companies evaluate potential exploration targets on a worldwide basis indicates the success of the government funded initiative schemes that began with TEiSA. In fact, in his letter to Mr David Blight, the Executive Director of the Minerals and Energy Division of PIRSA, David Miller of Mithril Resources said:

> We have based a lot of other recent exploration on the excellent work completed by PIRSA and I would like to acknowledge the contribution from your group. This is a prime example of the flow on benefits to the exploration industry.

I add my congratulations to the minerals and energy division of PIRSA for its excellent work in this area.

SCHOOLS, ASSET MANAGEMENT

The Hon. KATE REYNOLDS: 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 on school asset management budgets.

Leave granted.

The Hon. KATE REYNOLDS: Last year the government announced that it would axe the Partnerships 21 local funding arrangement and claimed that the replacement system was a more equitable funding system. However, with the first term of the new school year already well under way, schools still have not received details of their asset management budgets. This presents a wide range of problems for schools which now find they are prevented from planning their asset management for the year because they have not been told by the department how much funding they will be allocated.

Obviously many schools are extremely frustrated by the delay, which leaves essential school maintenance and many school development projects up in the air and budgets in a state of disarray. Of course this means that school councils, students and staff are becoming increasingly frustrated when bureaucratic blocks prevent them from getting buildings painted, carpets replaced, shelters built, paths repaired, etc. As a member of a school council I have myself experienced enormous frustration with delays by DECS in the provision of essential information, while at the same time the department and the government are calling on schools to improve their governance, think more strategically and be more focused on planning. My questions are:

1. Will the minister explain why the announcement of asset management plans has been delayed for so long and, if not, why not?

2. When will schools receive their asset management plan?

3. Will the minister act to ensure that in future schools receive their asset management budget well in advance of the new school year, preferably in term four of the year prior?

4. Does the minister believe that it is acceptable that schools are forced to wait until after the commencement of the school year to learn how much will be allocated in their budget for that year?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will refer that question to the Minister for Education and Children's Services in another place and bring back a response.

FOSTER CARE

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Social Justice, a question concerning foster carers.

Leave granted.

The Hon. A.L. EVANS: Last year the South Australian Council of Social Service reported that child protection and foster care funding in South Australia for the 2001-02 financial year amounted to $116 a year for every child in the state compared with the national average of $165 per child. There has been much discussion over the past two days about the severe shortage of foster carers in our child protection system. In December last year the government announced that it was planning a major overhaul of the state's foster care system, including the recruitment of more carers as well as extra training and support for foster care parents.

In addition to these commitments the government announced that it would be offering parenting classes that would be open to foster carers and anyone else in the community wanting to improve their parenting skills. Adelaide's major provider for foster care, Anglicare, stated earlier this week that there are around 200 carers with about 600 children currently needing foster care. The Managing Director of Anglicare, Mr Simon Schapel, said yesterday on radio that because there were a lot of changes, particularly in the area of work patterns in the western world, Anglicare is recruiting from a much broader cross section of the community, taking on foster carers from various household types, including same sex, single parent and traditional family households. My questions are:

1. Will the minister advise of the screening guidelines or protocol currently in place to assess the suitability of persons to undertake care of children and foster carers?

2. Will the minister advise as to how the screening and eligibility regime for the selection of prospective foster carers compares with the criteria for people who have applied to be adoptive parents?

3. Will the minister advise of the level of training and resources provided to foster carers who have been targeted to care for young people with enormous behaviour problems such as violence and highly sexual behaviour? This includes but is not limited to the maximum number of days of training and the specific content of the training.

4. Will the minister advise whether experienced therapists are assigned to foster carers caring for children with significant social problems during the period of time the child is in the care of the foster carer? If not, why not?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will refer those questions to the Minister for Social Justice in another place and bring back a reply. In doing so I thank the honourable member for his questions. It is clear that he has an understanding of the difficulties that foster carers have when the placement of children with behavioural problems is in a shared family. I take my hat off and pay my respects to them and others who open their homes for foster care. There is a shortage which the government is trying to deal with in some of the ways mentioned by the honourable member.

ENVIRONMENT PROTECTION AUTHORITY

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Environment and Conservation, a question about the Environment Protection Authority.

Leave granted.

The Hon. A.J. REDFORD: In October 2002, this parliament passed the Statutes Amendment (Environment Protection) Bill. In speaking on the bill, the Minister for Environment stated that the intent of the bill was to revamp the EPA, and he stressed the importance of the independence of the EPA. In his second reading explanation the minister said the following:

> The main thrust of this bill is to enhance the initiatives already undertaken by the government to increase the independence of the EPA.

Later in the debate the minister went on to say the following:

> We want the public to believe and to know that this EPA is an independent body which will make decisions based on the best interests of the community when it comes to environmental protection and that it is not being held by a string or connected in some way with the political arm of government.

He went on to emphasise this in the committee stage of the bill in talking about interference and said the following:

> It does not have to be a blatant example of the crude exercise of power. It can be done by a subtle approach, by a kind of attitude developed or promoted in either the minister's office or a departmental office.

The bill was passed and I am sure that we all voted for that bill on the basis of statements made by the minister about the independence of the EPA.

Last October I thought I would just check how independent the EPA is. I issued an FOI request seeking (a) any correspondence between the Minister for Environment and Conservation and the EPA since March 2002; and (b) any notes evidencing any oral communication between the Minister for Environment and Conservation and/or any of his staff and the EPA since March 2002. In November 2003 the EPA alleged, to my great surprise, that compliance with the request to these two independent bodies would:

> . . . substantially and unreasonably divert the agency's resources.

Not unreasonably, I thought that perhaps this EPA is not as independent as the minister might have us believe. In an internal review the CEO of the EPA said the following:

> The determination was based on advice sought from the EPA management on the nature and extent of correspondence between the minister and the organisation.

I then sought an external review. I provided detailed reasons and, in response to those reasons, the EPA made the following assertions:

> I estimate that there are about 3 000 to 5 000 documents excluding e-mails that come within these classifications of which 1 500 to 2 500 come within the first classification mentioned above.

In other words, that is minutes, draft letters and briefing notes, etc. We have an assertion that, in the 720 long days that this mob has been in government, we have had an average of 6 to 10 communications per day, including holidays and weekends, between the minister and his independent EPA. Further, the letter states:

> To search the e-mails sent and received between the minister's office and the EPA would be about $3 334 500 and a review of those e-mails would cost a further $5 000.

That is a total of $3 340 000 to look at communications between the minister and this so-called independent EPA. By way of explanation, Dr Vogel states:

> There are about 20 people in the minister's office and about 25 persons at the EPA that may have been contacted by the minister's office.

In the light of that, my questions are:

1. Does the minister agree that this indicates that there has been massive (or least a perception of massive) interference in the duties of the EPA by his office?

Members interjecting:

The Hon. A.J. REDFORD: Why is it that it would take $3 million to find out what the minister is saying to his own independent body with which he says there will not be any political interference?

2. Does the minister agree that it will cost in excess of $3 million to disclose the level of this interference?

3. Why has the minister or his office conducted a regime where there has been between 6 and 10 communications between his office and the independent EPA for each working day that this government has been in office?

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

Members interjecting:

The PRESIDENT: Order! I know it is a complex subject but there was too much debating and too much opinion in the question, and it contained inferences which were going close to the mark. I ask the Hon. Mr Redford to confine himself to an explanation without the opinion and to frame his questions more succinctly.

The Hon. J.F. STEFANI: I have a supplementary question. Does the minister concede that such a level of communication gives the impression that the EPA is not an independent organisation?

The Hon. T.G. ROBERTS: I think that it gives the impression that a lot of FOI requests are being made. I will refer that important question to the minister in another place and bring back a reply.

SA WATER CORPORATION

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Administrative Services, questions about the South Australian Water Corporation.

Leave granted.

The Hon. J.F. STEFANI: I refer to the Auditor-General's Report tabled in parliament and published on 13 October 2003 relating to the changes to functions and structure within the South Australian Water Corporation. I refer to page 57 where the Auditor-General reported that, following a series of reviews relating to the corporation's overseas activities, it had decided to cease its involvement in Indonesia and had commenced the winding up of SA Water International Pty Ltd, Crichbee Pty Ltd, and PTSA Water International, which is a company incorporated in Indonesia. The Auditor-General reported that the winding up process should be finalised during the 2003-04 financial period. My questions are:

1. Can the minister advise parliament whether the winding-up process has been completed?

2. Can he further confirm the total cost associated with the winding-up procedures of these entities?

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

PRISONS, REHABILITATION PROGRAMS

The Hon. J. GAZZOLA: I seek leave to make a brief statement before asking the Minister for Correctional Services a question about rehabilitation programs in prison.

Leave granted.

The Hon. J. GAZZOLA: For most of the last decade, rehabilitation in our prisons has been sadly neglected. I have heard the minister inform the council that South Australia is the only mainland state without a prison based sex offender rehabilitation program. I am also aware that this Labor government has allocated $1.5 million over the next four years to develop rehabilitation programs for high risk and high needs offenders, with the major focus on rehabilitation

programs for sex offenders. Can the minister advise the council on what is being done to recruit specialists for these programs?

The Hon. T.G. ROBERTS (Minister for Correctional Services): Funds have been made available for the next four years to develop a new assessment and treatment program for high risk and high need offenders, and the major focus of this rehabilitation will be a program for sex offenders. The government will be conducting a major correctional services recruitment campaign, targeting psychologists and social workers, to expand its rehabilitation programs. We will also be conducting a drive for correctional services officers, using the facilities of the department, to try to build up the career path with a focus on training and development, which until now has not been done.

It will be the single biggest employment exercise of specialist staff for Corrections over the past decade and the recruitment campaign will seek a substantial influx of specialists to implement cutting edge rehabilitation programs across the correctional services system, including prisons and community corrections. It is expected that 14 specialist people will be employed to deliver the new rehabilitation programs.

We are creating four senior positions to strengthen the leadership in prison based social work services and to improve the department's capacity to assist prisoners returning to the community at the end of their sentence. It can be seen that, far from just defending the perimeters, we are concentrating on rehabilitation as a focus within Corrections, and the recruitment of people to drive those necessary programs within the correctional services system has commenced.

The Hon. SANDRA KANCK: I have a supplementary question. Following the development of the program and the recruitment of staff, when does the minister plan for the treatment program to be implemented in the prisons?

The Hon. T.G. ROBERTS: I am not sure whether the honourable member refers to the treatment programs inside Corrections with Health. The only thing I can do is take that question on notice. I can give the honourable member an indicated reply, that is, as soon as possible. The recruitment programs have not been easy because there is a lot of competition for people who are operating in the field. Corrections is headhunting at the moment and conducting interviews. I can only say that within the next six months we would hope to have programs up and running inside the prison system.

ETSA UTILITIES

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Minister for Energy, a question concerning ETSA Utilities.

Leave granted.

The Hon. SANDRA KANCK: My office has learnt that CKI Holdings, that is, Cheung Kong Infrastructure, the parent company of ETSA Utilities, has recently shifted the company registration from Malaysia to the Bahamas. The Bahamas is a well-known tax haven which, according to the Australian Taxation Office, is increasingly popular with Australians seeking to minimise their personal income tax. The ATO is attempting to reduce the incidence of Australians using the Bahamas as a tax haven. My questions to the minister are:

1. What are the implications for the amount of tax ETSA Utilities pays in Australia with the shift of CKI Holdings to the Bahamas?

2. Should ETSA Utilities or CKI Holdings be paying less tax as a consequence of this move?

3. Will that have an effect upon the regulated rate of return to be paid to ETSA Utilities?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will refer that question to the Minister for Energy. I make the comment that obviously taxation matters are the responsibility of the commonwealth government. I understand the relevance of the latter part of the honourable member's question but, clearly, it is not state authorities that would have access to those taxation issues. However, I will see what information the Minister for Energy can provide.

CHILD RESTRAINTS

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Transport, questions about seatbelt restraints for young children.

Leave granted.

The Hon. T.G. CAMERON: *The Advertiser* recently reported that the impact of a child hitting the windscreen of a car was the equivalent to the child's hitting the ground in a fall from a height of more than three storeys. South Australian law currently allows for a child over the age of one year to sit in the front passenger seat of a car provided they are appropriately restrained in an approved child restraint or by the seatbelt provided. However, Dr Robert Anderson from the University of Adelaide's centre for automotive research was quoted by *The Advertiser* as saying that the safest place for children is in the back seat and properly restrained. He said:

> Children who are not in appropriate restraints can slide under the belt. In that event, the lap part of the seatbelt can cause abdominal injuries. Also, the neck can catch on the sash part of the belt causing horrendous injuries. These are injuries that would not occur if they had a properly fitted restraint.

The Road Safety Advisory Council has also called on the state government to strengthen road laws covering the restraint of children travelling in cars. In its Reducing Road Trauma report, the council says that the mandatory use of a child restraint for children over 12 months of age is an issue which requires immediate attention and that consideration should be given to establishing a state-wide restraint advisory service for South Australia. My questions to the minister are:

1. In the past 12 months how many children in South Australia have been killed or injured in motor vehicle accidents as a result of not wearing properly fitted child restraints?

2. Will the government act on the Road Safety Advisory Council's recommendations to strengthen road laws covering the restraint of children travelling in cars, and will it also give due consideration to establishing a statewide restraint advisory service to ensure parents are fully informed about the dangers of not having children properly restrained in their cars?

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

TURRETFIELD RESEARCH CENTRE

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question relating to agricultural research centre open days.

Leave granted.

The Hon. J.S.L. DAWKINS: Members may be well aware that all the agricultural research centres in South Australia conduct annual open days. The member for Schubert in another place has alerted me to the fact that the recent open day at the Turretfield research centre on the edge of the Barossa Valley was very well attended by farmers from across a wide area of the state. My questions are:

1. Will the minister advise the council whether Turretfield is in quarantine for Ovine Johne's Disease?

2. If that is the case, what action was taken to ensure that farmers attending the open day on 17 February were advised of the quarantine conditions?

3. Will the minister indicate what precautionary advice was given to farmers before they returned to their properties which are not affected by OJD?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I was aware that there were some sheep with OJD on that property. I would have to get information about the current status, and I will also get from my department the information as to what precautions were taken in relation to that matter at Turretfield.

The Hon. J.S.L. DAWKINS: I have a supplementary question. Will the minister ask PIRSA to provide the numbers of farmers who attended that field day—if that information is available?

The Hon. P. HOLLOWAY: I will undertake to do that.

GAMBLING, LEGAL LIABILITY

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Gambling, a question about gambling legislation legal liability.

Leave granted.

The Hon. NICK XENOPHON: On 15 July 2003, I asked the minister whether the Independent Gambling Authority had sought legal advice on its statutory functions and powers and its obligation to act to minimise the harm caused by gambling, particularly in the context of section 11 of the Independent Gambling Authority Act. At that time, I asked whether the authority had sought advice as to the extent to which the Crown might be liable if the authority made recommendations to reduce the harm caused by gambling and whether, if those measures were not implemented, any legal liability arose. Given that the new codes of conduct of the Independent Gambling Authority are due to come into operation at the end of April this year, and given the authority's work in other areas of gambling regulation, when will the minister comprehensively answer the questions I put to him on 23 July 2003?

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

MURRAY BRIDGE RAILWAY STATION

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Transport, a question about seats at Murray Bridge Railway Station.

Leave granted.

The Hon. T.G. Roberts interjecting:

The Hon. SANDRA KANCK: Book early is absolutely right. In a recent edition of *The Murray Valley Standard* there was a story that told of the removal of seats from the Murray Bridge Railway Station. This follows the earlier indignity of toilets being closed at that railway station. If trains are running late for people catching the train, for instance, to go to Melbourne to watch the football, people can be standing at that railway station for up to two hours, or else have the option of sitting on the gravel at the railway station. Local people who have made inquiries of the Department of Transport could not get an explanation as to why the seats had been removed. My questions to the minister are:

1. Why have the seats at Murray Bridge Railway Station been removed?

2. What action will he take to ensure the seats will be replaced very soon?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will refer those important questions to the Minister for Transport in another place and bring back a reply. I perhaps make a suggestion they could go to the pub across the road to wait for the train.

The Hon. Sandra Kanck interjecting:

The Hon. T.G. ROBERTS: There have been a few who have missed the train.

The PRESIDENT: Minister, you would be aware that the toilets have also been closed.

EXTRACTIVE AREAS REHABILITATION FUND

The Hon. D.W. RIDGWAY: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about the extractive areas rehabilitation fund.

Leave granted.

The Hon. D.W. RIDGWAY: On searching the Primary Industries web site the other day for something else, I came across a discussion paper released early last year, which suggests that 'comments or submissions should be provided by 1 August 2003'. The extractive areas rehabilitation fund was established under the Mining Act in 1971 and is one source, but not the sole source, of funds used to rehabilitate extractive mine sites.

Extractive industry provides minerals—primarily clay, sand, shell and gravel—for the construction industry, and in 2000-01 extractive mines had a volume of about 12 million tonnes per year, with an annual turnover at that time of $295 million. The rehabilitation of extractive mine sites is a mine operator's responsibility, although in South Australia a number of abandoned, derelict mines are in need of repair. Extractive mining operators have mounting dissatisfaction with the current funding arrangements due to the fact that the EARF contribution has not increased since 1979. Mine rehabilitation costs have increased due to inflation, while the EARF has not.

In the discussion paper published by PIRSA, the cost of rehabilitating all mines in South Australia was calculated at

$60 million to $65 million, and the cost of rehabilitation is increasing at about $2.5 million per year above the rate of contributions to the EARF. The fund will require contributions of an additional 35¢ per tonne over the annual increases of rehabilitation costs. Some rehabilitation must be carried out after production has finished, which requires an additional 18¢ over 30 years to cover the difference between an estimated present level of rehabilitation costs and the level of fund contributions.

The PIRSA discussion paper estimates that increased contributions to the fund in the order of 53¢ per tonne would increase the cost of construction of a typical house (including the driveway) by about $43, but, more importantly, it will increase the price of one kilometre of four-lane highway by $7 500 to $8 000. My questions are:

1. Does the government support a fully funded EARF or the introduction of rehabilitation security bonds?

2. What plans does the government have to increase the EARF contribution to bring it in line with current rehabilitation costs, which have been driven up by inflation?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): The honourable member is correct in that a discussion paper was released for public consultation in April 2003 and those submissions closed on 1 August last year. The discussion paper, as the honourable member has indicated, outlined issues with rehabilitation in the extractive industries and invited respondents to suggest and/or comment on possible rehabilitation funding strategies. Again, as the honourable member indicated, the strategies suggested in the paper were the continuation of the EARF style approach, or the introduction of financial assurances, including bank guarantees (as is used in non-extractive mining in South Australia and elsewhere in Australia). I can tell the honourable member that 42 submissions were received from industry, environmental and government entities, and most of the submissions—26 of the 42, in fact—were received from lease or private mine holders and operators.

In those submissions, a modified and fully funded EARF style model was widely supported in preference to the financial assurance, the bond approach. Financial assurance approaches were generally considered to be likely to affect the investment capability of miners, especially small mine operators, although nevertheless the introduction of bond arrangements for new lease holders was supported by some respondents. As a consequence of the outcome of those submissions, in December I wrote to the Extractive Industries Association outlining a proposal to continue with the EARF, and included a proposed increase in royalty rate and regular reviews of the rate. That proposal was intended to deal with the issues resulting from the fact that the rate had not been increased for over 20 years.

I invited the Extractive Industries Association to engage in discussion on the proposal. I can inform the honourable member that officers of PIRSA have met with the EIA on several occasions since then. I understand that they met just recently (16 February) to discuss a proposal preparatory to the EIA responding formally. I would expect that I will receive that response fairly soon. I am informed that the key issue which needs to be resolved is the scope of the works for which the fund will pay. The EIA accepts that core rehabilitation should be funded and undertaken by the operator, and their proposal is that any works outside of this should be funded by the EARF. There have been further discussions on those matters. As I understand it, the Extractive Industries Association has supported the continuation of the current suspension on new applications for EARF funding until the issues are resolved.

I would hope that as these lengthy discussions are now coming to a conclusion we will be able to come up with a proposal that both the government and the extractive industry would be happy with and one that would address the significant backlog of work the honourable member referred to in his question.

INDIGENOUS COMMUNITY COUNCILS

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question in relation to indigenous community councils.

Leave granted.

The Hon. J.S.L. DAWKINS: Most members of this chamber would be aware of the existence of indigenous community councils in various parts of the state. These councils, which include Anangu Pitjantjatjara, Gerard, Maralinga Tjarutja and Yalata, are affiliated with the Local Government Association of South Australia. While there is no doubt about the benefits of this relationship between these councils and the local government sector, I was interested to learn of a recent initiative in Western Australia. The City of Canning, an inner metropolitan council of 74 000 residents, with an area of 65 square kilometres and an annual budget of $48 million, is working with the Ngaanyatjarraku Shire Council in the central desert region of Western Australia.

Unlike indigenous community councils in South Australia, Ngaanyatjarraku is a mainstream local government body. Formed in 1993, it covers 160 000 square kilometres and has a population of 1 500 in nine communities. Under a project to empower remote communities, Canning has developed a four-year financial plan for Ngaanyatjarraku, which includes major infrastructure, economic and social development. The project is aimed at enhancing Aboriginal involvement in local government, while maintaining and promoting Ngaanyatjarraku culture. In addition, it ensures that Ngaanyatjarraku can access specialist expertise that is normally difficult to access in rural and remote areas, through visits from Canning staff such as the environmental health officer and the building surveyor.

I recognise the considerable differences between the governance of remote communities in South Australia compared with Western Australia, which has its entire state covered by local government bodies. In this state, of course, we have the mixture of Aboriginal lands, indigenous community councils, the Outback Areas Community Development Trust and large tracts of unincorporated land. However, I believe that a system of matching large metropolitan councils with Aboriginal community councils in South Australia could have some significant benefits. I also believe that such a system would follow on from the work undertaken by the Local Government Association, and the Office of Local Government under the previous government's Local Government Partnerships Program, to increase Aboriginal participation in local government across the board. My questions to the minister are:

1. Is he aware of the project in Western Australia which involves Ngaanyatjarraku and other indigenous councils in that state?

2. Does he agree that a similar project in South Australia could provide considerable assistance to indigenous commun-

ity councils and further the knowledge of urban residents about the challenges faced by remote communities?

3. Will he approach the Local Government Association and the Office of Local Government to gauge whether large local government bodies would be interested in joining forces with remote indigenous councils?

4. Will the minister direct the Department of Aboriginal Affairs and Reconciliation to assist in the development of any alliances between urban and indigenous councils?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for his very important and detailed question, an issue of which I am sure he has a lot of knowledge, given the detail he has just described. He has described the government's policy in relation to how we deal with remote communities in South Australia. We certainly have to take stock of weaknesses within our current system in engaging communities in trying to build their capacity to develop partnerships with local, state and commonwealth governments.

We are finding that the other states have moved ahead more quickly than we have in relating to engagement. As the honourable member pointed out, Western Australia has formalised processes. We are still discovering ways in which we can get benefit from engaging Aboriginal communities within regional, metropolitan and remote areas. In reply to one of the points the honourable member made, in the remote areas we are trying to use the office of local government and the LGA's expertise to assist in developing a local government model that would suit the remote region. We have made formal contact with the Office of Local Government to discuss that.

We also have an agreement from the APY executive to engage in discussions about changing the nature of the APY executive into a form of local government in itself. We are looking at how that would relate to the area of outback development trusts. In reporting on progress made within the outer metropolitan area, that is, Fleurieu Peninsula, the Alexandrina council area and the southern metropolitan council of Marion, the local organisations that are connected with the metropolitan areas—the Kaurna, in the south and the Naranagerri—have been able to loosely affiliate those organisations to become one body. This has been a slow but fruitful process.

We have models that we are trying to put in place informally, but at some point we will put a formal structure together where local government resources can be shared with Aboriginal communities in a meaningful way. In Port Augusta there is a local Aboriginal structure put forward to engage local government there. We first looked at it in order to encourage Aboriginal people to go into local government and then report back to their communities or to encourage them to form bodies of their own to engage local government separately but in partnership. Basically, that is the model we are using in Port Augusta; that is, to get the people of Davenport and the Aboriginal people in Port Augusta to loosely form an organisational structure that can engage local government and express their priorities in respect of how rates are spent, not only on Aboriginal issues but also on broader community issues in joint partnerships. It attracts commonwealth and state funds while we are able to do that.

The challenge is there, and the honourable member has outlined in a very structured way the opposition's views. We agree with those views expressed in total, even though we may disagree about the details. I believe it is a very exciting time for us as legislators to work together to try to bring about the outcomes expressed in the honourable member's question.

FREEDOM OF INFORMATION

The Hon. A.J. REDFORD: I seek leave to make a personal explanation.

Leave granted.

The Hon. A.J. REDFORD: Earlier today in another place the Minister for Urban Development and Planning made a statement about some matters which I raised. It was suggested by the minister that a freedom of information application that I issued and which was the subject of questions in another place yesterday sought access to the following:

> . . . documents concerning the Economic Development Board made since the commencing operation.

In fact, Mr President, that was a freedom of information application which I issued in November 2002. The freedom of information application referred to yesterday and today by the minister was a freedom of information application that I issued on 2 September 2003, nearly 12 months out, in which I sought documents about the Economic Development Board and to which was attached a schedule of specified individual documents. In the minister's answer he sought to suggest that I, in advising and giving information to the Leader of the Opposition, misled the leader by not providing the full quote and that the use of the word 'instruct' was merely advisory. Jay Weatherill said—and he called me Angus Redford in another place, and I am annoyed about that—

An honourable member interjecting:

The Hon. A.J. REDFORD: We will call each other honourable or we will call each other by our names.

The PRESIDENT: We will comply with the standards of the Legislative Council.

The Hon. A.J. REDFORD: It is probably a matter that I should raise with the Speaker. In any event, he indicated that I had not provided the full quote and that the use of the word instruct was merely advisory. First, the leader and *The Advertiser* were given the full text of the letter. Secondly, in his statement the minister conceded that the letter was prepared by lawyers. He knows that I am a lawyer and he is a lawyer himself and as such he would be aware that the use of the word instruct in that context is a direction. In another part of the letter the word used was 'guided'. That is the difference.

Members interjecting:

The PRESIDENT: Order! Honourable members are well aware that personal explanations are about issues that have taken place where they have been misquoted and where they can correct them. They are not to debate the issue. The Hon. Mr Redford can continue where he is misquoted and correct the record. He will cease to debate the issue.

The Hon. A.J. REDFORD: I apologise if I have offended against standing orders. In another place the implication was that I had used the word 'instruct' in an incorrect way and had failed to consider the full context of the letter. In that respect I point out that there are other parts of the letter which, rather than use the word 'instruct' in the context of Mr Worrall's activities, use the word 'guide'. I believe that I was entitled to believe that the word instruct meant what it says—instruct.

Members interjecting:

The PRESIDENT: Order! All honourable members will conduct themselves in an orderly manner and, in particular, I ask the Hon. Mr Redford to stop beating the furniture.

MATTERS OF INTEREST

RIRDC RURAL WOMEN'S AWARD

The Hon. CARMEL ZOLLO: It was my great pleasure to announce the 2004 RIRDC Rural Women's Award on 10 February. The RIRDC Rural Women's Award began in 2000 with the objective of increasing women's capacity to contribute to agriculture in rural Australia by providing them with the support and resources to further develop their skills and abilities. The two finalists this year were Jeanette Long and Laura Fell. Their great stories were told on the day. They were real-life stories about two women who are making a substantial contribution to their industries as well as their communities.

The winner, Jeanette Long, received a bursary of $15 000 to help fulfil her personal vision of establishing Women Embracing Agriculture Together, an informal agricultural business training project to empower women grain growers to achieve change through participation in strategic learning groups. Jeanette Long owns and manages three very different agricultural businesses in partnership with her husband, Bill. These include a cropping and sheep property, Cooinda, on Yorke Peninsula; Clairvale Estate Vineyard in the Clare Valley; and Ag Consulting Co. Pty Ltd, a farm advisory, research and training business. Her pilot project will establish a group of 12 to 15 women who will meet five to six times a year. A professional female facilitator will facilitate the group and the initial workshops will cover topics such as strategic planning, team building exercises and a skills audit. The project is not designed to create a new organisation or formal group; it is designed to enhance the skills of women in grain-growing enterprises.

The other finalist, Laura Fell, in partnership with her husband, is a contract chicken meat producer farming at McLaren Vale. As the runner up, Laura received $5 000 in financial assistance for her project. She will be putting her bursary to good use to encourage the engagement of Australian expertise in the delivery of trade services and research in Iraq as well as acting as a role model to facilitate the building of cross-cultural information networks for agricultural women in both South Australia and Iraq.

On the day I was pleased to say that governments have been formally recognising the role women play in rural communities and the primary industries for over 80 years through PIRSA's support of the rural women's groups. It is worth noting that women are increasingly being recognised for their economic contribution to rural communities and primary industries in addition to the significant social contribution that they make. Despite the fact that there is some way to go before we have increased the number of women on boards and committees to the government's committed level of 50 per cent by 2006, we should still be pleased by how far we have come over the last decade.

The RIRDC Awards were built on the success of the ABC Radio Rural Women's Award. As a result, the government, through PIRSA, strongly supported the development of an award that built on the ABC award. Whilst the award is a national RIRDC project, it is supported by PIRSA, by the organisation of the state selection and the function presentation. The RIRDC Award recognises the need to consider experience, current commitment and the potential of women to contribute to primary industries, agribusiness and resource management.

I would like to acknowledge all those who have been involved in this award as winners, finalists and applicants over the last nine years—their contribution is significant. I know that over the next twelve months we will be hearing more about Jeanette Long and Laura Fell as they continue their work in industry, natural resources management and rural communities. The awards are about supporting women who have a strong and positive vision for the future and providing them with an exciting opportunity to develop their skills, talents and leadership, and to make a difference.

The RIRDC Award highlights the roles of women who are inspirational in their commitment to rural communities, primary industries and natural resource management. The awards recognise and empower not only the two finalists but also the many women and the community in general who benefit from their talents. Ultimately, our state benefits socially and economically. Congratulations from the chamber to Jeanette Long, winner of this year's award. I know that I am joined by the Minister for Agriculure, Food and Fisheries, the Hon. Paul Holloway, in adding his congratulations.

LABOR GOVERNMENT

The Hon. D.W. RIDGWAY: I rise today to speak of the impending cabinet reshuffle of the Rann Labor government. Glancing over at the political candidates for promotion, and indeed those who may be in line for demotion (otherwise known as Michael Wright) I thought it timely to offer some advice to the Premier and his factional heavyweight, Pat Conlon. I think that one of the obvious candidates for promotion to the Labor front bench would have to be the member for West Torrens. As a former transport worker, he is uniquely suited to sitting and discussing the topical issues of the Transport portfolio. Another candidate for promotion is the member for Enfield. As the only person in the Labor party who understands that a single desk is something other than where you stand to collect your lunch, he would probably be an improvement on the current primary industries minister. Maybe he and the Hon. Carmel Zollo could flip it, for such is the scant regard that the Labor party holds for the rural sector.

Now that he has finished sowing his wild oats, I am sure that the member for Elder would have much more time to devote to the Attorney-General's portfolio; in fact, he performed so well in the Police portfolio that they took it away from him, which obviously left him red-faced. I also have a feeling that the Hon. Gail Gago would be a big help for the Hon. Stephanie Key, the Minister for Social Justice, who will surely take on health given the current minister's ailing performance.

When scraping the bottom of the barrel in terms of ministerial talent, the possibilities are endless, with such policy heavyweights as the Hon. Bob Sneath and his sidekick the Hon. John Gazzola waiting in the wings. As I indicated, Michael Wright has been a disaster in transport and industrial relations. The Hon. Lea Stevens has not been in the news lately only because Michael Wright has beaten her to it when it comes to the bungling around in his portfolio. Pat Conlon has lost the Police portfolio; and nobody has been able to speak to the Minister for Tourism, not because she is unapproachable but because no-one as yet has been able to interrupt her. On a more serious note there are some tremendously important issues facing the people of South Australia. The plain and simple truth is that the ministers in the Rann government have given them mere lip-service.

The WorkCover Corporation lurches from one crisis to another under the current minister. From ballooning unfunded liabilities to allegations of stalking and police investigations, the minister cannot keep his nose clean. Then there is the handling of industrial relations. The Hon. Terry Stephens, in a question yesterday, outlined how dismally the minister had performed. Today I read that the Public Service Association will go on strike for the first time in 20 years. In fact, massive public sector strikes are occurring in Victoria and New South Wales—both under Labor governments. In broader economic terms—

Members interjecting:

The PRESIDENT: Order! I know that during matters of interest honourable members sometimes stray. I allow greater flexibility in matters of interest than normal but the honourable member has referred to a number of ministers. He has breached standing order 193. As it is matters of interest, the standing orders prevail. Objectionable and offensive words are only to be uttered, as the honourable member has been here long enough to know, on the basis of a substantive motion. It does not prevent you from making observations about performance, but you do need to comply with the standing orders, especially standing order 193. I am sure that you will take that into consideration during the rest of your contribution.

The Hon. D.W. RIDGWAY: —the South Australian economy has lost 4 500 jobs since June last year. This is particularly concerning given that the national unemployment figures, under the steady leadership of the Howard government, have fallen. South Australia is tending towards higher unemployment in an unprecedented time of economic boom. What awaits us when the national economic boom can no longer carry South Australia due to Labor's glib economic policy? The Rann government is the highest taxing government in South Australia's history, with a massive 21 per cent increase in taxation revenue since coming to office. They have introduced a raft of new taxes and charges, breaking one of their key election promises. So far they have made no apology for this disgraceful record on tax relief. This is not economic policy: it is just plain, old-fashioned, socialist dogma.

The Treasurer, the Hon. Mr Foley, claims that he is protecting the strong economy, but not by reducing taxes. As we can see, the economy is turning sour. Still he sucks more money out of people's pockets and the economy through taxation. Remarkably, the former Liberal government managed to overcome the worst economic conditions ever after the Labor Party's last effort at government. South Australia managed to out-perform the rest of the country in key areas and maintain budget surpluses without massive taxation increases. The Labor Party has no plan for its own future, let alone for that of South Australia.

WOMEN'S SUFFRAGE

The Hon. G.E. GAGO: Now for something sensible and interesting. I would like to talk about the centenary of women's suffrage which was celebrated on 16 December—

The Hon. CAROLINE SCHAEFER: I rise on a point of order. That is an opinion, sir.

The PRESIDENT: You are allowed to have an opinion in matters of interest.

The Hon. G.E. GAGO: Thank you for your protection. One hundred years ago, on that date, most Australian women voted for the first time in a federal election and were able to stand for election. Australia was the first nation in the world to give most women, with the exception of indigenous women in some states, both these rights. We should be proud of those achievements of our pioneer mothers that helped to create the democratic foundations on which our country has been built. We must never forget the dedication and achievements that Australian women have put into suffrage campaigns—especially our pioneers Catherine Helen Spence, Mary Lee and Elizabeth Spence Nicholls—and many others who have made a tremendous contribution to democracy here in South Australia and also around the world.

Their aim was to liberate women to have a voice in government, education and the workplace and to have choices in determining women's roles in society. A great deal has been achieved. We must continue to inspire and educate our new generation of women that the celebration of the women's suffrage movement is a vital and significant part of our history to be celebrated by all.

We have come a long way in the past 100 years. It is unfortunate, however, that, while legislatively women cannot be discriminated against, often their circumstances mean that they cannot participate in society or the workplace as freely as their male counterparts. Statistics show that we as a society still have a way to go to be able to claim equity between the sexes.

The Equal Opportunity for Women in the Workplace Agency has undertaken a census that determines the status of women in most senior leadership positions in the top 200 organisations listed on the Australian Stock Exchange. The 2002 census highlights the under-representation of women in Australian leadership positions in the private sector and the subsequent under-utilisation of the talents of Australian women who make up 44.6 per cent of the total work force. The census revealed that women hold just 9 per cent of executive management positions; 49 per cent have no women executive managers; and 47 per cent have no women on their boards. Our campaigns must continue to make sure that the position of women in South Australia moves forward towards genuine equity.

Let us now look at how much the current federal government has contributed to gender equity in this country. In less than eight years the Howard federal government has, first, managed to oversee the decline in pay equity between men and women. Women's total wages are now less than 65 per cent of total male earnings. Secondly, it has refused the introduction of paid maternity leave, a decision that was recently condemned by the newly appointed Chief Executive of the Australian Industry Group, Ms Heather Ridout, who was quoted in *The Advertiser* yesterday as urging the federal government to lift its 'pathetic' performance on work and family issues.

The Hon. T.G. Cameron interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: The federal government has also decreased funding per child care place and it has tried to abolish the sex discrimination commissioner. It has also overseen an industrial environment where women are increasingly under-employed and unwillingly placed in casual labour. Such is its commitment to the agenda for women in Australia, so it is little wonder that its commitment to celebrating the centenary of women's suffrage, even though it had 100 years' notice of the event, was such that it was unable to deliver the commemorative monument on time. What a disgrace! What an embarrassment to the country! What an insult to women!

The Australian government will celebrate the centenary of women's suffrage by minting for general circulation a commemorative $1 coin. It will also build a permanent artwork in the form of a fountain located in Canberra. One cannot help but feel these to be fairly tokenistic efforts. It is important that Australia celebrates and honours the suffragettes. It is also time for our federal government to take seriously the role that women play within our communities, support them in their invaluable contribution in their roles as workers, mothers, carers and volunteers, and facilitate public policy that supports the integration of work, family, community and democracy.

ORGAN DONATION AWARENESS WEEK

The Hon. J.F. STEFANI: Today I wish to speak about Organ Donation Awareness Week, which was commemorated last Sunday at the Gift of Life Garden, Flag Plaza, Port Road, Hindmarsh by the Minister for Health, the Hon. Lea Stevens MP. The Gift of Life Garden was originally dedicated on 25 February 2001 by Sir Eric Neal, then governor of South Australia, and launched by the Hon. Dean Brown MP, the former minister for human services. I was privileged to be involved in establishing the Gift of Life Garden and to be invited again to attend the special annual ceremony.

Each year in February at the commencement of Australia's Organ Donation Awareness Week, donor families gather at the Gift of Life Garden to plant a rose bush in a special garden area marked with a plaque, which has been dedicated as an expression of gratitude and to pay tribute to the many organ donors and their families for making a new life possible. So far, five new rose bushes have been planted at the Gift of Life Garden. All rose bushes are growing vigorously and symbolically represent the gift of a new life that has been made possible through the transplantation of organs and tissues generously donated by many organ donors and their families who made a life-giving decision at a time of great personal loss.

Since the inauguration of the Gift of Life Garden, many donor families and recipients have attended this annual ceremony to share with each other in a most dignified and sensitive manner their personal experience about the most precious gift in the world which someone could give and which someone has received. When speaking to many donor families, I know that they still experience great pain and deep emotions at the loss of their loved ones. I also know that many of them find personal comfort in the knowledge that the extraordinary gift from their beloved family members has given a new chance of life to many others.

Over the past few years I have been fortunate to attend a number of national forums on organ and tissue donation, and each time I attended these forums I became much more aware of the importance of organ and tissue donation and the funding and technical difficulties faced by the expert transplant teams who work in our major hospitals throughout Australia. Among topics considered at the third national forum was a possible expansion of the donor pool by the use of marginal donors. The keynote speaker was Dr Lawrence Hunsicker, a specialist physician and surgeon from the USA, who discussed the equitable and accountable distribution of available donated organs.

As we all know, organ and tissue donation is one of the great gifts that we can make as human beings. This is either the gift of continued life or the gift of regained quality of life, usually made to a complete stranger and when the donor's own life ends tragically and unexpectedly. The fact that organ and tissue donation occurs is a measure of the compassion and generosity of individual Australians, so it is heartening that this compassion is more broadly reflected in the strong support for the concept of organ donation in our community. I believe this support reflects well on Australia as a caring society and also reflects an impressive goodwill in the community to raise the rate of organ and tissue donations from the very low level we are currently experiencing.

Unfortunately, there are many thousands of Australians who are on waiting lists for an organ transplant, some of whom will die without a suitable donor being found. There are clearly enormous benefits to be realised in terms of saving life and restoring quality of life if we can raise the organ and tissue donation rate. At the same time, I firmly believe that we have a responsibility to look behind this simple statistical requirement and examine whether current processes are in line with community expectations and reflect our values as a decent society through appropriate respect for everyone involved in the donation process.

The decision to donate is the key that unlocks life itself for the people who need a transplant, yet this is an intensely personal decision for the potential donor and their family. If we are a caring society, rather than focusing on improving donor statistics as an end in itself, we will support the decision made by potential donors and their families in a way that accords everyone involved the dignity and compassion they deserve, irrespective of whether their decision is for donation or against donation. We have a duty of care to ensure that potential donors and families receive respect, support and high quality information and advice so they can make a well-informed decision. It is my belief that our community has firm views concerning the importance of consent in the treatment of human organs and tissues.

Time expired.

GRAHAM 'POLLY' FARMER FOUNDATION

The Hon. IAN GILFILLAN: I wish to talk about the Graham 'Polly' Farmer Foundation and indicate that it is my earnest wish that we get an enterprise under the Graham 'Polly' Farmer Foundation instituted at Port Augusta. The foundation is a not-for-profit organisation that works in partnership with community and industry organisations to assist indigenous students to reach their potential. It was founded in 1995 by a group of people who were inspired by Graham Farmer's vision to improve opportunities for young Australians. They included prominent Australians from indigenous and non-indigenous backgrounds such as the Hon. Fred Chaney AO, indigenous educator Mary O'Brien, and former High Court judge Sir Ronald Wilson.

Current office bearers are Graham ('Polly') Farmer, one of Australia's finest footballers, who played 392 league games between 1952 and 1971 and is the foundation's patron. As I am sure all honourable members know, he is an Aborigine. The foundation's President is former High Court judge, the Hon. John Toohey AC. Previous federal government Aboriginal affairs minister Fred Chaney is the foundation's Deputy President. The Executive Officer and Treasurer, John Cunningham, has overseen the development of the foundation since 1995 and has had more than 30 years of senior experience in the mining industry and working with indigenous people.

The foundation has a track record of successful projects and has already assisted in the establishment of partnerships

between private companies, government organisations and Aboriginal communities in several projects in Western Australia (and this is a key ingredient of these programs). Port Augusta would be the exciting first such project for South Australia. The first project in WA, the Karratha-Roebourne project, is considered to be a resounding success, with indigenous students graduating from secondary school and progressing to university, TAFE studies or the work force in unprecedented numbers. The other more recently established projects are also progressing successfully.

I will give some detail of the first program. Before the project started, only three indigenous students had graduated from Karratha senior high school. No indigenous student in the area had entered university. Employment of indigenous people in apprenticeships and traineeships in private enterprise was negligible, and the statistic state-wide was that only 4 per cent of indigenous students reached year 12. The absentee rate of indigenous students was four times higher than for non-indigenous students. By December last year, of the 83 students who had been involved in the project since 1997, eight students had achieved a score high enough for direct university entrance and embarked on university courses, 18 students had entered into traineeships and apprenticeships, one had entered full-time employment and one had entered a full-time TAFE course.

I will not go through all the details but it is certainly a record of resounding success. They have been awarded engineering scholarships and centenary of federation scholarships; and, as they say, the flow-on effect is evident with other students in the area showing increased commitments to education. The commonwealth Minister for Education, Training and Youth Affairs said in 2000 that this is 'The most successful indigenous educational model I have seen.'

It is with enthusiasm that I inform the council that, from discussions with the community in Port Augusta, there is quite clearly tangible support by the people who are involved there, but it is quite exciting for me (and of great significance, I am sure, to members in this place) that the minister, the Hon. Terry Roberts, and his adviser, Richard Mills, have visited this particular project, and I do not think I misquote them in saying they are both avid supporters of it and have involved other ministers, in particular, the Minister for Education and the Minister for Further Education.

There is momentum in the government, and I believe that it is important that we get community support for it. This may well be the first of many such projects started in South Australia. I have approached many of the commercial ventures (mining companies) in the area, and had have had very strong interest. The next step will be support. I do not believe that support will be really firmed up until the government has made a commitment, but I am pleased to feel the support that we have from the minister and his staff and am confident that we will have a Polly Farmer foundation project started in Port Augusta soon.

CITY SITES PROGRAM

The Hon. A.J. REDFORD: Today I would like to speak about a wonderful South Australian program for young artists known as City Sites, which is just one of the great programs driven by the South Australian Youth Arts Board and Carclew Youth Arts Centre. City Sites is a public art employment and training program providing young artists aged between 17 and 26 years with training and mentoring from professionals while creating public art works for real clients. The project runs for four weeks in January each year. One week is spent designing, then three weeks are spent in production. The participants use a variety of mediums and develop skills in working to a brief and consulting with clients to create commissioned public art works. In the last eight years, over 200 young South Australian artists have been involved and benefited from this unique program. Art works created include murals, public benches, mosaic pavers, banners and much more. There is a 24-piece mural mosaic ticket box at the Salisbury interchange, a 4.5 square metre mosaic ground cover in the City of Unley, two benches created as a memorial at the Salisbury interchange, the painted Glenelg tram and a mural series at Noarlunga train station.

Two weeks ago, I was delighted to attend the launch by the Hon. John Hill of City Sites 2004 in the city and also the launch of the mural at the train station at Noarlunga a few days later. I was stunned by the wonderful mural, which has captured the energy and passion of the young people of the southern suburbs. I met with some of the artists and participants, who told me about their participation and the benefits both personally and professionally of being involved with their peers and mentors in designing and producing creative public pieces of art as engaged by various agencies. The work is of a highly professional standard, and South Australia is fortunate to have such gifted, artistic young people.

Indeed, the most significant thing I learnt during that visit is that, where these young artists paint murals and other public art, graffiti no longer appears. Indeed, it might be that the cheapest way to get rid of graffiti in this state would be to significantly increase funding to Carclew to enable this program to be extended so that we can see our young people's skills and abilities appear on all sorts of public infrastructure such as railway stations and the like.

The Hon. Ian Gilfillan: Have you only just discovered that?

The Hon. A.J. REDFORD: No, I have known that for some time, but not all members are as enlightened as the Hon. Ian Gilfillan (who, at his age, occasionally forgets things as well). In any event, I congratulate the minister on saying on that occasion that he would encourage all other government agencies to sponsor young people in relation to public art appearing on public infrastructure.

Just as importantly, I also commend the councils and institutions which have the foresight to commission public art works by young artists as well as their key strategic partners—the Office of Public Transport and the Adelaide City Council. I applaud the good work that continues to come from the South Australian Youth Arts Board and, in particular, the Carclew Arts Centre and its director Jessica Machin. Together they provide so many great programs for the young people of South Australia—Come Out 2003, Patch Theatre, Off the Couch, Music Viva in schools, and Active8 are just some that come to mind. Indeed, in my view, they come into contact with as many people in the community as just about every other artistic endeavour that this government and previous governments have sponsored. There are programs throughout regional South Australia to encourage young people to be creative and develop life skills through the arts.

The Youth Arts Board grants program also provides funding for a variety of arts activities for the young, and last financial year $110 000 was given to assist young artists around the state. Indeed, I would not use just the word 'given': I suggest the term 'invested in young people' is more

appropriate. Our reputation as a breeding ground for new artists continues. We have some extraordinarily talented young artists in this state, and a fine youth arts organisation in Carclew that supports them. I congratulate all those people who have been involved in that magnificent program and look forward to further opportunities to observe their talent.

DNA TESTING

The Hon. T.G. CAMERON: I rise to speak about the issue of DNA testing. When applied in a non-political, objective, ethical and scientific manner, DNA testing is perhaps the greatest tool we have in determining the guilt or innocence of criminal suspects. However, when the tool is misapplied because of junk science, false and misleading testimony, denial of access and undue pressure to gain a conviction, then the technology can lead to a denial of justice.

DNA testing has been used to exonerate people wrongfully convicted, as well as catch out some of the most heinous criminals of our day. It has also been misused to gain improper convictions and deny justice and a fair go to those wrongly convicted. While DNA tests may be scientifically accurate, the way in which they are applied and tried in court may not be so objective. Indeed, denial of access to DNA testing itself to prove innocence can mean a continuation of wrongful imprisonment.

From July 1973 to July 2003, 131 people in the United States have had their convictions overturned, thanks to post-conviction DNA testing, including people on death row. For example, Marvin Anderson was convicted of rape and sentenced to 200 years' imprisonment in 1983. He was released on lifetime parole in 1998. In 1988 another person confessed to the crime of which Marvin Anderson was convicted, but the judge refused to overturn the conviction. Anderson sought DNA testing and was frustrated by the state at almost every turn. He was told that DNA samples collected from the victim were destroyed. Some were later found and in 2001 his innocence was proven, as the DNA just did not match. However, the DNA did match for the person who confessed to the crime back in 1988. Scientific advances in DNA testing that could have proven Anderson's innocence were denied to him.

We have a principle in the common law that justice must not only be done but it must be seen to be done; and how can justice be seen to be done if the state is seen to be covering up its own mistakes? But closer to home the politics of DNA testing have led also to wrongful convictions. This has been blamed on gung-ho prosecutors succumbing to the politics of prosecution, for example, in the convictions of Frank Button and Mark Retton in Queensland. Selective testing, false and misleading testimony and junk science were applied in these cases. DNA testing changed from an objective fact finding matter to a tool of prosecutorial politics. The concept of the 'whole truth' went out the courtroom window.

What these cases show is that, while the focus of the Rann government on DNA management may be on the populist idea of catching and punishing criminals, there is a higher principle at stake and the government is walking down a very dangerous path. It may be politically convenient to have a 'lock them up and throw away the key' mentality, but if that is the case then we must also have the most thorough, rigorous and up-to-date tools for proving guilt and showing innocence.

We must always remember that when we are playing the justice game we are playing with peoples' lives. To take away a large chunk of an innocent person's life in the name of getting results is as big a crime as the original crime itself. With DNA testing all people have a chance to prove their innocence or be shown their guilt, but only if the system is applied in a scientific manner, the testing provided in an objective way and the system geared to proving the truth rather than gaining a conviction.

We all know that we have a law and order loving government. It does not need to 'sex up' DNA testing. I would much rather see it used as a practical example of commitment to the ideals of justice, truth, fairness and integrity in the criminal justice system. We must admit that our criminal justice system is fallible and uses DNA testing to make it more certain, but this will happen only if DNA testing is widely available to both the accused and convicted alike, and only if the focus on that testing is finding the truth and achieving justice—how ever inconvenient or unpopular that may be.

LEGISLATIVE REVIEW COMMITTEE: CONTROLLED SUBSTANCES ACT

The Hon. J. GAZZOLA: I move:

That the report of the committee on regulations under the Controlled Substances Act 1984 be noted.

First, I wish to advise that I was not a member of the committee and, therefore, did not hear the evidence. However, once appointed to the Legislative Review Committee I familiarised myself with the evidence and the discussions taking place. The Controlled Substances (Expiation of Simple Cannabis Offences) Regulations 2002 came into effect on 1 September 2002 and specified a one plant limit under the cannabis expiation notice (CEN) scheme. The committee called the following witnesses to assist with its inquiries: Dr Kevin Bucket, Chairman of the Controlled Substances Advisory Council, Department of Human Services, on 10 July 2002; and Chief Superintendent Denis Edmonds, a member of the advisory council on 23 October 2002. Mr Edmonds provided additional information to the committee on 22 and 28 October 2002. The committee also asked the Minister for Health to provide minutes of the meeting of the Controlled Substances Advisory Council, which was held on 19 September 2001, and details of submissions that had been made to it in relation to the plant limit. It also invited Hemp SA Incorporated to make a submission, which was provided on 20 August 2002.

The committee produced both majority and minority reports on these regulations. The majority comprised the Hon. Angus Redford MLC, Dorothy Kotz MP, Mrs Robyn Geraghty and me. The majority found that the regulations conform with the committee's principles of scrutiny. The executive summary states:

The majority of the committee found that the Controlled Substances (Expiation of Simple Cannabis Offences) Regulations 2002 did not breach any of its principles of scrutiny. It considered three principles, in particular:

- whether the regulations are in accord with the general objects of the enabling legislation;
- whether the regulations are in accord with the intent of the legislation under which they are made and do not have unforeseen consequences;
- whether the regulations contain matter which, in the opinion of the committee, should properly be dealt with in an act of parliament.

In relation to the first two, the majority found that a one plant limit is not contrary to the general objectives of the Controlled Substances Act 1984, which include helping people to avoid the stigma of a criminal conviction for minor cannabis offences and alleviating congestion in the court system. It also found there was no breach of the third principle, as the regulations are an effective mechanism for adjusting the plant limit under the cannabis expiation notice (CEN) scheme. The majority noted, however, that any further reduction in the plant limit should be most appropriately implemented by an act of parliament.

It noted evidence from the Controlled Substances Advisory Council that one plant would produce 500 grams of dried cannabis, which is enough for a daily user over a 12-month period. Consequently, private users could expiate the offence under the CEN scheme to avoid criminal prosecution. This is consistent with the scheme's objectives. The majority noted that the CEN scheme strikes a balance between protecting the community from the harmful effects of cannabis and enabling offenders to avoid criminal prosecution. It also noted the importance of community education. Currently, there is a misconception that cultivation or possession within the limits of the CEN scheme is legal. In fact, it is illegal, although a fine would apply in the first instance.

The majority recommended that no action should be taken on the regulations. It also recommended that any further reduction of the cannabis plant limit under the CEN scheme should be undertaken by an amendment to an act of parliament. I commend the report to the council. Finally, I thank the members of the committee for their diligence and cooperation, even though there are majority and minority reports. I especially wish to thank the staff of the committee, including the secretary, Mr Peter Blencoe, and the research officer, Mr George Kosmas, for their work on the report.

The Hon. IAN GILFILLAN secured the adjournment of the debate.

ECONOMIC DEVELOPMENT

The Hon. SANDRA KANCK: I move:

> That this council notes the failure of the Minister for Infrastructure to develop and implement a strategic plan for the maintenance and enhancement of South Australia's infrastructure as outlined by the Economic Development Board in its report, 'A Framework for the Economic Development of South Australia'.

This motion asks this council to consider the performance of the Minister for Infrastructure in developing South Australia's infrastructure base. Since being appointed, with great rhetorical flourish, in May of last year, the minister has been missing in action. When the Premier made the appointment he said that the new portfolio would be dedicated to changing the ad hoc approach to development of infrastructure in South Australia, and to facilitate this outcome a 'powerful' new Office of Infrastructure would be created. The creation of an office of infrastructure was one of they key recommendations of the Economic Development Board's report, 'A Framework for the Economic Development of South Australia'.

Upon its unexpected assumption to office, the Rann government moved quickly to establish the Economic Development Board. Robert Champion De Crespigny was appointed as chair of the board on 22 March 2002; by April the full board was announced; and in November of that year an interim report was released. In May 2003, the board released its economic blueprint for the future. The board devoted an entire chapter of the report to the issue of South Australia's infrastructure base. It said:

> Maintenance and enhancement of South Australia's infrastructure is essential if the state is to retain and improve its high quality of life. . . government continues to have the crucial role of coordinating and delivering infrastructure for the state.

The Democrats could not agree more, and that is why I have moved this motion. In the light of these recommendations, where is the blueprint for the development of South Australia's infrastructure?

The board had an interim report out after just six months, yet a search of the public record shows that, eight months after he was appointed, there was not even a statement from the Minister for Infrastructure on his role or that of the Office of Infrastructure. Indeed, Patrick Conlon has issued just one media release as the Minister for Infrastructure. That dealt with the setting up of the so-called private-public partnership to construct a number of courthouses and police stations in regional South Australia. So, ironically, the one public announcement from the Minister for Infrastructure is a breach of the ALP's electoral pledge to end privatisation. Further, a search of the Office of Infrastructure's web site turns up a small collection of releases and a statement on the gas crisis and nothing else—no publications, no plan, no blueprint, no framework for development.

The Hon. R.I. Lucas: He is lucky he had a gas crisis.

The Hon. SANDRA KANCK: I guess that is one way of looking at the gas crisis. The Hon. Mr Lucas said he was lucky that we had a gas crisis because it gave him the opportunity to put out his one media release. The Rann government does have a history of creating spurious ministries to reap an electoral advantage: I mean, we have a Minister for the Southern Suburbs; and I wonder why. It is due to the fact that before the 1997 election the ALP were in the electoral wilderness south of Darlington and they desperately needed to reclaim some of those southern metropolitan seats if they were to return to government, hence the pledge to create a minister for the southern suburbs. However, the new portfolio and Office of Infrastructure cannot and must not be electoral window-dressing. The Economic Development Board is correct; that is, the task of getting our infrastructure base right is vital for the economic prosperity of this state: it is the bedrock on which that prosperity will be built.

Energy is the perfect case in point. The board notes energy infrastructure is an important issue confronting the state. There is no doubt about this, but the Rann government has done little on this front, despite presiding over surging domestic prices on electricity. It has largely pinned its hopes on an increase in competition in the electricity retail sector as a means of reducing prices. That is a laughable position for a social democratic government with a privatised electricity industry and the most expensive electricity of all mainland Australian states. The whole system must be reviewed. The need for extra competition in generation should be at the top of the state government's energy infrastructure plan, if it had one, yet the little new capacity coming into South Australia is either via a regulated interconnector and expensive, or wind power and not always producing the power when we need it most. After two years as energy minister and eight months as infrastructure minister, Patrick Conlon still has put no plan on the public record.

The board also identified water as a critical infrastructure issue. Again, I concur. River Murray salinity, drinking water for Adelaide, continued and growing problems with stormwater run-off and an ageing network of pipes which regularly burst are difficult issues in need of detailed consideration and

a plan, yet we have heard nothing from the Minister for Infrastructure. Indeed, aside from the River Murray levy (which the Democrats have supported), the state government's main contribution in this area has been the release of the waterproofing strategy, which has canvassed amongst the more interesting suggestions nonsense such as towing icebergs from Antarctica, and it is still at least 12 months from finalisation.

The problems plaguing our transport system are another case in point: growing road congestion, run-down public transport systems, the shabby state of the Keswick train terminal are but a few of the issues confronting our transport system. A draft transport plan was issued in May last year; we still do not have the final version. What does the Minister for Infrastructure think of that draft transport plan? What components of the plan interlock with his infrastructure blueprint? How will it connect with urban development? As a senior minister in the Rann government and the Minister for Infrastructure, Patrick Conlon has to be the one to draw together the various ideas emanating from government departments into a coherent whole. That is the task the Economic Development Board has set for him and that is what he should deliver to the people of South Australia.

I acknowledge that a number of substantial infrastructure projects have been finalised or advanced under the Rann government: the Adelaide to Darwin railway, the SEAGas pipeline and the redevelopment of Adelaide Airport, but these projects predate the Rann government's coming to power. Its own list of infrastructure projects from last year's state budget are decidedly modest and most of them have not shown anything.

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

The Hon. SANDRA KANCK: That is very likely the case. I suspect the dead hand of Treasury is at play here. The Treasurer's search for a AAA credit rating must not be allowed to stymie prudent investment in this state's infrastructure. In that belief, I have the support of the Economic Development Board. In five weeks' time, South Australia will revisit last year's economic growth summit one year on. The Minister for Infrastructure will have to get his act together in the next five weeks, otherwise he will have to resort to pulling rabbits out of the hat. The rabbits of South Australia have been forewarned.

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

WINE EQUALISATION TAX

Adjourned debate on motion of Hon. Carmel Zollo:

> That this council notes the difficult financial situation facing many small wineries and calls on the Howard Government to adopt federal Labor Party policy to replace the current state and federal rebates for cellar door and mail order sales with a wine equalisation tax (WET) exemption for all wineries set at an appropriate threshold, expressed in litres, for domestic sales.

(Continued from 18 February. Page 1006.)

The Hon. CARMEL ZOLLO: When I last spoke on this motion I mentioned that the Winemakers Federation of South Australia had prepared an excellent kit seeking support to secure a sustainable future for the wine industry. In relation to high tax inhibiting growth, the federation points out that wine sales face higher taxes in Australia than in any other major wine producing country, with more than $1 billion in tax collected through the combined effects of the WET and the GST. It adds that, in an industry where unit costs decrease significantly with scale, the tax level inhibits growth and therefore directly limits the number of wine producers able to achieve more efficient scales of operation.

As to be expected, the federation believes it is indicative of the lack of support offered by governments to the wine industry. In relation to the proposed quantity of the 600 000 litre exemption, the kit explains that 600 000 litres of domestic sales represents a wine grape crush of approximately 1 000 tonnes. I understand this level is widely accepted as a definition for small to medium winemakers, and apparently that exemption on the first 600 000 litres will allow nearly all small and medium wineries to trade without the impost of WET, while preserving the overwhelming majority of the government's WET revenue.

I know that some people have questioned the issue of uniformity in relation to WET. The federation points out that the benefits to major producers are extremely negligible and that it is the very best way of avoiding the creation of a poverty trap that discourages growth if the exemption were provided only to wineries of a limited size. The underlying theme throughout this resource kit is that of growing regional Australia. So it serves to remind us that all wineries, regardless of size, are facing declining profitability: wineries that are substantial contributors to regional Australia.

As well, all components of the industry support this policy. The federation rightly points out that the larger producers recognise that small wineries are critical to maintaining the diversity, quality and innovation instrumental to the industry's success. It is worth quoting what my federal colleague the member for Kingston said in 2002 in speaking to legislation before the federal parliament. He said:

> After extensive consultation with the industry in all states Labor's wine tax committee found that there were two wine industries: small wineries with high cost structures and no economies of scale in either production or marketing; and, large wineries with very low cost structures and huge market power. The small wineries have been responsible for the resurgence of many country towns, regional areas and the imagine of the industry. The large wineries have led Australia's massive growth in wine exports. Each is dependent on the other. A wine tax that favours one group over the other would not benefit the industry as a whole.

This state government has already stated its commitment to this WET exemption. The other major wine producing states have similarly committed. I know I am joined by all honourable members in applauding that commitment and they will support this motion.

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

MAGISTRATES COURT

Order of the Day: Private Business, No. 9: Hon. J.M. Gazzola to move:

> That the Rules of Court—Magistrate's Court—under the Magistrates Court Act 1991 concerning pleadings, made on 18 September 2003 and laid on the table of this council on 14 October 2003, be disallowed.

The Hon. J. GAZZOLA: I move:

> That this order of the day be discharged.

Motion carried.

VICTIMS OF CRIME (STATUTORY COMPENSATION FOR VICTIMS OF CERTAIN SEXUAL OFFENCES) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 22 October. Page 435.)

The Hon. A.L. EVANS: Family First supports this bill. As the Hon. Robert Lawson pointed out in introducing it, this bill arises directly as a result of the bill introduced by Family First concerning the removal of the 1982 bar for the prosecution of certain sexual offences. The bill concerns those victims of certain sexual offences who were prevented from making a complaint by virtue of the 1982 bar but whose rights have since been recognised by the passing of the Criminal Law Consolidation (Abolition of Time Limit for Prosecution of Certain Sexual Offences) Bill earlier this year. The bill dealt with the issue of criminal prosecution of the offender. The bill currently before us deals with the issue of statutory compensation to the victims. Under it, the victims who would otherwise not have a right to make an application for compensation will now have that right, provided the offence falls within the definition of a relevant sexual offence.

A 'relevant sexual offence' is defined in the bill to mean an offence where an immunity from prosecution for offences existed immediately before the commencement of section 72A of the Criminal Law Consolidation Act 1935, because of the passage of time since its commission, but the immunity was abolished by that section. The Victims of Crime Act only applies to offences committed since 1 July 1978, so in real terms this bill provides for the right for compensation for victims of sexual offences committed between 1 July 1978 and 1 December 1982. These types of offences are placed in a special class with regard to the subject of requirements that differ from those set out under the Victims of Crime Act. Those requirements relate to time frames for making an application and burden of proof.

The bill states that a victim must make an application to the Attorney-General for compensation within six months after the commencement of the bill. The bill also provides that, if the person is not satisfied with the Attorney-General's response, they can make application for compensation three months after being notified of the Attorney-General's response. Presumably, this would not only be the case if they were dissatisfied because of a negative response from the Attorney-General but would also include dissatisfaction with the amount proposed by the Attorney-General. Under Clause 5 of the bill, the burden of proof for a victim to establish that a relevant sexual offence has been committed is on the balance of probability and not beyond reasonable doubt. I agree with the Hon. Robert Lawson that the reduced burden of proof is necessary. Successful prosecutions are less likely given the substantial passage of time since the commission of the offence.

I have concerns about the time frames proposed in the bill. I believe that six months is too short a time frame for a victim to make application to the Attorney-General, and I will propose an amendment during the committee stage which will extend the time limit to two years. Under the current act, victims have a time limit of three years to bring a claim for compensation from the time of the commission of the offence. Given the particular nature of these offences, I believe it is entirely reasonable that victims be given a significant amount of time within which to make application. A time limit of two years is comparable to the time limit which currently exists in the act.

The bill does not state whether a subsequent application for compensation is to be made to the court or to the Crown Solicitor. Section 18 of the Victims of Crime Act provides that an application for compensation is to be made in the first instance to the Crown Solicitor. The bill is not clear and I believe this needs to be addressed during the committee stage. I have additional concerns about the three-month time frame within which to lodge an application after an unsatisfactory response from the Attorney-General. If an application is to be made to the courts, victims will need to assess their chances of success before making such an application which would involve obtaining legal advice. Instructions would need to be given to a solicitor and he or she would need time to formulate the claim.

Some victims may be living interstate or overseas and may not hear of the change to the law until it is too late. Given the seriousness of what they have been through, every person who misses out for this reason is one person too many. Family First has spoken to victim support services and advocates of survivors of child abuse. They agree that a time limit of two years from the passing of this bill and that a further six months for an application to the courts is entirely necessary. I intend to move these amendments during the committee stage, and I believe they will address my concerns. Family First congratulates the Liberal Party for introducing the measures, which are another step towards honouring these victims.

The Hon. NICK XENOPHON secured the adjournment of the debate.

LOCHIEL PARK

Adjourned debate on motion of Hon. Carmel Zollo:

> That the Legislative Council congratulates the government on retaining 100 per cent of the open space at Lochiel Park.

which the Hon. T.G. Cameron had moved to amend by leaving out all words after 'Council' and inserting the words:

> commends SPACE, Mr Joe Scalzi, member for Hartley, and the Hons Nick Xenophon, Andrew Evans and Sandra Kanck, MLCs for their contribution in maintaining pressure on the government to honour its pre-election promise to retain 100 per cent of Lochiel Park and that it congratulates the government for honouring 70 per cent of that promise.

(Continued from 3 December. Page 845.)

The Hon. SANDRA KANCK: I will be supporting this motion in its amended form, although I feel that I have been over-complimented in the amendment. My role and that of the Democrats has not been as significant as the Hon. Nick Xenophon's, for instance. During the state election, the Democrats came out strongly in support of all of the open space at Lochiel Park. I asked the odd question in parliament, once we had a Labor government in office, in order to put on the pressure to make it keep that promise. I attended a rally. I made the odd speech and, in fact, I supported the bill that the Hon. Nick Xenophon moved last year.

The reality is that the members of SPACE who led the protest should be given the congratulations. They took this and, like a terrier, they shook it around and they just did not give it up. I think that the government should be acknowledged for having finally got around to keeping its promise, but it had to be dragged kicking and screaming to keep it. For

that reason I am not happy to support the motion in its original form because it is so self-congratulatory. As far as I am concerned, if the members of SPACE had not maintained that pressure, we would now find that that land would all be carved up. The government kept a promise simply because of the pressure that was maintained from outside this parliament. I acknowledge all of those people—those MPs and the members of SPACE—for the work that they did; and I also acknowledge the government for finally getting it right. However, as I say, I do not believe that it would have done so without that pressure.

The Hon. J.M.A. LENSINK: I rise to indicate support for the motion as amended by the Hon. Terry Cameron. The Liberal Party is not supportive of the original motion as we believe that it misrepresents the facts. I highlight the relevant words of the Hon. Carmel Zollo's motion which congratulates the government on retaining 100 per cent of the open space at Lochiel Park. I state some of the facts for the record which may have been already put on the record but are worth repeating. On 8 February 2002, on the eve of the state election, Mike Rann made the following promise to the community:

> We intend to save 100 per cent of Lochiel Park for community facilities and open space, not a private housing development.

On 9 September 2003, a press release issued by the Minister for Infrastructure stated, 'The total Lochiel Park site is 15 hectares and 70 per cent will be left as open space.' When we look at these two statements and the original motion, there is a clear discrepancy. *The Advertiser* of 10 September 2003 reported:

> Most of Lochiel Park, prime land next to the River Torrens, will be saved as open space but part of it will be carved up as housing. Infrastructure minister Patrick Conlon said yesterday 70 per cent of the 15-hectare site would remain open space.

The site is 15 hectares and 4.5 hectares is to be developed as housing. The opposition congratulates the persons named in the Hon. Terry Cameron's amendment who have taken a strong stand on preserving this valuable piece of open space through various means, including continually raising the issue in this place in order to keep the government to its 100 per cent pre-election commitment.

The member for Hartley (Mr Joe Scalzi) raised Lochiel Park in parliament no less than 13 times in an 18-month period. The Hon. Andrew Evans has asked questions of the government several times. The Hon. Nick Xenophon and the Hon. Sandra Kanck co-sponsored the Local Government (Lochiel Park) Amendment Bill in the interests of retaining the area as a public park. I understand that the member for Hartley had similar intentions focusing on community and sporting clubs. All of the above attended the rally and were readily accessible and prepared to listen to what people in the community had to say on the issue.

I have a copy of a document devoted to the retention of Lochiel Park produced by Supporters Protecting Areas of Community Environment (SPACE), dated November 2002. SPACE are the community campaigners who lobbied parliamentarians, and the main protagonists are Margaret Sewell and June Jenkins. Anyone who has been associated with this issue would know these two ladies well. I do not know them personally but I have read the media reports and *Hansard*, which attest to their commitment to the cause. These ladies, while not named as individuals, are the backbone of SPACE and are therefore inherent in the amendment. The last page of the Lochiel Park booklet lists the names of the people SPACE wishes to congratulate, stating:

> Sincere thanks to the following who have generously given their advice and support throughout this last year:

The list is: Hon. Nick Xenophon; Hon. Bob Such; Hon. Andrew Evans; Hon. Sandra Kanck; Mr Joe Scalzi, member for Hartley; councillor Steve Liapis; National Trust of South Australia; Conservation Council of South Australia; Lynette Crocker, Chairperson, Kaurna Native Title Management Committee; Mr Kieran Brewer, South Australian Indigenous Flora; Campbelltown Landcare; Campbelltown Residents and Ratepayers Association; Tree Watch Group; Urban Forest Biodiversity Program; Mr Peter Bennett, a horticultural ecologist; Save our Adelaide Suburbs; Dr Jennifer Gardner from the Waite Arboretum; Mr Frank Ugodi, arborist; and Friends of the Heysen Trail.

I note in that rather comprehensive list that there is no mention of Mr Quentin Black, the Labor candidate for Hartley at the last election, or any member of the current government. Without wishing to be political, I note that the Labor Party put up Mr Quentin Black twice to stand for Hartley against Joe Scalzi and he was unsuccessful. Mr Black was thrust upon the local community in this process by the Labor Party during the election but unfortunately it did not produce the outcome it hoped for. I would like to read for the record the relevant section about this from Mike Rann's email of 8 February 2002:

> Quentin Black has negotiated with myself and Kevin Foley that, if a Labor government is elected this Saturday, we will place a one-year moratorium over the Land Management Corporation's plan to develop Lochiel Park, immediately halting housing development. In that time, Mr Black will chair a thorough community consultation process with local residents, community groups, council and key stakeholders to decide how the space can best be preserved and used for the benefit of everyone in the community. We intend to save 100 per cent of Lochiel Park for community facilities and open space; not a private housing development as the Liberals have proposed. Mr Black will work with local open space community and sporting groups to plan how 100 per cent of Lochiel Park can be revitalised so that the whole community can benefit.

Clearly there were expectations that Mr Black would be elected and assist the Labor Party into government.

In his second reading speech of 19 February 2003, the Hon. Nick Xenophon said that the position of the Labor Party was set out very clearly by Mr Black, and Mr Xenophon then referred to that 8 February 2002 statement by Mike Rann as representing Labor's position. He went on to say:

> In terms of the subsequent history of this, the member for Hartley (Mr Scalzi) was re-elected, and all credit to Mr Scalzi, but a Labor government was elected. It is my view that this was a very clear promise. It was not conditional upon Mr Black being elected to the seat of Hartley. . .

I would say that it does not take a rocket scientist to see what has happened here. The ALP has cynically used the issue to advantage its candidate and, once he was unsuccessful, it was prepared to revise its position. It reminds me of the title of an infamous book by a Labor Party identity, Senator Graham Richardson—*Whatever it Takes*. Lochiel Park is just one example, along with the government's failure to act on electricity prices and land taxes—I could go on but I will not—that Labor is prepared to say anything and do anything to get into office but not act on the concerns of South Australians once they are in power.

I reiterate the comments of the Hon. Mr Cameron in his assessment of Mr Scalzi as a member of parliament and as elected representative of the people of Hartley. He is indeed a hardworking MP. I would also add for the record that I

believe he is a compassionate, honest and very decent man, and the way that some members of the government have sought to undermine him are disgraceful examples of sleight of hand, and that is a reference to the door snakes issue last year. The original motion is an attempt to play politics at the expense of the member for Hartley and it should be rejected.

The Hon. R.I. LUCAS (Leader of the Opposition): I rise briefly to support the amendment and the comments that have been made by my colleague the Hon. Ms Lensink. In doing so, I place on the record my congratulations to the organisation known as SPACE, but in particular I acknowledge the sterling work done by the member for Hartley, Mr Giuseppe Scalzi. The 'Lion of Hartley' as he has been dubbed by Labor members in another place has demonstrated his capacity to work hard on behalf of his constituents and his community. He did that in many areas. I know, as a former minister for education and then as treasurer for those eight years, that the member for Hartley was always a passionate worker for and supporter of causes within his electorate. The issue of Lochiel Park was just one further example of that, and I want to acknowledge his work. It was a difficult set of circumstances for the member for Hartley, and he worked effectively and magnificently with the local community and with other members, who have been acknowledged already, to achieve some settlement of this issue.

The Hon. Ms Lensink highlighted the context of what occurred during the election campaign for Hartley in 2002. I know that some disgraceful claims and counterclaims were made about the member for Hartley at that time relating to open space issues. I remember seeing one leaflet put out by Mr Black and the Labor Party which alleged that the government and, I think, the local council in some way, because it got upset about it as well, had put The Gums under threat, and I am aware that the Hon. Mr Roberts knows the Tranmere area quite well.

Again, the Hon. Mr Roberts will know pretty well the area of the Kensington Gardens open space along the Parade, and a scare campaign was mounted by Quentin Black and the Labor Party that in some way the member for Hartley, Joe Scalzi, supposedly having wreaked havoc upon Lochiel Park, was going to voraciously embark upon the open space in The Gums and Kensington Gardens and wherever else he could—

The Hon. T.G. Roberts: Saw log or chip?

The Hon. R.I. LUCAS: I am not sure. But, certainly, all sorts of extraordinary claims were made by the candidate for Hartley. I conclude by saying that I think the people of Hartley have shown eminent good sense in that they have looked at the campaign that Mr Black and the Labor Party conducted during the last two election campaigns, and the extraordinary, outrageous claims that were being made about the local member, his party and the government were just not believed by the people in Hartley.

The people of Hartley rejected Mr Black comprehensively on the second occasion, even more so than on the first occasion (which was an even closer battle, I concede, in 1997). In 2001-02, people in Hartley again rejected Mr Black. As the Hon. Miss Lensink said in an understated way, as is her fashion, he is a two-time loser. Perhaps she did not use those words, but I will. We ask the Hon. Mr Roberts to take it back to his party chiefs that Mr Black would be welcomed as a candidate for a third time, as is being rumoured at the moment.

In the early days, we were told that there was no way in the world that Quentin Black would be endorsed again as a candidate in Hartley. He had two goes at it and lost it comprehensively and would not be endorsed again. But there seems to be a suggestion that he is sniffing the roses again and might be interested. The Hon. Mr Roberts can take back to his party our welcome mat for Mr Black to come back and represent the Labor Party again in Hartley—to take on the Lion of Hartley on all issues. We only hope that, next time when it comes to debating open space, the statements that Mr Black and his colleagues make in relation to that and Mr Scalzi's position bear a closer resemblance to the truth in 2006 than they did in 2002.

The Hon. A.J. REDFORD: To follow along a theme developed by my leader, I suggest, if you watch what has happened since the moving of this motion by the Hon. Carmel Zollo—that is, the crossbenchers moving amendments that more accurately reflect the factual situation—that some of us on this side are prepared to do anything—and I mean just about anything—to ensure that the Hon. Carmel Zollo replaces Ian Hunter as campaign manager for the Labor Party at the next election. In an act of pure political genius, we would say, she has managed to secure some good publicity for Joe Scalzi, the member for Hartley, and indeed achieve support from every sector within this parliament apart from the Labor Party. So, if we on this side can do anything to assist the Hon. Carmel Zollo's career speed up the slippery pole of the ALP hierarchy, we will be only too happy to assist.

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

EQUAL OPPORTUNITY (CARER'S RESPONSIBILITIES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 December. Page 865.)

The Hon. G.E. GAGO: I am pleased to give the government response to the carer's amendment bill. The effect of this bill is to protect carers from both direct and indirect discrimination in all the fields of life to which the Equal Opportunity Act applies. It is likely to meet the needs of most, if not all, carers for protection from discrimination in employment, education, access to goods and services, and other fields. From the point of view of carers, it is a welcome amendment to the act. It is also in keeping with the policy on which the government was elected—that of reviewing and modernising the act to include new grounds, including the ground of family and caring responsibilities.

The government's chief concern about this bill is that it cuts across the pending review of this act. The government is currently reviewing the Equal Opportunity Act. Last year, it published for discussion a framework paper setting out many proposals—

Members interjecting:

The Hon. G.E. GAGO: Well, you will just have to listen for a change. You might just have to sit there and listen. Last year the government published for discussion a—

Members interjecting:

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order!

The Hon. G.E. GAGO: —framework paper, setting out many proposals for amendment. Among them was the proposal to extend the act to also include discrimination

against carers. The paper raised for discussion matters such as the scope of relationships to be covered and the inclusion of both direct and indirect discrimination. The period for comment on the paper closed on 2 February 2004 and the government has received more than 1 000 submissions. About 60 of these came from organisations, including representatives of schools, churches, businesses, unions, government, the health sector, the charitable sector, and others. In particular, submissions have been received from groups with a special interest in the status of carers such as the Carers Association, the Carers Ministerial Advisory Committee, Alzheimer's Australia, the AIDS Council and, of course, many others.

The government had hoped to have the chance to consider all submissions before deciding on the form of legislation on this topic. The government is concerned that it is disrespectful to invite submissions and then not to consider them. It is clear that there is a range of views, although clearly the Carers Association, the Carers Ministerial Advisory Committee, the Equal Opportunity Commissioner, unions and others support legislation of this kind. It is equally clear that representatives of the business sector such as Business SA, the Australian Farmers Federation, the Motor Trades Association, SA Wine and Brandy and others see some difficulties with it. For instance, they are anxious about the possible impact on small business. A submission from ATSIC and ATSIS has asked that those organisations have the opportunity to be further consulted about wording before a law is made.

Several submissions expressed concern that, as far as possible, state law on these matters should match federal law so that people are not labouring to meet two different sets of obligations. The government would have liked the opportunity to consider those concerns and see whether there is any way that they can be addressed. Of course, it may be that some of them cannot be. It may be that some expressed concerns are not, in fact, well founded. Just the same, the government thinks that they should have been considered and, for that reason, is disappointed that the council has not seen fit to await the outcome of the equal opportunity review process.

We recognise, however, that the council has decided to deal with the matter without further delay. We also recognise that the contribution of carers to our community has, for too long, been overlooked and that they are right in pressing for action. It is the policy of the Labor government to review and modernise the Equal Opportunity Act and in particular to extend it to cover family and caring responsibilities. In view of this policy, the government must support the second reading of this bill. In its spirit and intention, it accords with our policy.

I foreshadow, however, that legislation substantially amending equal opportunity laws can be expected to be brought before the house later this year. It may well be that legislation will propose changes to these provisions. Our support for the second reading of this bill should therefore not be taken to mean that we accept the present bill as most desirable or the final form of provisions to protect carers from discrimination: it may or may not be. We will be giving that much thought in light of the submissions to our review. One of the points highlighted in several submissions—

Members interjecting:

The ACTING PRESIDENT: Order! The Hon. Gail Gago has the call.

The Hon. G.E. GAGO: One of the points highlighted in several submissions was the need for clarity and certainty about what relationships are covered because, after all, discrimination is unlawful and people are entitled to know what the law is that they must keep. On the other hand, some submissions argue that any provision must be sufficiently broad and flexible to meet the realities of caring relationships, which are not always based on blood ties, as we know. The bill proposes to cover relationships in which one person substantially depends on another for care and support. The term 'support' is not defined but, presumably, the bill refers here to help with activities of daily living, that is, practical support, rather than, say, financial or moral support. Financial support alone should not qualify the person as a carer for this purpose, though, of course, financial support may often be provided as well. Moral or emotional support is often an important component of the caring relationship, but I wonder whether the provision of purely emotional support should suffice to create a caring relationship for the purposes of this bill. Perhaps the promoter of this bill may care to comment in reply on these particular points.

The person cared for must also be a member of the family or the household or must be a close acquaintance. One might think that the expression is vague—and perhaps even that is a contradiction in terms. It is not defined. Similarly, the bill does not attempt to define the central concept of a family. Clarification of the boundaries of these concepts is left to the tribunal, so their meaning will become clear only as case law develops. Certainly, this will not satisfy some of the commentators on the government's framework paper. It may make for an increase in the number of cases reaching the tribunal, but perhaps it cannot be otherwise. We need broad coverage yet certainty. It is difficult to design a definition that adequately meets both these aims.

In summary, the government firmly believes that the Equal Opportunity Act should protect carers. It welcomes the fact that the Liberal opposition has changed its position from the time it was in government when in 2001 the Attorney-General (Hon. Trevor Griffin) opposed amendments introduced to protect a diversity of carers. The government also acknowledges the will of this house to wait no longer and consult no further, but proceed directly to legislate. Accordingly, the government supports the second reading of this bill.

The Hon. NICK XENOPHON: I indicate my support for the second reading of this bill. I commend the Hon. Kate Reynolds for introducing this bill and for the comprehensive manner in which she has advocated for its passage. I note that this bill relates to an issue that affects many in our community. I note in the Hon. Ms Reynolds' contribution there are approximately 216 000 carers, including more than 41 500 principal carers. The role they play in our community is absolutely vital. Were it not for the role of carers, as other commentators have suggested, an intolerable burden would be placed on the welfare system. This bill is not about the harsh economics of the benefits that carers bring to the community—the estimated $2 billion worth of unpaid care that they give each year—but, rather, about ensuring there is a framework in place so that carers are not discriminated against for the work they do in a broader context.

I note the comprehensive contribution of the Hon. Gail Gago that the government is looking at dealing with these issues in terms of equal opportunity legislation generally, as part of an overall review. Clearly, that is a good thing. I also note her comments which raise questions about definitional

matters and how the proposed legislation would apply. Again, these are matters that could be explored in the committee stage. I think that it is important that these matters be raised, ventilated and debated. It is all credit to the Hon. Ms Reynolds for raising an issue that impacts on so many tens of thousands of South Australians in the community. I support the second reading.

The Hon. KATE REYNOLDS: I thank members for their contributions in relation to this bill; in particular, I thank the government, the opposition and the Hons. Andrew Evans and Nick Xenophon who indicated their varying degrees of support. This bill is the first step in achieving the recognition of carers in South Australia. The bill to amend the Equal Opportunity Act will ensure that carers, who provide an important social thread throughout our whole society, are recognised for their efforts and not subjected to discrimination because of their responsibilities to those people who rely upon them for regular care—and I will come back to the definitional issue later.

Caring is a private issue but, as I said previously, it is a public matter. These people need to have their roles and responsibilities safeguarded while they participate as citizens in employment, education and other day-to-day matters. The role of carers has been significantly under-acknowledged by society and without the dedication of carers many more people would require more care and attention from government-funded services—which, of course, comes at a significant cost to the health and community services sector and the taxpayer. This unpaid care is worth an estimated $2 billion to the South Australian economy every year.

I highlight a study released late last year which found that carer numbers will rise Australia-wide in future years. The report from the Australian Institute of Health and Welfare predicts that by the year 2013 there could be 1.4 million people with a severe or profound disability requiring 570 000 carers. Dr Anne Jenkins from that institute has found that quite a substantial proportion of carers are people over the age of 60 and, in general, most of those older carers are caring for a spouse and do so for quite some years. Dr Jenkins has predicted also that the increased rate of women in the work force will not stop carer numbers from rising in the future, as many carers will take on only part-time work. Therefore, it seems more than appropriate that this bill seeks to address as a priority discrimination against a person on the grounds they are a carer, and will look at this issue within employment, as a job seeker and in education and in relation to the provision of land, goods, services and accommodation.

The bill has the support of the peak body, Carers SA, which last year circulated a state carers policy discussion paper and called for amendments to be made to the Equal Opportunity Act. It will provide protection against discrimination on the grounds of a person's responsibility as a carer in the areas of employment, agents, contract workers and within partnerships. It also addresses discrimination by qualifying bodies, employment agencies, associations and membership of councils. It will seek to eliminate discrimination by education authorities to ensure that carers receive fair access to study and that their application to study is not refused on the ground that they are a carer. It seeks to ensure that family carers—an essential part of our society—are recognised as valuable community members and are not discriminated against on the basis of their selfless service to others.

This is an important and overdue amendment which will enrich our community by providing legislative protection for those people who have put their life on hold to care for others. I hope all members will support the bill, given that both the Labor and Liberal parties in the past have indicated their support for carers. The Democrats welcome the government's review of the Equal Opportunity Act and thank the Hon. Gail Gago for indicating government support for the bill to proceed, without having to wait for the entire amended bill to be presented to the parliament some time later this year. I encourage members to support the second reading of the bill. I look forward to clarifying the questions that have been raised by the Hon. Gail Gago during the committee stage.

Bill read a second time.

THOMAS, PROFESSOR T.

Adjourned debate on motion of Hon. A.J. Redford:

That this Legislative Council notes that the Attorney-General, the Hon. M.J. Atkinson MP, in a ministerial statement given to the House of Assembly on Monday 22 September 2003—

1. Acknowledged that he misled parliament in giving a ministerial statement on 1 April 2003.
2. Apologised for not including Justice Mullighan's ruling in the said ministerial statement.
3. Failed to apologise to Professor Thomas for suggesting that Professor Thomas was not a qualified forensic pathologist.
4. Failed to apologise to Professor Thomas for alleging that Professor Thomas had not carried out a post mortem investigation on a homicide case in South Australia.
5. Failed to apologise to Professor Thomas for suggesting that Professor Thomas was not a person inclined to give impartial or independent evidence to courts.
6. Failed to apologise to Professor Thomas for suggesting that Professor Thomas gave evidence to a court that was unreliable and unsatisfactory.
7. Suggested that a delay of nine weeks to partially correct a misleading statement to the parliament complies with the Ministerial Code of Conduct's requirement that ministers have a responsibility to ensure that errors are 'corrected or clarified as soon as possible.'
8. Blamed others for the incorrect facts alleged in the ministerial statement.

(Continued from 24 September. Page 215.)

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I am informed that there are different proceedings and applications under consideration by different bodies about the case of Mr Henry Keogh in which the opinions of Professor Tony Thomas will be considered. The government is advised by the Solicitor-General that, in these circumstances, it would not be prudent to make any further comment on this matter until those proceedings are finalised, and consequently the government will not participate any further in this debate. At this stage, I seek leave to continue my remarks later.

Leave granted; debate adjourned.

CORRECTIONAL SERVICES (PAROLE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 November. Page 675.)

The Hon. A.J. REDFORD: In speaking to this bill, I want to make a few comments. The bill is a product of the Department of the Premier and Cabinet's review of the Parole Board. The government in introducing this bill rightly stresses that this was not a comprehensive review. The first

comment I make relates to the expansion of the number of members currently sitting on the Parole Board. Indeed in the second reading explanation the minister (Hon. Terry Roberts) indicated that that would enable the Parole Board to sit in three divisions. I can only applaud the government for that initiative.

My former partner, Philip Scales OAM, is the deputy chair of the Parole Board. I know from my observations of Mr Scale's work (which was recognised in the awarding of his Order of Australia) that he puts an enormous amount of time, effort, thought and commitment into his duties associated with the Parole Board and, indeed, I would have no doubt that the chair and every other member of the Parole Board puts an enormous amount of time and effort into their work.

I applaud their work, and I think every member who has any understanding of the sorts of challenges that the Parole Board have would similarly applaud the work and the difficult tasks that they undertake: it is a huge task and, on many occasions, a thankless task. The Parole Board is almost set to fail, because irrespective of what decision it makes, it will be criticised. There is very rarely a situation where it can make a decision that would be universally accepted.

The Hon. Nick Xenophon: It is probably under resourced as well.

The Hon. A.J. REDFORD: The Hon. Nick Xenophon indicates that it is probably under resourced. Certainly over the past five or six years I think its resources have improved, but certainly not to the point where one might say that it does not continue to be under resourced. Certainly I know there have been improvements under both the previous government and this government in relation to training and opportunities for Parole Board members to converse with other equivalents in other jurisdictions, which I think is terribly important.

I must make one comment, a comment which I made perhaps not publicly but certainly privately on every occasion that I could in relation to the Parole Board, and that is about the level of remuneration Parole Board members receive. My understanding is that government boards are put into a number of different categories. We have the major boards, such as WorkCover and so on in category one, and for some reason that escapes my understanding the Parole Board is in either category two or three—one of the lower categories.

We have some of the most highly qualified, skilled and experienced people in this state serving on the Parole Board in their respective fields, yet we pay those members a fairly low salary when we compare it to the amount we pay members of the WorkCover Board. I have to say that the responsibilities, the depth of work and the skills which are brought to bear are probably greater than that which might be required of a board member on a trading operation, and I would ask the government to seriously consider—and I would acknowledge that the government that I supported prior to the last election was given the same challenge; albeit privately it was rejected—properly remunerating these very dedicated, hardworking people, who, at the end of the day, take an enormous strain off members of parliament, other elements of the bureaucracy and ultimately the courts and the prison system. I would applaud any step that the government took to ensure that these people were properly supported and remunerated.

The second issue I raise in relation to this bill is the registration of victims. Again I applaud the initiative that victims will be notified in every case. However, there does not seem to be any procedure or mechanism set out in the bill to ensure that victims, or those people who fall within the class of victims—and they can be family members and relatives, particularly in the case of deceased victims—are advised of their right to be registered. I have discussed this with the Hon. Robert Lawson as shadow minister and it was suggested that perhaps the best way would be to see how this new system works. However, when the minister responds, I would be interested to hear how and what steps will be taken to ensure that all victims in the broader sense (as defined under this bill) will be notified of their right to be registered as a victim.

The third point relates to the amendment about the paramount safety of the community. Again it is motherhood stuff. I support it, although I must say that any implication that, on previous occasions, the Parole Board either did not consider the safety of the public as a consequence of the release, or, alternatively, was prevented from so doing by the existing legislation, I would reject.

I know from my experience in talking to Parole Board members that they have always, as a paramount consideration, thought about what impact a decision might have on the safety and security of the community. We are not churlish: if the government wants to go into window dressing (and we see more of that—we will not be able to eat dogs and cats later this week, which is but another example), we will not stand in the way of ensuring that this present Premier's narcissism and capacity to want to be seen on television at least three or four times a day is in any way, shape or form interfered with. We would not seek to stand in the way of this piece of window dressing, which I understand led to at least seven media appearances. In that respect I congratulate the Premier on probably the most shameless politics I have seen for some considerable period of time.

The Hon. T.G. Roberts: Good call.

The Hon. A.J. REDFORD: The Hon. Terry Roberts probably is a bit closer and follows these things more anxiously than I do. I am more like a general member of the community: you see Mike, you turn off. He probably follows these things more closely and perhaps there are more shameless examples of the Premier's activities and I would stand to be corrected by anything he might say in that respect.

The fourth issue is one about which I have some real concern, namely, the role of the government or Executive Council in relation to the Parole Board's decisions and how it manages them itself. One of the things that separates democratic countries like Australia from despotic countries or countries that have a lesser standard of living and quality of life than we enjoy in this country—and I put parliamentary superannuation to one side on this issue—is the fact that we have something called the rule of law. People know what the rules are: rules are applied and that rule of law applies to every member of the community, including the government. Here we have a situation where the government, without stating any reasons or establishing any principles, without being guided by any rules of statute by this parliament, can make decisions that ultimately may overrule or have the consequence of changing a decision made by the Parole Board. The decisions made are not transparent, not guided by principle, are not the subject of any measurement by any benchmark, are arbitrary and given without any reasons. In modern society, and in the great democratic nation in which we live, that is to be deplored.

If the government has a view that a person should not be released and says that that person should not be released for a specific reason, the government should be obliged to disclose those reasons. There have been, in relation to parole

issues in this country, situations where there has been corruption and on one occasion we saw a Labor minister jailed because of the processes he adopted in relation to the issue of parole. I am not suggesting that this minister in any way, shape or form could be accused of anything like that, but in the absence of any guidelines, rules or capacity to be able to observe what is happening from the outside, there is a great risk that that could be repeated in this state. To make these decisions in secret without reasons flies against almost every principle that parliament has worked towards over decades.

I acknowledge that prisoners who are granted or seek parole are seeking a benefit. They have been ordered to serve a period of imprisonment and the court has so ordered based on the facts of the trial and on various other matters put before the court. I acknowledge that when a prisoner seeks early release under the parole system they are seeking a privilege and as such the same considerations as might apply at the time of sentencing may not necessarily be as desirable or as important. Notwithstanding that, there should be something, but we have nothing here. I also acknowledge that the granting of parole to a prisoner is a privilege granted by the executive arm of government and not the judiciary. Notwithstanding that, the granting of lesser privileges by the executive arm of government is underpinned by rules and reasons, by the rule of law, but in this case they are not. That is not an ideal situation. In so saying I am speaking personally and not on behalf of the opposition.

Fifthly, I have read the Hon. Ian Gilfillan's second reading speech, in particular the comments he made about the Democrats' amendment concerning the five-year rule. I look forward to that stage of committee and will raise that specific issue with the Hon. Robert Lawson. I cannot see or take issue with the Hon. Ian Gilfillan's amendment as it seems principled. There may well be resource or other issues of which I am not aware, and I look forward to the government's response to that amendment with some degree of interest. It seems that just to make those amendments in such a way as to affect sex offenders is a very naive way of going about it. At the end of the day one thing this bill generally overlooks (and I will talk about this in more detail) is that a lot of people sentenced to serve a term of imprisonment are not sentenced on the basis of the crime before the court but are also sentenced on the basis of their prior criminal record.

There may well be a person who commits an offence that is not a sexual offence, but who has a long record of prior sexual offending and it may well be that the nature of the offence that is committed may be preparatory to or associated with a sexual offence, although not strictly falling into the category of a sexual offence. It seems incongruous to treat a person who falls into that category differently from the way one would treat a sex offender. From a personal perspective I look forward to the government's response to that.

Finally, I raise what I believe to be a reasonably important issue, namely, the application of the secrecy or publication provisions currently in the Correctional Services Act. I do not have the act in front of me, so I will not go through the specific sections, much to the relief of members. To use one example, sections 77(4)(d) and 85(2)(d) talk about the release of information to persons either approved by the CEO of the department or the release of information to other groups of people.

It is not clear to me what category of persons have been given information pursuant to either section 77(4)(d) or section 85(2)(d). I would be interested to know whether anyone has been given information pursuant to those sections and, if so, who those people are. I am not seeking their identity; I want to know the sort of category they fall into. For example, if a member of parliament or a journalist seeks information about a particular parole matter, will that information be given as a matter of course? If not, why not? Will there be some discretion and, if so, what discretion will be exercised in the release of information to members of parliament, journalists or other interested groups in the community?

I would be favourably disposed to making the whole process of parole more public. In that respect, I have questions to put to the government. Would the government consider making the whole parole process a public process? Would the government consider allowing parole hearings to be open to the media and to the public? Would the government consider requiring the Parole Board to release its reasons and parole conditions to the public as a matter of course? I do not ask those questions lightly, but, from my own personal point of view, I believe they are very serious issues. They are issues which may well go some way, if addressed, to restoring public confidence in the system. Depending upon the answer, I may proceed to move amendments. I am speaking in my own private capacity and not on behalf of the opposition. I may move amendments to be discussed during the course of debate on the bill. With that I commend the second reading of the bill and look forward to an extremely interesting committee stage.

The Hon. CAROLINE SCHAEFER secured the adjournment of the debate.

PROBLEM GAMBLING FAMILY PROTECTION ORDERS BILL

Adjourned debate on second reading.

(Continued from 18 February. Page 1015.)

The Hon. R.I. LUCAS (Leader of the Opposition): I rise on behalf of Liberal members to support the second reading of the bill. In doing so, I acknowledge that the shadow minister for gambling, the member for Mawson, Mr Brokenshire, has given a comprehensive contribution in another place, broadly outlining the Liberal Party's position on the legislation. In particular, I acknowledge his concern about the inadequacy of the government's overall response to the problem gambling issue. I am sure that the Hon. Mr Xenophon will adequately cover that terrain when he makes his contribution.

The Hon. Nick Xenophon interjecting:

The Hon. R.I. LUCAS: I will help a little bit but I will leave the comprehensive nature of it to the Hon. Mr Xenophon. Before addressing specific comments to some of the clauses of the legislation, the one thing that can be said about this legislation, from our viewpoint, is that it is intended and directed to where we believe that the true problem is in relation to the whole gambling issue. There are many other responses from the government, legislators and the community that, in our view, are mere window dressing and seem to be good things to do, but we believe they will have next to no impact on the extent of problem gambling in the community.

Speaking personally and on behalf of my colleagues, I indicate that we do accept that more needs to be done for that one or two per cent of people who are designated problem gamblers. The impact they have upon themselves and their

families, in particular, is, in some cases, horrendous and tragic. That is the area in which most policy action needs to be directed. Sadly, as I have previously indicated, under this government we are seeing a lot of publicity stunts and general policy proclamations which are not targeted at effectively assisting problem gamblers—the one or two per cent of people—who have significant gambling problems.

When we see the legislation about the reduction of 3 000 or 2 461 poker machines, depending on whether you believe the Premier's claims or the calculations done by the Independent Gaming Authority or Treasury officers (or a combination of both), we will be able to address comments during that debate. My views are well known. I am not a supporter of caps and I will not support the continuation of the moratorium which comes ever closer (I think the moratorium finishes at the end of May). There will need to be a debate on the reduction in the number well and truly prior to then, because otherwise I sound a note of warning to the government that some of us have given fair notice that we will not support the continuation of the cap or the freeze; we never have and we do not intend to at the end of May.

The government needs to get off its backside and introduce the legislation quickly so that this debate can be concluded prior to the moratorium's end. Otherwise there is the potential that the parliament will not support the continuation of the moratorium and the government will not have introduced its legislation in relation to reducing the total number of gaming machines by either 3 000 or 2 461, depending on who you believe in relation to that proposed policy response.

There are a number of areas like that that we believe are less targeted. In relation to this measure, it is a genuine endeavour from those concerned and involved in trying to tackle the area of problem gambling. For those reasons the Liberal Party is supporting the legislation. I believe it is important that we monitor the effectiveness of this legislation. I am not convinced as to whether or not it will be successful. I believe there are many important questions that need to be raised, and I do not say that because I want to see the legislation defeated. We intend to support it; it is worth a try. It is intended and targeted towards that one or two per cent of problem gamblers as opposed to many other measures.

There are a number of aspects of the legislation that will be more properly and comprehensively explored in the committee. Some comments were made during the debate in another place about whether the Independent Gaming Authority is the appropriate body to make difficult decisions about the family protection orders. My colleague, the member for Bragg, in what I thought was a very good contribution, highlighted her concerns and views which she compared to the issuing of domestic violence orders through the Magistrates Court.

I must say that I have some degree of sympathy for the views expressed by the member for Bragg. I noted the response from the minister and I understand his view. The Liberal Party's position is to support the legislation on balance, but this is one of the issues that we need to monitor. I understand that there may well be some amendments being moved in relation to ensuring monitoring and reporting back. Whilst we have not seen those amendments yet, speaking as an individual, I would be sympathetic to anything along those lines, and I would hope my party would be as well because there are important questions to be raised here.

As a former minister with responsibility for gambling, I know the nature of the people who have previously been appointed to the entity that preceded the Independent Gambling Authority. It is true to say that the presiding member has to be a lawyer with some 10 years experience. The minister said that the deputy member had to be a lawyer with 10 years experience. I must admit I could not recall whether that was 10 or 5 years but I will bow to the minister's knowledge of the legislation. It is certainly clear that the other members of the authority do not have to have any legal training or knowledge and indeed do not in most cases. In the main, they constitute a skills base which comes from areas other than the law.

As the member for Bragg highlighted—and we will go through the detail of this in the committee stage—the powers that this Independent Gambling Authority will have are extraordinarily comprehensive. I suspect that even the Hon. Mr Xenophon—if this did not have something to do with gambling and if he were looking at it from another viewpoint with his plaintiff lawyer's hat on—would probably be expressing some concern about the length and breadth of the powers given to this particular tribunal. Most of the members of this tribunal would have no legal training or experience in making decisions along these particular lines with these particular powers, so he may well have been expressing some concern if it were not about gambling. Given that this is in the gambling area, I am sure that I am not pre-judging the Hon. Mr Xenophon—I would be very surprised if he were anything other than supportive of the very comprehensive powers of this tribunal.

As I said, I have some sympathy with the comments that the member for Bragg made. For those members interested in this debate, not just at this time but as we monitor it in the future, it would be worth a look at the member for Bragg's comments and, even though our positions are locked in on this occasion, to at least bear them in mind. I think that they are worthy warning signs. As a former minister—and I mean no criticism that the members of the authority are not lawyers—I am not convinced that they are best placed to be making these sorts of very difficult decisions. What an alternative would be if, after 12 months, we found that there were problems, I guess I do not know. Whether it would be the model that the member for Bragg highlighted or something in between the model that the government has promoted and the model highlighted by the member for Bragg, I guess that will be a possible future subject for debate. There is a series of questions there which I am sure will be canvassed during the committee stage.

There are also some issues raised in the bill regarding the potential for vexatious complaints. A provision in the bill deals with that. I think the possibility was highlighted, by the member for Hammond and one or two others, that these sorts of orders might be used in ongoing disputes which might be before the Family Court or in other jurisdictions. I think that the minister, to be fair to him, gave a reasoned response to the questions that were raised but, I place on the record again, those who have had more experience in those particular jurisdictions than I have (and I have had limited experience) well know how much turmoil can develop in these sorts of family disputes; and how, for a variety of reasons, family members will seek any particular legal device that they can conceive of to further their particular cause during a particular dispute. I return to the issue I raised earlier: in those circumstances, we need to have a good hard look at the officers and members of the Independent Gambling Authority to see whether or not they are best placed in the long term to be handling those sorts of very difficult issues.

I noted with a little concern that the minister indicated that the current voluntary barring arrangements were such that some of the preliminary work was done by officers of the authority. Now, with the greatest respect, in some other areas I know that when that phrase is used in relation to officers of the authority, it means that a hell of a lot of work is done by those officers and the final package is then presented to the Independent Gambling Authority for either approval, amendment or disapproval. I would be very cautious if the minister's comments were to, in any comprehensive way, be an indication of what is likely to happen under this particular family protection order regime. I would certainly have grave concerns about having officers of the authority undertaking much of the work and then having the final recommendations and arguments being presented to the authority.

There was also an important question raised that I do not think was ever comprehensively responded to, which was whether or not the authority in its entirety needed to meet on these particular issues or whether it would be a subcommittee of the authority or just the presiding member acting alone. The minister indicated that clause 11(2) of the act provides that the authority can be constituted of the presiding member, or his or her deputy, and at least one other member of the authority. So, the inference of his response was that, in essence, two people on the authority could constitute the authority for the purposes of proceedings under the act. It would be important for us to know what the intentions of the authority were in relation to this.

Is there to be a permanent subcommittee and, if so, constituted of whom? Therefore, are others going to be excluded from this particular process? Will it be that every member of the authority, if they want to attend, could attend? The minister also indicated that some of this work could be done at a distance, that is, by telephone or videoconferencing, I assume. That may well be on account of the fact that this government, for whatever reasons, chose to appoint a mate of minister Conlon to chair the Independent Gambling Authority from interstate, which has created significant process problems in terms of the operation of the Independent Gambling Authority. Of course, he has a busy legal practice in Victoria. Again, some questions have been highlighted in the lower house as to how this would operate in conditions of emergency, that is, if somebody is looking for a very urgent action in relation to a family protection order.

The Hon. Nick Xenophon: The deputy presiding officer could stand in, though.

The Hon. R.I. LUCAS: Yes, but that would be a decision ultimately for the presiding officer, that he agreed with that sort of a process.

The Hon. Carmel Zollo: There is always modern communication.

The Hon. R.I. LUCAS: Yes, that is what the minister said, that there is modern communication. But with something as complex and difficult as this, to have your presiding member in Victoria, I do not think—

The Hon. G.E. Gago: They make complex medical decisions by teleconferencing.

The Hon. R.I. LUCAS: The Hon. Gail Gago is supporting Mr Howse and I can understand that. He is the friend of a factional colleague of hers, so I would expect her to support Mr Howse. I think there are significant problems, now that we have this proposed regime to come into effect, when the presiding member is located permanently in Victoria. The Hon. Gail Gago and her factional colleagues within the Labor government can pooh-pooh that if they wish, but we are interested in the processes of the legislation and how they will operate in practice. There will be some urgent requirements, and the current structure in relation to the presiding member is not conducive to ensuring efficient processes of the procedures that are outlined in the legislation.

We will canvass a number of other areas in the committee stage. On some of those, my view is coloured by the actions and operations of the current presiding member of the Independent Gambling Authority. If I can put it in an understated fashion, I am not a huge admirer of the capacities of the current presiding officer. Having heard on local radio recently his gratuitous insults of senior respected figures in this debate, I do not think that they were comments befitting a presiding officer of an authority like that, and they are certainly not conducive to trying to ensure the cooperative and collaborative effort that is required between the industry sector and the welfare sector, not only to ensure that this legislation can be successful but that some of the other problem gambling measures can be successful, as well. With those comments, I indicate that the Liberal Party supports the bill but we will need to canvass some issues in committee, and we will be prepared to consider sympathetically some proposed amendments that may well be moved during the debate on this legislation.

The Hon. NICK XENOPHON secured the adjournment of the debate.

LAW REFORM (IPP RECOMMENDATIONS) BILL

The House of Assembly agreed to the bill with the amendment indicated by the following schedule, to which amendment the House of Assembly desires the concurrence of the Legislative Council:

No. 1 Clause 27 (new section 42(3)), page 15, lines 4 and 5—
Delete these lines.

ADJOURNMENT

At 6 p.m. the council adjourned until Thursday 26 February at 2.15 p.m.