LEGISLATIVE COUNCIL

Wednesday 1 June 2005

The PRESIDENT (Hon. R.R. Roberts) took the chair at 2.18 p.m. and read prayers.

RAILWAYS (OPERATIONS AND ACCESS) (REGULATOR) AMENDMENT BILL

Her Excellency the Governor, by message, assented to the bill.

LEGISLATIVE REVIEW COMMITTEE

The Hon. J. GAZZOLA: I bring up the 21st report of the committee.

Report received.

The Hon. J. GAZZOLA: I bring up the 22nd report of the committee.

Report received and read.

RIVERSIDE GOLF CLUB

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I seek leave to make a ministerial statement.

Leave granted.

The Hon. P. HOLLOWAY: Today I make a ministerial statement on the coronial findings related to the collapse of the Riverside Golf Club. While the findings and recommendations of the coronial inquest into the deaths of two women at the Riverside Golf Club in April 2002 make reference to the Minister for Local Government, the Development Act actually rests within my portfolio responsibilities. Consequently, I have asked Planning SA to prepare a full report for the government on the findings and recommendations handed down today by the Coroner. The government will give due consideration to those findings and recommendations. I will also forward today, as a matter of urgency, the coronial findings and recommendations to the Australian Building Codes Board for its consideration. The board is the national body which sets appropriate safety standards for buildings during the construction phase as well as building occupation throughout Australia.

Early advice provided to me suggests that the Coroner has made recommendations in areas including computer software for truss design, the appropriateness of Australian standards and information provided to building authorities at the approval stage of a project. The sustainable development bill, which I recently introduced into this parliament, may already address some of the Coroner's recommendations. As I have only just received the Coroner's 72-page document, I intend to give it careful consideration before making any further detailed statements.

DIRECTOR OF PUBLIC PROSECUTIONS

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I lay on the table a ministerial statement on the Director of Public Prosecutions made by the Attorney-General last evening.

QUESTION TIME

AIR WARFARE DESTROYERS

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 on the subject of the air warfare destroyers contract.

Leave granted.

The Hon. R.I. LUCAS: The Premier of Victoria, the Hon. Steve Bracks, issued a press statement yesterday afternoon which said in part:

> Mr Bracks said while the head contract went to the Australian Submarine Corporation, up to 70 per cent of the module work would still be contracted to other shipyards. 'Tenix Williamstown will compete for this work and we are confident a large share of this work will end up in Victoria,' he said. Around 2 000 jobs will be created as a result of the contract—of these 1 000 will be based at ASC's operations in South Australia while a further 1 000 are likely to be located at other sites.

Members will be aware that the contract has been variously referred to in public discussions as a $6 billion contract, and there has also been some public reference to an approximately $2 billion component of that being the combat systems which are to be purchased from the United States of America, as I understand it. My questions are as follows:

1. Can the minister outline the government's current advice in relation to the total value of the contract? In particular, can he advise whether $2 billion of the $6 billion contract is for the purchase of combat systems from the United States of America?

2. Can the minister also outline the government's current advice as to the percentage of the remaining component of the $6 billion that will be undertaken within South Australia? I understand that there may well be aspects of the work which remain for tendering and bidding processes but, clearly, South Australia has won the base share of this contract and may well win additional elements; however, we are interested to know the base share of the $6 billion contract that the state has won.

3. Is Mr Bracks' claim that up to 70 per cent of the module work will be constructed in shipyards outside the state of South Australia correct?

4. On what basis has the estimate of direct jobs that have been created as a result of South Australia having won the contract been calculated—that is, the 1 000 jobs at the ASC operations in South Australia? In other words, what percentage of the value of the total contract has been used to support the estimate of 1 000 direct jobs in South Australia?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): The Leader of the Opposition has asked for a number of detailed statements. It was always understood, with this contract, that work would be going to a number of states—that has been made clear by the Premier on a number of occasions. However, South Australia always sought the greater part of that work and that, of course, came with the actual platform construction. Like most South Australians, I am sure, I am absolutely delighted that that contract has been awarded to South Australia so that we will get the majority of that work. It was always understood that a significant proportion of such a major contract would also go to other states, in particular Western Australian and Victoria. As for the actual proportions of those and what they translate to in terms of jobs, I will seek whatever information is available. But, again, I am delighted that most of that work—

in particular, the important platform construction—will be based here in South Australia.

The Hon. R.I. LUCAS: By way of supplementary question, given the importance of the contract to South Australia's future, will the Minister for Industry and Trade assure us that he will be the lead minister with oversight of the management of the project and its impact in South Australia?

The Hon. P. HOLLOWAY: The Leader of the Opposition well knows that the oversight is by somebody more important than me, and that is the Premier. The defence unit has reported to the Premier on this matter throughout the construction and the Premier has taken a very strong personal interest. I am sure that that interest is one of the reasons why the state was successful. I use this opportunity to congratulate Admiral Kevin Scarce and the other defence unit officers in the Department of Trade and Economic Development for the work they have done. I assure the honourable member that, when it comes to estimates, if the opposition has any questions they can ask the Premier. As is clearly set out in the budget papers, the defence unit reports to the Premier. It is a recognition by this state of how important that unit is as it reports to no less than the Premier.

The Hon. R.I. LUCAS: By way of supplementary question, can I clarify that there are no officers in the Department of Trade and Economic Development reporting to the minister who have an active engagement in terms of the preparation of the work for the winning of the bid and as we move on in terms of the overall management and oversight of the implementation of this project?

The Hon. P. HOLLOWAY: The Department of Trade and Economic Development contains the defence unit. Those officers report to the chief executive of the Department of Trade and Economic Development and also to me. The CE also reports to the Premier as Minister for Economic Development. There are officers in DTED who report to me and who have been involved in various aspects of this work. One of the groups that will become heavily involved is the relevant office from the Industry Capability Network South Australia (ICNSA), which replaced the old Industrial Supplies Office, and part of its task will be to ensure that the maximum amount of work available under these contracts goes to local businesses. That will be an important role to play, and at least one officer who has a specialty in defence will be assigned to that task. They are part of the network that reports to me. The defence unit and defence issues specifically have reported to the Premier over the past few years and almost for as long as the Rann government has been in office. That has been the precedent.

FIRE SERVICE

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before the Minister for Emergency Services a question on the South Australian Fire Service engineering workshop.

Leave granted.

The Hon. CAROLINE SCHAEFER: I previously asked questions with regard to the sale of the South Australian Fire Service engineering workshop on 25 May. I have since been provided with additional information regarding the sale of that depot situated on Deeds Road, North Plympton. I have been advised that the property has been sold to a third party. It was not auctioned and was sold by private treaty. Members would be aware that Philmac Pty Ltd previously announced its intention to move interstate, and the Labor government was exploring ways of keeping the company in South Australia. Philmac's premises are next door to the property that has been sold by the government. The facilities and equipment that have been established and installed at this engineering workshop have been described as very extensive and specialised for servicing heavy equipment. It is important, therefore, that the council is informed as to the process of the sale and the cost of transferring such equipment. Therefore my questions are:

1. What was the value of the specialised equipment at North Plympton and what was the original cost of installing it?

2. Why was the property sold by private tender to a third party and then let to Philmac for 10 years?

3. Was the sale process transparent and who was involved in the sale process?

4. What is the cost of relocating this expensive and specialist equipment, to where has it been relocated and was it excluded or included in the original sale of the property?

5. To where has it been relocated and was it excluded or included in the original sale of the property?

6. Where are these services, which are needed for our emergency services equipment servicing and plant servicing, currently being carried out?

7. Is there indeed a gap in the ability to service our fire equipment within metropolitan Adelaide at this time?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for her question. As I outlined the other day when she asked a series of questions, I was not the minister at the time and I will bring back those responses for her. She has today asked another series of questions, again seeking very specific detail. I will have to get advice about that. Obviously, in the budget papers there is approval for the engineering workshop facility for Angle Park. The government has approved expenditure to build the Angle Park engineering workshop facility. Of course, the existing one is still working out of Deeds Road. We have not transferred yet. As I said, I will undertake to get some further information and bring back a response for the honourable member.

The Hon. CAROLINE SCHAEFER: I have a supplementary question. It will be no surprise to hear that I have not read every line in the budget, so what is the amount set aside to transfer this equipment?

The Hon. CARMEL ZOLLO: The government has approved expenditure of up to $3 million to build the Angle Park engineering workshop facility, and a transaction is happening now. Indeed, it may well be that the contract has recently been signed.

The Hon. CAROLINE SCHAEFER: I have a further supplementary question. What was the price paid for Deeds Road, North Plympton?

The Hon. CARMEL ZOLLO: As I said, I am not really able to answer these questions. I am seeking advice now.

The Hon. J.S.L. DAWKINS: I have a supplementary question. Will the minister indicate whether the development at Angle Park will have any effect on the adjacent MFS training department which is housed there?

The Hon. CARMEL ZOLLO: It is my understanding that there will be a total redevelopment there, but again those details really need to be worked out. I will bring back a response.

The Hon. J.F. STEFANI: I have a supplementary question. Can the minister advise whether the Angle Park land is owned by the government?

The Hon. CARMEL ZOLLO: Yes, that land is owned by the government.

EMERGENCY SERVICES ADMINISTRATIVE UNIT

The Hon. A.J. REDFORD: I seek leave to make an explanation before asking the Minister for Emergency Services a question on the topic of emergency services finances.

Leave granted.

The Hon. A.J. REDFORD: This year's budget papers show that expenditure on the Emergency Services Administrative Unit has gone from $9.8 million in the 2003-04 year to $12.6 million in the 2005-06 year, and in that respect I refer the minister to page 4.136 of the budget papers. That would indicate a whopping increase of some 28 per cent in the past two years. Members would understand that the principal role of this unit is to provide strategic and corporate services to the MFS, the CFS and the SES. Its targets include developing standards, financial management and the evaluation of service delivery. It is also responsible for emergency prevention preparation response and recovery services for floods in relation to the SES, something, given the current weather problems, that is not likely to happen any time soon.

Last year, the Economic and Finance Committee reported that the Community Emergency Services Fund had in June last year a cash balance of $8.7 million and that the government did not appear to have a policy position regarding the accumulation and subsequent dispersion of such services. I would hope with the passage of 12 months the government would now have a policy. My questions are:

1. Why is it necessary to increase ESAU expenditure from $9.8 million to $12.6 million, a 28 per cent increase over two years?

2. Given that the CESF had a cash balance of $8.7 million last year, what is the current cash balance?

3. What is the government policy regarding reserves in the Community Emergency Services Fund?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): We are perhaps breaking with protocol here when one expects to see these questions in the budget estimates. It is rather difficult. I did not hear what page the member was talking about which makes it even more difficult, nonetheless what I will say—

The Hon. A.J. Redford: It was page 4.13.6.

The Hon. CARMEL ZOLLO: Nonetheless, it is always important to have a buffer zone in the Community Emergency Services Levy Fund. There are reasons for that, obviously. One can have a major emergency, just like the lower Eyre Peninsula bushfires—

The Hon. A.J. Redford: What is the policy?

The PRESIDENT: Order!

The Hon. CARMEL ZOLLO: The policy is to have one and, indeed, most other states—

Members interjecting:

The Hon. CARMEL ZOLLO: You don't think we should have a buffer zone—

The Hon. A.J. Redford: I didn't say that at all. The Economic and Finance Committee told the government last year to get a policy, and it sounds like you haven't got one.

The Hon. CARMEL ZOLLO: The policy is that we do have one for contingency reasons. We have one to carryover the new cash flow for the year. So, we do have one.

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order! the Hon. Mr Redford's question was heard in silence and the answer should be received in the same manner. If the honourable member wants to ask a supplementary question, the opportunity will be made available to him.

The Hon. CARMEL ZOLLO: As I said, it is important for the government to have a buffer zone in the Community Emergency Services Levy Fund, if nothing else to carry over a cash flow for the new year and for identified reasons as well; that is, when you have money that you have agreed can be spent immediately in the new year before the funds become available, and for any emergency that may happen. Any good government would have that contingency amount of money there. Indeed, as I said, some of the other states are quite envious that we do have one and that we do plan.

The Hon. A.J. REDFORD: I have a supplementary question. What is the government's policy about the size of such a fund?

The Hon. CARMEL ZOLLO: That would depend on the circumstances, would it not? If we have predicted an amount of money to be carried over for a particular project, we have to ensure that it is there. We have to ensure that we have a certain amount of money with which to start off the new financial year. I am not quite certain why the honourable member would have a problem with that.

The Hon. A.J. REDFORD: I have a further supplementary question. Am I to understand from the minister's answer that, despite a clear direction from a parliamentary committee, the Economic and Finance Committee (on which the Labor Party has a majority), this government still does not have a policy on the appropriate size of the surpluses to be retained in the Community Emergency Services Fund, funded by the emergency services levy?

The Hon. CARMEL ZOLLO: At the moment, I cannot give the honourable member a definitive amount of money that we need to carry over. As I said, it would very much depend on the circumstances at the time.

The Hon. A.J. REDFORD: I have a further supplementary question. Why was it necessary to increase ESAU expenditure from $9.8 million to $12.6 million in the past two years?

The PRESIDENT: I do not know whether that is a supplementary question arising from the answer, but the minister can please herself.

The Hon. CARMEL ZOLLO: I will obtain some further advice and bring back a response.

ANTENATAL AND POSTNATAL DEPRESSION

The Hon. G.E. GAGO: My question is directed to the Minister Assisting in Mental Health. Will the minister provide details of the antenatal and postnatal depression screening program—

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: —and what is the cost of extending this program for a further two years?

The Hon. CARMEL ZOLLO (Minister Assisting in Mental Health): I thank the honourable member for her question, in particular because I know that she is chair of the Social Development Committee and her committee was responsible for a very important inquiry. I am pleased to inform the chamber that the state government is providing an additional $86 000 to extend a program which screens women for antenatal and postnatal depression for two years. The South Australian antenatal and postnatal depression screen program is conducted at the Women's and Children's Hospital and the Flinders Medical Centre.

The additional funding has been made available to employ two part-time nurses to continue the screening of both pregnant and postnatal women and their partners. To date the program has screened 3 000 antenatal and 3 500 postnatal women. The program was an initiative of Beyond Blue, the national independent organisation working to address issues associated with depression and anxiety, which has been running for some four years.

Between 11 and 12 per cent of women screened have been identified as experiencing depression, which is consistent with international figures in respect of the incidence of the illness. The screening process allows the detection of women who are at risk of developing depression either before or after the birth of their baby. Once identified as suffering antenatal or postnatal depression, the woman's GP is alerted, with appropriate care arranged. The program also identifies partners to participate in support groups. The South Australian program is overseen by Professor John Condon from the Flinders Medical Centre.

I am also pleased to add to the announcements already made that $1 million has been allocated to Beyond Blue in this budget for this mental health package this year. Part of that funding will be focused on providing ongoing support in relation to postnatal depression for Helen Mayo House.

The Hon. SANDRA KANCK: I have a supplementary question. What percentage of women suffering from depression are women who gave birth by caesarean section, and is there any indication of a trend in this regard?

The Hon. CARMEL ZOLLO: I am not really sure whether that research is available. If it is, I undertake to get some advice and bring back a response for the honourable member. However, I do not have those statistics with me today.

POLICE, EMERGENCY RESPONSE TIMES

The Hon. IAN GILFILLAN: I seek leave to make an explanation before asking the Minister for Industry and Trade, representing the Minister for Police, a question about police emergency response times.

Leave granted.

The Hon. IAN GILFILLAN: In 2004-05, the government set targets for police emergency response times. These were divided into priority A taskings and priority B taskings. Priority A taskings are generally those where people are in danger—for example, assaults, murders and rapes. These obviously have a higher priority and need to be responded to quickly.

For priority A taskings, the target in 2004-05 was to respond within 10 minutes in the metropolitan area at least 50.9 per cent of the time. The police failed to meet this target, instead responding within 10 minutes in only 39.1 per cent of cases. Those members quick with maths will note that this means that the police took longer than 10 minutes to respond to over 60 per cent of the priority A taskings in 2004-05. The government's response to this in the coming year is to reduce their target from 50.9 to 45 per cent.

Targets for priority B taskings have also been falling following poor performance in recent years. The target in 2003-04 was to have at least 72 per cent of taskings responded to within 20 minutes. This was revised down to 6.1 per cent in 2004-05 and has been dropped even further in this current budget to only 50 per cent. Mr President, you must wonder where the bottom will be.

These reductions in police emergency response times are occurring at a time when the government has yet again announced its recruitment of 200 extra police officers. Further, in last year's budget papers estimated results and targets were also included in the average response times for these two classes of emergency response. The 2004-05 target for priority A taskings is now 12 minutes, and 20 minutes for priority B taskings. However, looking through these budget papers, we find that there are neither estimated results from last year nor targets for this year. My questions are:

1. Why are estimated and target average response times to priority A and B taskings not included in the 2005-06 budget papers, as they were in last year's budget? Is this an admission of defeat?

2. What is the estimated average response time to priority A and B taskings in 2004-05 and the target for 2005-06?

3. Given that the government has again in this budget announced the extra 200 police officers that it is putting on the streets, why has it dropped its targets for police emergency response times?

4. How seriously can the people of South Australia take this policy of 'tough on crime' when the safety of their communities is being put at risk by the government's relaxing of police emergency response times?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): It was not going to be long, was it, before the Hon. Ian Gilfillan stood up and talked about police resources? He moved an amendment, which was successfully carried through this parliament just a month or two ago, which had the effect of requiring extra police officers to be used on, I think, DNA testing of bouncers. I said at the time, 'It won't be long before Ian Gilfillan gets up here and starts criticising and attacking this government for the lack of police resources, when he has decided that he knows better than the Police Commissioner.' He knew where he wanted them directed. He wanted an extra four of them working for two years on, I think, DNA testing of bouncers who were already working in the industry.

I said to the Hon. Ian Gilfillan that, as soon as he stood up and did it, I would remind him of that fact, and I will keep doing so all the time. I suggest that the Hon. Ian Gilfillan should go and look in a mirror if he wants to see one of the issues in relation to the direction of police matters. I could not let the opportunity go past without reminding those members that, if they wish, if they think they know better than the Police Commissioner about where resources should be directed, if they insist on putting that into legislation, they should not have the gall to get up and criticise this govern-

ment for not allowing the Police Commissioner to direct the resources where he thinks best.

The Hon. IAN GILFILLAN: Sir, I have a supplementary response to the answer. If I follow the advice given in the answer and look in a mirror, I hope I will not find that I am a dying member of parliament, as was referred to in an answer previously. I ask the minister, arising from his answer (which seemed to avoid the question): does he approve of the relaxation and the extending of the response times for taskings A and B by the police in South Australia?

The Hon. P. HOLLOWAY: I do not concede that that is necessarily the case. The targets that are provided are statistics based on experience. As I said earlier, this government would prefer that the Police Commissioner had the discretion regarding where he applies his resources as he thinks best to tackle crime within this state, and I just wish the parliament would agree with him on occasions.

The Hon. KATE REYNOLDS: Sir, I also have a supplementary question. Can the minister please inform us of the current and previous target response times for priority A and priority B taskings in each of the local service areas in rural and regional South Australia?

The Hon. P. HOLLOWAY: I will refer that question to the Minister for Police and see what information is available.

KOALAS

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 Environment and Conservation, questions about Kangaroo Island koalas.

Leave granted.

The Hon. T.G. CAMERON: I am a lover of koalas. I have many of them on my property, so I have taken up their cause—and I do not live on Kangaroo Island, like the Hon. Ian Gilfillan.

An honourable member interjecting:

The Hon. T.G. CAMERON: Well, I am certainly not out there sterilising them, I can assure members of that. It does not work. Recent media reports and statements by the Premier to the parliament outlined government plans to sterilise 8 000 female koalas in an attempt to control their rapidly growing population on Kangaroo Island. Several hundred more are to be transported by plane to the South-East—

An honourable member interjecting:

The Hon. T.G. CAMERON: I will not recognise that interjection. I was going to make a comment about that, but I thought I would leave it alone. Several hundred more are to be transported by plane to the South-East of South Australia and to other states that may want them in a bid to prevent major environmental damage to the island.

An honourable member: Are they going to give them parachutes—

The Hon. T.G. CAMERON: I do not think so. The government announced in the state budget that $4 million will be spent over four years. In programs to date, about 4 500 koalas have been sterilised. About 27 000 koalas are on the island in total. The Premier has stated that through the latest program which sterilised more than 8 000 of the 13 000 koalas, which were destroying threatened manna gums in various hotspots on the island, they needed to be brought under control as a matter of urgency. The Premier was quoted in *The Advertiser*, as follows:

> Doing nothing would have meant a mass destruction to pristine environment on Kangaroo Island but also would have ended up with starving and dying koalas. This is the best option. It is a humane option that effectively deals with a problem.

Not everybody agrees with that. This claim was refuted by Nature Conservation Society scientific officer, Mr Matt Turner, who believes that the extra sterilisation was not getting to the crux of the issue. That is not a pun, either. According to a statement by Mr Turner to *The Advertiser*, population control is what we need to be doing, and culling is the only practical way to do that. I could not agree more. Figures printed in *The Advertiser* show that sterilising 2 000 koalas a year will not reduce numbers sufficiently as about 5 400 new koalas are born each year. My questions are:

1. On what scientific evidence is the government's plan based to reduce koala numbers on Kangaroo Island via sterilisation and relocation?

2. What studies have been undertaken? Who were they conducted by? What recommendations and likely outcomes did they produce?

3. Can the government guarantee that its plan to reduce koala numbers on Kangaroo Island will be effective? How long will it take before koala numbers reach acceptable and sustainable levels? Will extra funding be required in the future?

4. If the Kangaroo Island koala population is growing by 5 400 each year, and only 2 000 are to be sterilised each year, how will this program keep the numbers from slowly increasing rather than reducing?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for his question. I undertake to get some advice from the Minister for Environment and Conservation in another place and bring back a reply.

SOUTHERN SUBURBS, EMPLOYMENT

The Hon. T.J. STEPHENS: I seek leave to make a brief explanation before asking the Minister for Emergency Services, representing the Minister for Employment, Training and Further Education, questions about jobs in the southern suburbs.

Leave granted.

The Hon. T.J. STEPHENS: It is reported in *The Advertiser* today that the minister will be announcing a job training assistance program along with some increased funding to the TAFE SA program in the northern suburbs. The program seeks to retrain mature age workers and provide assistance in training for young school leavers and indigenous people. Members would be aware that, since this government came to power, major employers have folded in the southern suburbs, including Mobil and Mitsubishi. The federal government, along with a minimal contribution from the state government, has provided some assistance for some of these workers through the structural readjustment fund. I congratulate the Fibre Logic company for its recent expansion due, in part, to a grant from that fund. My questions are:

1. Will the southern suburbs be given access to these same programs, given the fact that training and job assistance is so obviously needed in the south?

2. What other assistance is the government considering for these displaced workers, or have they been forgotten by this government again?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for his question, which I will refer to the Minister for Employment, Training and Further Education in another place and bring back a response.

CHILDREN, HEALTH

The Hon. J.M.A. LENSINK: I seek leave to make a brief explanation before asking the Minister for Emergency Services, representing the Minister for Health, questions about anaphylactic and allergy services for children.

Leave granted.

The Hon. J.M.A. LENSINK: Honourable members may not be familiar with anaphylactic shock, which is a severe form of allergic reaction and is potentially life-threatening. The Australian Society of Clinical Immunology and Allergy Incorporated, which is the peak body for allergists and immunologists in Australia, has a very helpful web site which states that anaphylaxis should be treated as a medical emergency requiring immediate treatment. It can be triggered by a number of fairly common allergens including, most commonly, peanuts, but it can also be other forms of food, the administration of medications or even bee stings.

As we all know through the popular press, the incidence of other allergy-driven conditions, such as asthma, are on the increase. Allergies, as a general condition, are increasing and allergy rates which are determined by sensitivity to nuts are doubling in each generation—approximately every 30 years. Food allergies affect some 3 per cent of the population, and I am told by people within this field that some 1 in 200 South Australian children have already had an anaphylactic episode, which is a potential warning or precursor to a more severe episode which may lead to death.

The only services available for children within the public system are through the Women's and Children's Hospital; however, there are no appointments for new referrals in 2005. I also note from the budget papers in reference to the Women's and Children's Hospital, and understanding that allergy is largely dealt with through the outpatients system, that the estimated result for 2004-05 is identical to the 2005-06 target—that is, $231 522. That does not indicate an increase in those services. My questions are:

1. Is the minister concerned that the books have been closed at the Women's and Children's Hospital for these services?

2. What is the government going to do about this budgetary situation to assist children who are potentially at risk of dying of an allergic reaction?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): The honourable member has asked very specific questions relating to a particular service at a hospital, so I will get some advice from the Minister for Health in another place and bring back a response.

REGIONAL OPEN SPACE ENHANCEMENT SUBSIDY

The Hon. R.K. SNEATH: I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question about the government's Regional Open Space Enhancement Subsidy (ROSES) program.

Leave granted.

The Hon. D.W. Ridgway: I would have thought, when you live in Clare, that the regional space would have been between your ears.

The Hon. R.K. SNEATH: That is where they are going to bury the waste dump—between your ears. Earlier today the Minister for Urban Development and Planning and the member for Adelaide, the Hon. Jane Lomax-Smith, announced a grant of $600 000 to Adelaide City Council to return to the parklands 1.8 hectares of former car parking land on Frome Road in the city. This is a fantastic outcome for users of the parklands, and it will assist the council and the state government to achieve the goal of returning land back to parklands in line with Colonel Light's original vision for the city. I understand that this money has been made available through the state government's Regional Open Space Enhancement Subsidy (ROSES) program. In light of today's announcement, can the minister indicate whether other projects have been funded recently by this program?

The PRESIDENT: There was a great deal of opinion in some of that explanation, Mr Sneath.

The Hon. P. HOLLOWAY (Minister for Urban Development and Planning): I thank the honourable member for his support for the Adelaide City Council's Frome Road parklands project. It is, indeed, a very worthy project and one that is in keeping with the spirit of Colonel Light's original vision for the city. I think anyone who has looked at the plans for returning that particular area—which was formerly a car park for the old Institute of Technology—could not help but be excited at the improvement it will bring to that part of the city. The key objective of the project is to restore and return this land to the parklands for all to enjoy. I understand that council will be using the grant to revegetate the area using native species and for the construction of a shared-use pathway which will provide links through the parklands to the Botanic Gardens at one end and to the university.

I am also delighted to be able to update members on the other worthy projects that are approved for this round of funding. Over $2 million will be provided to 12 councils throughout the state for a range of open space projects, including the funding of $7 500 provided to the Tatiara council for the development of Memorial Park at Bordertown, which was announced during the recent community cabinet held in Mount Gambier.

In addition to Adelaide and Tatiara, Onkaparinga council will receive $500 000 for the completion of a 43 hectare open space project at Pedler Creek Reserve. The focus of this project is on passive recreation and conservation, with rehabilitation of the natural riverine environment and the incorporated walking trails and picnic areas. Whyalla will undertake the expansion of Civic Park at Whyalla Norrie with the assistance of a $100 000 grant, which will enable unused land to be added to this already significant open space. The project will include the establishment of lawned areas and native vegetation displays. It will also include the addition of shade structures, seating, lighting and interpretive signage, which will all contribute to a positive visitor environment.

Tea Tree Gully will receive over $223 000 for the development of wetlands at Kingfisher Drive, Modbury Heights and a signage strategy for the Dry Creek corridor. The wetlands project will focus on the establishment of three wetlands, an aquifer storage and recovery system and passive recreation facilities that all contribute to the greater Dry Creek-Linear Park system. The signage strategy being undertaken jointly with the City of Salisbury will focus on

information and themes for pedestrians and cyclists along the Dry Creek corridor.

The Clare and Gilbert Valleys will also undertake two projects in the council area, with the assistance of grants totalling $88 400. Following completion of a master plan for the Hutt River Linear Park, this grant will assist council in the first stages of the development of the park and will include the provision of infrastructure for passive recreation, including disabled access, and will enhance the riverine environment with the planting of native vegetation. A second grant will contribute to the development of a master plan for Inchiquin Lake in the town of Clare. I understand that the council intends to involve the community in the development of the master plan to ensure community support for the project.

The Barossa council will commence the redevelopment of Victoria Creek Park at Williamstown, with a key focus on passive recreation and conservation. A grant of $105 000 will assist council to rehabilitate the natural riverine environment and provide quality facilities for visitors and locals using the area for activities such as walking and picnicking.

Port Adelaide Enfield council will receive two grants of $100 000 and $115 000 to undertake projects it has highlighted as priorities in the council's draft open space strategy. The first grant will assist council to complete the development stage of the upgrading of the Regency Park reserve, which is a sorely needed open space facility in the Regency Park and Mansfield Park areas. A second grant of $115 000 will enable the further development of the Dry Creek linear park in the City of Port Adelaide Enfield, including the establishment of a shared use path, seating, interpretive signage and revegetation with native plants local to the area.

Gawler council is receiving grants totalling $123 500 for the upgrading of Apex Park in the centre of Gawler. This is a major part of council's second project, which is the establishment of a recreation and environment trail. The recreation and environment trail is intended to form the backbone of the town's open space network and will include the establishment of a shared use path through the township between Evanston Park and the southern section of Gawler. The concept plan for the corridor will be developed as part of this stage and will include the enhancement of the riverine environment by the planting of local native vegetation.

Kangaroo Island council will receive over $9 000 of funding for the development of historical Reeves Point. To those members of the council who may not be aware, Reeves Point is recognised as the first official settlement of South Australia in 1836. The grant will assist council in developing a concept plan for the site, taking into account the important historic and environmental aspects of the area.

Finally, Mitcham council will receive funding of nearly $80 000 for the completion of the redevelopment of Mitcham Reserve located at Brown Hill Creek. The council's objective is to undertake conservation works along the creek line and further develop the site for passive recreation. I am sure members will agree that it is important that all of these projects and the local communities behind them are given due recognition. Although some of these projects may not seem individually significant, collectively they are extremely important to achieving some of the key social and environmental objectives of the Rann government, and they will make a significant contribution to tourism and economic development in both the metropolitan and regional areas of South Australia, while improving the quality of open space for the public.

The Hon. R.I. LUCAS (Leader of the Opposition): I have a supplementary question. Can the minister outline the process through which these particular grants under the ROSES scheme are selected? Is there an independent committee, and does the minister himself have any say in the final projects selected?

The Hon. P. HOLLOWAY: The minister does have a say in how the funds are directed, but councils do apply for grants under this scheme and they are assessed by Planning SA, and the recommendations come to me. In this case, I believe that all of the projects that I have announced came through that process.

The Hon. R.I. LUCAS: I have a supplementary question. The minister may need to bring back a reply on advice, but did he change any recommendation that he received from the departmental advice in relation to either a project or the sum of money that was applied to any project?

The Hon. P. HOLLOWAY: I will take that question on notice. I do not believe that it was the case in relation to this round of projects, but the ROSES program is one of a number of projects that come under the Planning and Development Fund. Of course, those funds come from payment into that fund as a result of property developments, and there are a number of funds. The ROSES program is just one use of those funds, but I will go back through all of that program and bring back a response.

The Hon. J.S.L. DAWKINS: I have a supplementary question. Will the minister indicate whether all of the proposals for these projects emanated out of local government, or did some of them emanate from other sources?

The Hon. P. HOLLOWAY: As I said, I think all of those grants do go to local government, but a lot of them, of course, certainly predate my time as minister. I will go back and find that information, but the funding will, in all of those cases, be made to local government. I should have pointed out also that a matching subsidy is provided. For example, in relation to the first project, which is as I said earlier particularly exciting—the return of the old carpark on Frome Road—that is matched I think by an $800 000 contribution by the Adelaide City Council, so it will be matched by that amount of money. So these grants are matched by councils and therefore they really have to involve a council contribution. That particular project in Frome Road as a $1.4 million project is particularly significant for this city.

SUPPORTED ACCOMMODATION

The Hon. KATE REYNOLDS: I seek leave to make a brief explanation before asking the Minister for Industry and Trade, representing the Minister for Families and Communities, a question regarding supported accommodation.

Leave granted.

The Hon. KATE REYNOLDS: I was contacted today by the parents of a 22-year-old man whom I shall refer to as Richard. Richard was born totally blind and he has cerebral palsy. He needs assistance every day in showering, bathing, dressing and toileting. He is generally, I am told by his parents, a fairly well-behaved young man and a pleasure to spend time around, but he certainly has high-care needs for his multiple disabilities. Richard has two older brothers and a younger sister, and all four of the siblings have been living at home with their parents.

The situation that has now arisen is that the parents have been posted overseas or, specifically, the father has been posted overseas for somewhere between one and two years. So, they have tried to secure a supported accommodation placement for Richard and so far have not had any success. They say in their letter that this will be a massive change and upheaval for Richard if they were to take him overseas with them. It is simply not possible. He has a settled program here and they do not want to put him through that massive change and the possibility of significant impact to his health. They also say that this change will be way beyond what he has ever experienced before, and to stay here and in his current programs would be the best outcome for his emotional and spiritual wellbeing.

They go on to talk about how the brothers and sisters will be staying in the family home, but because of their own work commitments they are not able to provide the daily care that this young man needs. They have said to me that they believe that, as Richard is now 22 years old, he should have the opportunity to have a place he can call his own. They have checked with the New Zealand authorities and there simply is not any hope of Richard travelling to New Zealand with them. I also point out that this young man has been on the waiting list for supported accommodation for well over three years. When his parents found out about the employment transfer, they immediately contacted Options Coordination—that was two months ago. They were referred to IDSC, but they were basically told, 'Do not get your hopes up; we do not think we will be able to find anything.'

They have since contacted another organisation, Life for Living, and they hope (with fingers crossed) that they will get a positive result, but they are certainly not confident and they need to depart for this overseas placement at the end of July. Two weeks ago, they wrote to the minister and outlined their situation and sought his help. They had a very quick response from the minister saying that he would look into it, but they have not heard anything since. Clearly, they are getting very anxious because they need time to settle their son into the new placement before they leave the country for up to two years. My questions are:

1. When will the minister's office make contact with the parents?

2. What action will the minister take to assist these parents to secure full-time supported accommodation for their child before they are transferred out of the country?

3. What is the average length of time someone is on the IDSC waiting list for supported accommodation?

4. What is the longest time that anyone currently on the list has been waiting?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for her important questions in relation to the particular case she has raised. I will refer her questions to the Minister for Disability in the other place and bring back a response.

GUEST, Mr C.

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the minister representing the Minister for Health a question about Mr Clifford Guest.

Leave granted.

The Hon. A.L. EVANS: Earlier this year, Mr Robert Guest contacted my office. Robert came to discuss a number of serious matters in relation to his brother, Clifford Guest. Until recently, Robert was a primary carer for his brother Clifford. Mr Clifford Guest has a number of serious health concerns, including post-traumatic stress disorder and depression. During my meeting with Robert, he advised that he and his brother had also spoken to the Advocate for Disability Action, Mr Trevor Shepherd, late last year. As a result of the meeting with Mr Shepherd, a letter was sent on behalf of Clifford and Robert Guest to the Minister for Families and Communities outlining Robert Guest's issues. The letter was subsequently forwarded to the Minister for Health, as the issues of concern were primary health matters.

Mr Shepherd explained in his letter that the state health system had seriously failed Clifford and that urgent action was needed. The Minister for Health wrote to Mr Shepherd on 29 January 2005. She advised that a senior staff member of the Royal Adelaide Hospital would be taking up the task of coordinating health services and accommodation requirements for Mr Clifford Guest. The letter also stated that the staff member from the Royal Adelaide Hospital was consulting with other specialists and that a multi-disciplinary team would be established to undertake a full assessment of Mr Clifford Guest's health needs. Once the formal health assessment is complete, recommendations as to his accommodation would be made.

On 9 February 2005, the Royal Adelaide Hospital community health team met with Mr Clifford Guest, Mr Robert Guest and Mr Trevor Shepherd, as well as Mr Clifford Guest's partner, to discuss Mr Clifford Guest's health concerns. This morning a member of my staff met with Mr Robert Guest and Mr Trevor Shepherd. My staff member was advised that the Royal Adelaide Hospital had not appointed a health coordinator to assist Mr Clifford Guest with his health and housing needs. My questions are:

1. Will the minister confirm whether a coordinator has been appointed by the Royal Adelaide Hospital to coordinate Mr Clifford Guest's health and housing needs?

2. Will the minister provide an update of the support services that have been provided to Mr Clifford Guest, as a result of the assessment carried out by the Royal Adelaide Hospital?

3. Will the minister advise whether minutes were taken of the meeting held on 9 February. If so, was a copy of the minutes provided to Mr Robert Guest and Mr Clifford Guest and, if not, why?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for his questions in relation to his constituent. I think several members in this chamber are aware of this case. I will undertake to ask the Minister for Health in another place those specific questions and bring back a reply.

TRANSPORT PLAN

The Hon. D.W. RIDGWAY: I seek leave to make a brief explanation before asking the Minister for Industry and Trade, representing the Minister for Transport, a question about transport planning strategies.

Leave granted.

The Hon. D.W. RIDGWAY: I refer to 'Program Information' and pages 6.19 and 6.20 of the budget papers we received last week. Under 'Policy Development and Investment Strategy', in relation to the Department of Transport, Energy and Infrastructure, it states under 'Sub-program: 1.1 Transport planning strategies':

> Develop transport policy, planning and investment advice, and strategic transport and passenger transport plans.

Some 2½ years ago, the Department of Transport (or Transport SA) released its draft transport plan, which is still on the department's web site in its current form. So, very little progress has been made. However, we were assured by the Minister for Infrastructure that that plan would be incorporated into the infrastructure plan. The original draft plan was some 80 pages, yet transport takes up only some four pages of the infrastructure plan.

I then noted that this plan has been sitting there for 2½ years in draft form with really no action having been taken. The budget line for this program (that is, to develop transport policy, planning and investment advice and, in particular, strategic transport and passenger transport plans) in the budget for 2003-04 was $18 million actual; the estimated result in 2004-05 is $17 364 000; and the budget for next year is $17 296 000. On further detailed analysis, employee expenses are in excess of $8 million, and supply and services is some $7 million; and, in the category 'Other', it is $1.6 million.

Given that the transport plan is still in draft form and we have no indication from this government whether we are to ever see a proper transport plan, what are the supplies and services for—estimated to cost $7 154 000—and what is the 'Other' category of $1 683 000 for with respect to a plan we have not seen? When will we see the draft transport plan: this year, next year, some time, or never?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I looked at that budget paper for the first time only one second ago, but it seems pretty obvious to me—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: What I am quite happy to say is that any transport project—and there have been lots of major ones going around this state, whether it be the tunnels under South Road or the Port Adelaide Expressway and bridges—requires an enormous amount of planning. I will check it with the Minister for Transport, but I would assume that all those projects need a significant investment in staff time and cost in terms of drafting detailed plans. An enormous amount of planning needs to go into all road transport projects. It is not just a question of a transport strategy overall. After all, the transport strategy is an accumulation of an enormous amount of planning work that goes on in individual projects.

As I have said, some of those major works, such as the Port Adelaide Expressway, a number of engineers would spend a very long time doing all the soil testing work, surveying and all that sort of work that is required with the planning of transport projects. I assume that there is such a significant budget to enable that work to be undertaken by Transport SA. As I have said, I have only just looked at it, but it seems to me to be the obvious explanation as to why they are in the budget. However, if there is any problem with that, I will bring back that advice to the council from the Minister for Transport.

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: As I said, I think that is a question that could be answered very quickly, indeed.

DIRECTOR OF PUBLIC PROSECUTIONS

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I lay on the table a ministerial statement on the subject of the Director of Public Prosecutions made today by the Attorney-General.

MATTERS OF INTEREST

TATIARA OLIVE PROCESSING MILL

The Hon. CARMEL ZOLLO (Minister for Emergency Services): Earlier last month I visited the Tatiara district and, more specifically, the Olive Processing Mill located just outside Keith. The Bordertown state cabinet meeting on 2 May gave me the opportunity to accompany my colleagues the Hon. Paul Holloway and the Hon. Stephanie Key to the state-of-the-art olive processing plant located near Keith. My thanks go out to Mr Grant Wylie, Chairman of the Wylie Group, Mr Frank Agostino, a major shareholder of the plant, and plant manager Mr Wayne Siviour for showing us around the impressive site and for giving us a thoroughly interesting lesson in olive oil processing. I would also like to thank Mr John Ross, Bordertown councillor, along with Keith councillors Ms Janet Allen and Mr Richard Vickery, who were part of the informative tour.

I would like to make special mention of Olives SA president Mrs Lisa Rowntree, who was also at the mill. Lisa is the 2005 South Australian Rural RIDC Woman of the Year. This national award is designed to recognise but also, more importantly, to encourage the vital contribution women make to rural Australia. The award has provided resources and support for a group of rural women who are not only regarded as progressive farmers but also as key decision makers in the community.

Olive growing is now the fastest growth industry in Australia. Olive oil is an international commodity. South Australia in particular has the climate, physical resources, horticultural infrastructure and expertise to support a modern olive industry. The Tatiara site is a wonderful example of local industry showcasing growth in a specialised area. The region's climate is ideal for olives, and some 400 000-odd trees are now grown in and around the immediate Tatiara region, with further plantings expected. The Limestone Coast region, with its soil structure and climate, is conducive to the growth of high quality olives suitable for high end value added cold press extra virgin olive oil production.

Since opening in 2004, the plant has been a boost to the local growers and the local community, employing six casual employees and, more recently, it has created two new full-time positions, which has brought two new families to the area. The owners expect to produce up to 2 million litres of olive oil, up to 1 per cent of the world's olive oil, which is higher than the current South Australian average. As the plant grows, it has the capacity to triple the number of processing lines in the future, thereby creating more jobs and bringing new families into the area.

The Tatiara Olive Processing Mill is an impressive facility. It has the capacity to hold more than 2 million litres of olive oil, which is stored in 14 stainless steel tanks nearly six metres high along the length of the processing shed. The plant has the ability to take 20 tonnes of olives at one time, which are then rinsed twice and placed into storage tanks and fed into malaxus machines, where they are left for two hours in an agitator for cold pressing. The term 'cold pressing' is used when olives are processed in a gentle mechanical press at low heat no greater than 31 degrees celsius. For extra

virgin olive oil, olives are processed within 24 hours of picking. This maintains the flavour, aroma and health benefits of the olive fruit. The black water and pulp that remains after the processing is used as a fertiliser for local mushroom farming and, in future, may be used in construction products.

The prize winning 2004 olive oil product has completely sold out. Some 1 500 tonnes of the 2005 crop from Meningie, Coonalpyn, Frances and Keith growers are expected to be crushed this month to supply local and overseas markets. Apart from Bordertown and Keith, the Tatiara district is well serviced by nearby centres such as Naracoorte and Mount Gambier and is less than three hours away from Adelaide. The district boasts an excellent transport link, allowing local businesses greater access to key markets in Victoria, Mount Gambier, Adelaide, the Riverland and New South Wales.

It is worth mentioning that the district has one of the lowest unemployment rates in the state. Over the past few years there has been significant investment in a range of associated industries in the area. For example, the region's wine grape industry has been boosted by recent large scale plantings around Padthaway, Bordertown and Mundulla. The innovation and entrepreneurial skills of the region are reflected in a mix of niche/specialist businesses which, combined with wine, olives and dairy foods, comprise the 'great taste of Tatiara'. Once again, I thank all those involved in hosting our visit to the Tatiara Olive Processing Mill for making the experience such an interesting and informative one.

HONG KONG TRADE DEVELOPMENT COUNCIL

The Hon. J.F. STEFANI: Today I wish to speak about the Hong Kong Australia Business Association (SA Chapter) which held its annual gala business awards dinner at the Radisson Playford, Adelaide, on Friday evening 27 May 2005. I was privileged to receive an invitation to attend this prestigious function from Ms Bonnie Shek, Director of the Sydney office of the Hong Kong Trade Development Council for Australia and New Zealand. The Hong Kong Australia Business Association Inc. was established in 1987 by the Hong Kong Trade Development Council, and it now operates in New South Wales, Victoria and South Australia.

The aim of the HKABA is to promote contacts and communication between business people in Australia and Hong Kong. It also seeks to reinforce economic ties between Hong Kong, China and Australia. The South Australian chapter of the HKABA also provides a forum to increase knowledge and understanding of the business opportunities which can be achieved between Hong Kong and Australia. Another of its objectives is to assist the development and promotion of business and investment and disseminate information to establish strong trading links between Australia and Hong Kong. This South Australian business association has a strong membership base and provides an effective channel of communication and networking between its members.

The HKABA (SA Chapter) initiated the South Australian Business Awards in 2001. Through these annual awards, the association seeks to foster closer relations and acknowledge achievements by South Australian businesses. The awards are also designed to promote an increased awareness of the importance of trade between Hong Kong, China and Australia and have become a most significant annual event within the South Australian business community. The categories for the awards vary from exports of manufactured goods to the import of manufactured goods as well as the export of services to the import of services.

The HKABA (SA Chapter) has achieved distinction as the International Chamber for the Year for 2001, 2002 and 2003. This recognition was due to its achievements of excellence in international trade and other business links between Australia, Hong Kong and China. As an umbrella organisation, the HKABA joined the Federation of the Hong Kong Business Associations, a worldwide organisation established in November 2000 comprising 28 Hong Kong business associations with a total membership of more than 8 000 members. The Hong Kong Trade Development Council has provided strong support for the establishment of these associations and has assisted many businesses to expand their activities, trade connections and services through its 48 offices that are strategically located around the world. The Hong Kong Trade Development Council established its office in Sydney in October 1995 and, since that time, it has strengthened Hong Kong's trade and economic links with Australia and New Zealand and has promoted better understanding of Hong Kong in our region.

I have been privileged to attend most of the business award presentations since they began in 2001. Each year the award recipients have been outstanding achievers in their field of endeavour. I take this opportunity to offer my sincere congratulations to the Hong Kong Trade Development Council and, in particular, to the Director, Ms Bonnie Shek, for her commitment and support of the HKABA (SA Chapter). I also express my appreciation to the President, Mr Victor Mo, and the executive committee of the HKABA (SA Chapter) for their significant contributions and for organising the annual business awards presentation. I wish the HKABA and its members continued success for the future.

LIBERAL PARTY

The Hon. R.K. SNEATH: Today I take the opportunity to talk about the decaying state and tiredness of the South Australian Liberal Party. During the past week I have read with interest a number of stories in *The Advertiser* outlining the Liberals' in-house squabbling and tiredness. Even the Prime Minister has come out and said that he justifies a pay rise to politicians because he wants to attract talent, especially in the state Liberals. I think he was pointing the finger straight at the South Australian Liberals; I think the Prime Minister relates their usefulness to an upside-down pair of dentures.

In the *Sunday Mail* of 22 May the headline blared 'Libs in despair: we're paralysed.' The story named eight seats that the opposition is likely to lose in the next state election if discontent in the party's leadership continued. One fact was that many in the Liberal Party believe that the shadow treasurer and the shadow attorney-general in this council are tired and too frightened to take on the government's excellent ministers in the other house. On Monday 23 May, *The Advertiser* ran a story with the headline 'Angry Kerin won't stand down'. This piece had the Leader of the Opposition labelling the leadership speculation within his own party as 'treacherous and a disgrace'. On Tuesday 24 May, *The Advertiser* ran an editorial which read, 'Rob Kerin must lead from the front.'

Liberal leaders in both houses are tired; the tired old shadow treasurer, the Hon. Mr Lucas, became knocked up selling and giving away the state's assets while in government and has never recovered. Of course, the leader of the

Liberals in the other house became knocked up defending the Hon. Mr Lucas and his giving away of the state's assets. However, most Liberals are concerned about the lack of policies. They went off to Mannum in the hope that they would come back with some policies, but all they came back with was one carp amongst the lot of them—but no policies, not even on land tax.

An article in *The Advertiser* reads as follows:

'We are paralysed,' one key MP said as discontent with Opposition Leader Rob Kerin's performance peaked. . . Mr Kerin said that he knew of the Hamilton-Smith document, but had not read all of it. . . Mr Kerin took no initial interest in the selection of the party's new state director.

He is obviously too tired. The article also states:

Shadow cabinet won't rescind its 2002 decision that Mr Kerin would not take a negative stance on all issues. Some believe it's time he did.

Again, he is obviously too tired. It goes on:

The discontent surfaced late last year when the first strategy document, written by a senior official, was delivered to Mr Kerin's office. The document contained a range of recommendations, including a reshuffle of shadow cabinet so the [shadow] treasurer (Rob Lucas) and [shadow] attorney-general (Robert Lawson) positions were occupied by lower house members.

Both too tired, they said. The article continues:

It also outlined a detailed marketing strategy to better 'sell' the Liberals to the electorate.

But who is going to do this? They are all too tired and it is far too hard. The article claims:

Federal officials were outraged that the document was not acted upon. 'He (Mr Kerin) ignored the whole thing,' one senior federal party official said.

Again, too tired they said. The article goes on:

'It is worse than lazy, it's worse than laziness, it's just stupid,' said a senior party official after Mr Kerin declined to take part in the selection committee to choose a replacement.

If you think I am making this up and that it is only my opinion—well, the Liberals are saying that he is too lazy and it worse than laziness, and it is just stupid. Like I said, he is just too tired—hardly surprising when they are all too tired.

Then there was a contest, they said. They were going to take on the leader in the other house—they were putting someone up against him. So they looked around and had secret meetings in restaurants, in wineries, all over the place—but at the end of all those meetings they decided that they were all too tired for a leadership spill.

FISHERIES, NET BUY-BACK SCHEME

The Hon. CAROLINE SCHAEFER: After that entirely tiring diatribe, which is indicative of the comic relief that has been provided from time to time by the Hon. 'Sleeping' Mr Sneath, I would like to address what I believe to be a very serious matter—that is, the voluntary buy-back of net endorsements in the marine scale-fish fishery. I have here a letter of offer to one of those fishers and it outlines what the minister has said with regard to this scheme, as follows:

This buy-back scheme is the first step in a process for restructuring the commercial net sector of the marine scale fisheries and for reducing the level of fishing efforts by nets in the state waters. These policies and processes are being implemented primarily to address sustainability concerns for a number of species, particularly garfish.

As I pointed out yesterday, there is no shortage of garfish. It continues:

They will also reduce—

and this is the important factor—

conflict between the commercial net sector and the recreational fishing sector.

We are talking not about science but about populism. It goes on:

This invitation in an opportunity for licence holders with net endorsements to consider their future and to apply for a payment prior to the implementation of other strategies to further restructure the fishery that will begin over the next 12 months. Future strategies for restructuring the fisheries and reducing effort levels will be finalised following the buy-back.

That is my complaint. Members have heard me over a long time saying that, if the government chooses to put someone out of making a living, it has an obligation to reimburse them and to pay them out. This particular restructure is considerably better than the river fishery restructure because at least there has been a value put on licences. However, my complaint is that these people, some of whom are generational fishers, are being asked to make a life changing decision without knowing what the step is. It is entirely a puzzle and they are being asked to answer the question when they do not know what the question is.

Included in the package is $3 000 per fisher for business advice. Why is not the $3 000 offered before people have to sign up rather than after so that they have that business advice which will give them some projection as to whether or not they should take up the offer. There are more questions than answers to the process, which in my view is an entirely flawed process. We now have a whole group of fishers who do not know what their future is. They know that the minister has announced that he will close many of the current fishing grounds progressively, but he has not told them which ones he will close first or whether it will be a phased-in closure over five years, two years or 10 years. He has not told them whether it is his intention to close commercial net fishing in South Australia altogether over a period of time. Currently, if he chooses to progressively close the bays, the fishers who are left will move from the closed areas to the unclosed areas and increase the fishing effort in that area.

Above all, after three years in government, this administration has chosen not to introduce any supportive legislation. The Fisheries Act has been under review since about 1999, yet no progress has been made. We have had public consultations, meetings and green papers, but still the minister chooses to sit on his hands and not provide these people—who must by Friday make life changing decisions—with any structure.

DRUGS

The Hon. SANDRA KANCK: Last Friday, Schapelle Corby become another casualty in the war on drugs. Like many Australians, my gut feeling is that she is the unwitting victim of a drug trafficking operation gone astray. If so, Ms Corby is what US military propaganda calls collateral damage. In the US-led war on drugs, she is an unintended victim, but even if Ms Corby is guilty, even if her tears and protestations of innocence are a guileful attempt to fool the Indonesian court and the Australian public, she remains a casualty. I know people will say, 'That's the law of Indonesia' and hence none of my business, but I have little time for the argument that we must accept the law of other countries without question.

Female circumcision, as an example, is an appalling assault on a defenceless victim whether or not it is sanctioned by religious or secular law. Chopping off the hands of a

convicted thief is an abuse of human rights. Sentencing Ms Corby to 20 years for possession of 4.1 kilograms of marijuana is cruel and unusual punishment. Yet the Corby penalty is not merely unjust: it is also counterproductive.

Struggling to make an impact on the traffic in drugs, the international community has adopted a law enforcement regime based on terror. Extremely harsh penalties await those caught trafficking in drugs. Our contemporary drug laws are reminiscent of the British parliament's attempt to stamp out crime during the 19th century. Not having an effective police force, it passed law upon law carrying the death penalty in an attempt to control criminal behaviour. Eventually, a crime as innocuous as breaking the head of a pond whereupon the fish died attracted the death penalty. The British campaign of legislative terror failed and crime flourished, and so too the war on drugs is failing.

The authorities harvest but a trickle of the drugs that flood through international borders on a daily basis. Despite massive resources being devoted to apprehending drug traffickers, for every high-profile drug bust, thousands of other offenders pass undetected. Nor will a commitment of increased police and customs resources substantially stem the flow, because the outcome of attaching harsh criminal sanctions to the trafficking of illicit drugs is to force up the price exponentially. The fantastic wealth to be made from the trafficking of illicit drugs is an irresistible lure for organised crime and spawns endemic corruption amongst police and customs authorities.

Indeed, we can now add airport employees to the list of those targeted by organised crime to facilitate the trafficking of drugs. The real drawback of the criminalisation of drugs is that it leads us away from a medical approach to the issue of drug use. It is surely better for an alcoholic to be in the care of a doctor than the bowels of a prison, and I think it should be the same for drug users. It is time harm minimisation became the key consideration in how we handle the drug use issue. Do not mistake me. This is not an argument for the legalisation of drugs. Far from it. It is a call for a change in tack, however, a re-evaluation of the efficacy and costs of our current approach. Until that happens, we will witness more young Australians facing extremely harsh penalties for trafficking drugs.

WORLD NO TOBACCO DAY

The Hon. NICK XENOPHON: Yesterday was World No Tobacco Day, and it is an appropriate time to reflect on the steps and setbacks with respect to tobacco control in South Australia. Just recently, I asked questions of the Minister for Health as to the ministerial reference group on tobacco. I understand it was convened sometime in 2002, and I also understand that its draft report was delivered to the minister in May 2004, but it was only yesterday that the report or the recommendations of this reference group were released for public consultation.

We know that tobacco is one of the largest preventable causes of disease in this country. We know that, according to information from Action on Smoking and Health in Australia (ASH) tobacco is Australia's number one preventable health problem, each year killing around 19 000 people and costing the economy more than $21 billion. According to ASH Australia chief executive, Ann Jones smoking rates remain too high, especially among the poorest and most vulnerable in our community. Ms Jones also makes this disturbing point:

> There are still more than 200 000 schoolchildren smoking regularly. Indigenous smoking rates remain at around 50 per cent, and one in six women still smoke even when pregnant.

She goes on to say that most smokers want to quit and that health professionals can play a key role in identifying, assessing and offering treatment to all smokers.

The fact that our indigenous smoking rates are so high is a disgrace. The fact that the mortality rates for indigenous Australians in terms of the age at which they are dying has gone down rather than increased in terms of longevity in the past generation is a disgrace, and the smoking rates are clearly a factor. I believe that we can go much further in a tobacco strategy to reduce the cost to public health and to improve the health of the community. I note that last year an amendment I moved to the government's tobacco control legislation (which the government fought in this place) for a nicotine replacement therapy trial is only now beginning to go ahead. It is interesting that, whilst the government opposed it initially, it has now embraced it.

I understand that, at a ministerial council meeting a number of months ago, the health minister extolled the virtues of South Australia's being at the forefront. Politics is a funny business, but it is good that the minister acknowledges the potential effectiveness of that trial. I note that, in her media release yesterday, the minister referred to the subsidised nicotine replacement therapy trial for 2 000 low income smokers, and that it will begin soon and that some $265 200 will be allocated. She said that this is a good investment in the health of South Australians. We should, can and must go much further in terms of tobacco control, and the federal government has an obligation in relation to this.

I note that in Europe the EU has unveiled a new anti-smoking campaign that calls on governments to print hard-hitting images on cigarette packets to show the damage smoking can do to people's health. It goes much further than what we have in Australia. Indeed, 50 per cent of the front of the packet shows explicit images designed to scare smokers into quitting, which must be a good thing. In August 2004, a Canadian study showed that 20 per cent of respondents said that they smoke less as a result of the new graphic Canadian packets, yet we are still dithering in that respect at a federal level. Much more needs to be done. I hope that the minister keeps her word to push for a total ban of the display of tobacco products in terms of reforming our current displays to discourage young people from taking up smoking, given the failure of the government to fulfil its commitment last year in relation to that.

Time expired.

MITSUBISHI FUND

The Hon. A.J. REDFORD: I want to talk about the Mitsubishi structural adjustment fund. Last May, Mitsubishi announced a significant restructure, including the closure of the Lonsdale engine plant. At the time, it was acknowledged that this was the best outcome that could be achieved, and it was acknowledged that the result was achieved as a consequence of bipartisan support. In July last year, the Deputy Premier (Hon. Kevin Foley) announced the establishment of the Mitsubishi structural adjustment fund. The federal government provided $40 million and the state $5 million. At the time, the Deputy Premier said:

Applications are now sought for investment projects which will establish new industries and create sustainable new jobs in South Australia, particularly in the southern suburbs.

He mentioned the need for more diverse industry and more sustainable industry in the south. He said that he would continue to work on priorities for the south. He emphasised the importance of getting new business to establish in the south.

In September last year, Fibrelogic announced that it would establish a world-class facility for manufacturing glass reinforced pipe; that it would receive assistance from the structural adjustment fund; and that 140 jobs would be established as a result. I welcome that announcement and acknowledge the work put in by the federal government in that respect. In August last year, the AMWU expressed concern about progress. In its statement it said:

The union says many of the workers are keen to stay in southern Adelaide but are concerned about the lack of alternative employment.

In May, it was reported that there had been 80 inquiries and 24 formal applications for grants, but there was some criticism about the way in which they were being processed and some suggestion that the criteria ought to be changed, and I welcome moves in that direction.

On 18 May, following a further statement some three days earlier that the fund was for the establishment of jobs in the southern suburbs, it was announced that a $10 million car plant would be built in the northern suburbs, that is, the Cubic Pacific project at Edinburgh Park. Further, this announcement, which does little for the southern suburbs, was endorsed by the so-called Minister for the Southern Suburbs (Hon. John Hill), who proudly announced expenditure from the Structural Adjustment Fund which was for the southern suburbs and which was to occur in the northern suburbs. One might ask: what sort of southern suburbs minister is the Hon. John Hill?

It will take residents of Hallett Cove and O'Sullivan Beach more than 2½ hours to drive to and from Edinburgh. Nowhere does the Treasurer say that he will waive the stamp duty and other government costs associated with buying a house in Edinburgh, and nor does he suggest that he would pay the agent's fees for selling their Hallett Cove or O'Sullivan Beach homes. It is a ridiculous decision that does nothing for the south, and it does not fill any of the criteria announced by the Treasurer last year.

I hope that the Cubic Pacific decision to put the investment in the northern suburbs is the last decision to put moneys that rightly belong in the south in the northern suburbs. I repeat that it is money that was designated in relation to the replacement of Mitsubishi jobs, the bulk of which came from the south. I do not believe that the government is serious when it says that it cares about the south. It may well have established an office of the south, and it may well have a minister of the south, but it does no good for the residents of Hallett Cove or O'Sullivan Beach if the minister for the south meekly accepts decisions to divert money that rightly belongs to the south to the northern suburbs. I would hope that the Minister for the Southern Suburbs and, indeed, this government can ensure that any future expenditure out of this Structural Adjustment Fund takes place in the south so that the people of Hallett Cove and O'Sullivan Beach can look forward with some confidence in the future so far as their employment is concerned.

I agree with the Treasurer's initial statement that new industries and new strategies need to be established in the south, but the decision made by the government to invest money in the northern suburbs does absolutely nothing, and I hope that the cabinet reads this submission and does not make a stupid decision like that again.

DEEP CREEK

The Hon. SANDRA KANCK: I move:

That the Natural Resources Committee inquire into the condition of Deep Creek and its tributaries, with particular reference to:

1. The impact of forestry activities on stream-flow within the catchment area;
2. The impact of dams and water use;
3. The impact of rainfall levels and the associated catchment response;
4. The currently observed impacts on, and the potential threat to, the biodiversity of the creek and its environs, including the Deep Creek Conservation Park;
5. The potential threat to eco-tourism as a consequence of the drying of Deep Creek and its associated economic impacts;
6. The potential for repair of the damage via the National Water Initiative, the prescription of the water resources of the Western Mount Lofty Ranges and the Natural Resources Management Act and regulations; and
7. Any other related matter.

I first became aware of this issue when reading the Victor Harbor *Times* of 14 October last year. I will quote some of that article, as follows:

Kevin Bartolo and well-known nurseryman Quentin Wollaston have requested the State Government take action to halt the permanent damage occurring to the creek and its accompanying ecosystems. They believe that sections of a 270 hectare pine plantation situated within the catchment have reduced water run off and caused a once vigorous permanent spring that supports summertime flows in Deep Creek to cease flowing.

It is not only Mr Bartolo and Mr Wollaston who have noticed diminishing water flows since 1995. This is really quite important because later on, as I proceed in my speech, I will quote from assorted ministers over a period of a decade who have denied this. The article goes on:

Deep Creek is recorded or stated as once being a permanent stream by the Department of Environment and Heritage, National Parks and Wildlife Service, Department of Administrative and Information Services, long time residents as well as several well respected scientists and botanists associated with the initial push to have the area protected within the national parks system, as it represents the largest stand of pristine wilderness left on the Fleurieu Peninsula.

A second article appeared in *The Times* from Victor Harbor (thetimes.yourguide.com.au) on Thursday 24 March 2005. That article stated:

'The data collected to date indicates the Foggy Farm swamp is already at a critical stage and may have suffered irrevocable damage as a result of changes to the water regime,' Mr Bartolo said.

The article talked about botanists Rosemary Taplin and Denzel Murfet, who have been down there and carried out a biodiversity survey and have identified, for instance, that 15 aquatic plants have already disappeared from the area. The article stated:

Mr Bartolo alerted the state government to the ecological changes early last year and is anxiously hoping for some action. 'The upper reaches of Deep Creek were one of the state's hot spots as far as aquatic macroinvertebrate life was concerned,' he said. 'That was until 1995, when for the first time in living memory, its cool waters stopped flowing and Deep Creek started drying up. It now does not flow for up to five months of the year because pine trees in the

nearby Forestry SA plantation have drained the Foggy Farm swamp which once kept Deep Creek flowing all year round.'

That article, in turn, prompted me to ask a question of the Minister for Environment and Conservation a couple of months ago. I have not yet received an answer to the question but, as a consequence of asking it here in the parliament, I have received much more information on the subject from the local people who live near Deep Creek. The matter was the subject of an article in the most recent edition of *Xanthopus*, the newsletter of the Nature Conservation Society of South Australia.

As we have already heard from those newspaper articles, the drying up of Deep Creek first became apparent a decade ago. The locals who live close to the creek and who know it and are able to recognise the changes that have been occurring have been attempting for that period of time to have this matter taken seriously. It has involved a number of government departments and agencies and it has also involved a series of ministers of both Labor and Liberal persuasion whose departments have failed to take this matter seriously. Mostly it appears that the forestry industry has been able to hold sway in the arguments. Back in 1995, Mr Quentin Wollaston wrote to the then minister for primary industries (Hon. Dale Baker) suggesting that the recent establishment of plantations in the vicinity was resulting in reduced flows of Deep Creek. Mr Baker's response was as follows:

. . . it is more likely that water flow has been reduced by the unusually dry summers that have been experienced over the last few years. . . The plantations in question are still young and have required significant investment by the state to reach the present level of maturity. It is not practical to clearfell these areas before they can generate a return on the investment. . .

I think it is worthwhile putting on the record that the locals have never been asking for clear felling; they have always been asking for a judicious removal of the trees from the saturation zones in the area. Of particular importance is the suggestion from the Hon. Dale Baker that it was the unusually dry summers that were the culprit.

In 1997, the then environment minister, David Wotton, was contacted and he, too, regurgitated what some public servant wrote for him, with the minister showing in the process that he did not have proper knowledge of what he was purporting to speak about. He said (and remember what I read earlier on in the Victor Harbor *Times* article) as follows:

. . . Deep Creek flows in winter and generally ceases to flow in summer, becoming more like a series of water holes.

I do not know where he got that particular point of view. However, he went on to say:

. . . local knowledge of Wild Dog Creek indicates that this creek flows all year. . . a particularly disturbing observation indicative of catchment salinisation was the large number of mature trees which have died in the upper reaches of Wild Dog Creek.

David Wotton asserts (again, contrary to what the locals have told me) that the section of Deep Creek to the east and upstream of Hodges, which is cleared and used for farming, has never had summer flows. That is simply not true. Mr Eitzen, a member of the Eitzen family who lived on that property from the 1940s onwards, has said that the creek was a perpetual stream during the decades that he owned it. If this chamber agrees to the passage of this motion, I am confident that Mr Eitzen will attend a hearing of the Natural Resources Committee to testify to that effect. The next minister who became involved in this saga was the Hon. Michael Armitage, with his hat on as minister for government enterprises in 1997. I will quote from his letter, as follows:

I am advised that earlier this year opinions were sought from a number of agencies involved with these matters, with the result being that there is no evidence from the information available that the pine plantations are having any significant effect on water flows.

I suspect that that answer simply reflects the power that foresters have when it comes to issues relating to the environment. Mr Quentin Wollaston replied to that letter, and I will quote from his response, as follows:

Rainfall being below average for several years, which is wrong, yet if right, why are other local permanent streams in this vicinity not affected also?

It is a pretty good question. It continues:

'Foggy Farm' owners advised no significant reduction in overflow from their dam until recently. Their drawdown for domestic supply stops overflow now, but never did before in the previous 50 years.

He refers again to the Eitzen family, going back to the 1940s, when they cleared most of their 800 acres, always knowing that Deep Creek was a perpetual stream. A further letter to minister Armitage early in 1998 shows Mr Wollaston's lack of confidence in the personnel in the forestries department. He says in his letter to minister Armitage:

In my letter 5/12/97 all the facts are there. I have no faith in Mr Rick Underdown who visited 7/4/95. We walked up the dry Deep Creek bed, Mr Underdown ignoring my comments about usual water flows and levels and fish activity.

I wonder, of course, whether Mr Underdown was the person who was advising Mr Armitage that there was not a problem. Mr Wollaston's letter continues:

[Mr Underdown] said on his departure, 'Pinpoint the springs affected by Forestry pines and we will do something about it.' Mr Underdown knows that pines obliterate any evidence of springs.

Mr Wollaston maintained the pressure requesting strategic removal of pine trees with Mr Armitage, maintaining that 'all of the available evidence indicates that other factors, including rainfall, will determine the characteristics of water flow in the creek'. In January 1999, Quentin and Jenny Wollaston wrote to their local MP Dean Brown who, at that time, would have been a minister in the Olsen government. They reminded him that, in every summer for seven years, the creek had dried up. Their letter to the Hon. Dean Brown states:

Even Environment Ministers Wotton and then Kotz have not been concerned that Deep Creek is drying in their conservation park. . .

In regard to the issue of water flow, they state:

. . . in the driest year we've recorded, 1982, before the pines were planted, Deep Creek flowed strongly all summer. As well Deep Creek ceased flowing after the wettest year we have recorded, 1992, after the pines were planted.

I would have to say that circumstantial evidence would indicate that the Wollastons were on the right track. It is also very interesting to hear those comments from Mr Wollaston considering that Mr Armitage, the minister at that time, was claiming that rainfall was a factor.

That letter resulted in the Hon. Dean Brown contacting the Hon. Dorothy Kotz, who was the minister for environment and heritage at that time. There was a glimmer of hope, as she said she would get an independent assessment done; however, at the same time in her letter, following the consistent line of her predecessors, she said that the pine trees were not the cause. The Hon. Dean Brown then wrote, in 2001, to the Hon. Mark Brindal, who was the minister for water resources.

Suddenly, there was a glimmer of hope. One of these ministers seemed to understand. From all the correspondence over 10 years that I have been able to view, from ministers to their local people, Mark Brindal was the only one who got anywhere near it, and I commend him for what he had to say in his letter. He wrote:

> From limited gauged catchments in the Mount Lofty Ranges it is clear that the totals discharged from a catchment reduces significantly where the land use is given to pine plantations (around 100 mm).

He refers to Dr Armitage:

> He argues that whilst closely spaced plantations, on a unit area, use more water than native vegetation, this greater use is offset by unplanted areas such as fire breaks, tracks and roads, as well as land that is too steep, rocky or swampy for forestry plantation. . . Experience in the Clare Valley shows the permanence of stream flow may rely on relatively small areas of the catchment where there is good recharge and a good hydraulic connection to the river system.

I suspect that, when Mr Wollaston got that letter, he must have been almost cheering. It continues:

> If such areas are forested, and if the forests are planted in the area of the headwaters of a stream where the highest rainfall is recorded, and hence the majority of stream flow for the river is developed, it is likely they would reduce summer base flow. This may result in a marked change to the hydrology of the catchments as currently experienced and observed by landowners.

The penultimate sentence of the letter states:

> This matter is in many aspects pertinent to the present discussion about forestry and water in the South East. The outcome of that debate may well have significant ramifications for other areas of the State, including the Delamere area.

What a pity Mark Brindal is no longer the minister for water resources, because he really had a handle on this. Maybe—and that was 2001 when Mark Brindal was writing it—four years on, we might have had something done in that area. In more recent times, and with a different government, minister McEwen wrote to Kevin Bartolo in response to a letter from him:

> The issue you have raised in relation to land use change and water management is a complex issue with many variables that are not easily interpreted.

That is obviously true. It continues:

> While I appreciate that you wish to discuss this issue with me personally and preferably on site at Second Valley, I am of the view that it is more appropriate for you to continue to liaise with ForestrySA staff. . .

I think—

The Hon. R.I. Lucas: Who is this?

The Hon. SANDRA KANCK: This is Rory McEwen. Given that we have already seen years of Forestry SA staff just stymie this, he tells him to continue to liaise with them and the Department of Water, Land and Biodiversity Conservation—and this letter truly spells 'conservation' as 'conversation'—on this matter. Leaving it to Forestry SA is not the solution. They have clearly been part of the problem, and I hope that, if this motion is passed for the Natural Resources Committee to do what a series of ministers failed to do, including Rory McEwen, committee members go to view the site and see for themselves. Mr Bartolo has continued to write to other ministers, and he wrote a letter to the Minister for Environment and Conservation, John Hill, the present minister. His letter reads as follows:

> There are three initiatives within the Environment and Conservation Portfolio that are relevant to the Deep Creek catchment, which I am hoping in time will address your concerns:
>
> · The national water initiative recognises the need to manage water interception issues by land uses including forestry. We are working towards a national agreement that will ensure such interceptions are better managed in the future;
> · Notices of prohibition and intent to prescribe for the water resources of the Western Mount Lofty Ranges were announced on 14 October 2004 and include the Deep Creek catchment; and
> · The Fleurieu Peninsula water management plan project is a technical study of the surface and ground water resources and urban growth of the area, including Deep Creek. It will examine the effects of threatening processes on water dependent ecosystems, particularly the Fleurieu Peninsula swamps listed under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999, some of which are in the Deep Creek catchment.

The minister's hopes that these things will address Mr Bartolo's concerns have, to some extent, been dashed by a later letter from the minister, but they will not be able to do anything about it because none of these initiatives are retrospective.

Then, in December last year, we have a letter to Kevin Bartolo and Quentin Wollaston, again from the Hon. Rory McEwen. This time he says:

> No substantive case has been made nor has any independent advice been received that would warrant a conclusion other than that previously provided. That is, there is no reason to change the current plantation management.

This, by the way, is after significant reports had been sent to assorted ministers showing the damage that was, and is, occurring. Hopefully, when the Natural Resources Committee deals with this issue it will have some recommendations that might succeed in getting the Minister for Environment and Conservation to change his mind.

The correspondence, the mail warfare, continues between the local residents and ministers, and on 20 May (just a short time ago) the Minister for Environment and Conservation replied to a letter dated 23 February from Mr Wollaston and Mr Bartolo. He said:

> Analysis carried out by my department has identified several issues, both of which would contribute to the apparent decline in water flows; they are the increase in dam number and capacity in the upper catchment and an observed decline in annual rainfall over the last 30 years in the 'Foggy Farm' area.

I have included the issue of the damming of water and restriction of catchment flows as part of the terms of reference so that this can be proved wrong, because I know it is wrong. The minister goes on to say:

> Interpretation of the available aerial photography indicates that the number and aggregate capacity of dams constructed in the upper catchment to 'Foggy Farm' has significantly increased over the last 30 years. I am advised that aggregate dam capacity in the area may have doubled since 1974.

The next comment that the minister makes in his letter is:

> An analysis of rainfall data since 1970, from an official rainfall station located within four kilometres of the sub-catchment centre, indicates that there is a downward trend in rainfall since the 1970s, with only seven years reaching the long-term mean, or exceeding it, since 1980. In contrast, the decade of the 1970s was an extremely wet period, with seven of the 10 years having rainfall in excess of the long-term mean.

Again, to counteract that so that the committee can look at claims like this being made by the minister, I have included the issue of rainfall in the terms of reference because I have seen the figures and I can assure the council that they do not back up what the minister is saying. When the committee does examine this term of reference, I am confident that it too will see that there is no validity to the minister's claim. The minister goes on to say:

A key policy consideration is that the use of the land, which is the focus of your concerns, was established lawfully many years ago. To implement retrospective policies with regard to any land use has significant ramifications for the wider community.

Hence, when I was speaking earlier about a letter of the minister's, I said that the water initiatives he was talking about would not have any effect because they were not retrospective. So, he is saying that you cannot implement them retrospectively, either. The letter continues:

Our planning system is intended to provide certainty for approved investment related to land use. Changing land use policy for new developments is significantly different to changing policy retrospectively. In regard to sound policy making, the issue of ownership should be incidental to the main issues.

I think it is a cop out. He goes on:

Any retrospective policy change would require parliamentary amendment of existing legislation [well, we do it from time to time] and it probably would need to be accompanied with compensation, or restructuring packages.

That is nonsense because this is land owned by Forestry SA, a government agency, and there would be no question of compensation. The minister goes on:

In addition to any cost to government and ultimately the community, any retrospective policy change regarding planning issues would impact negatively upon community interests and confidence and ultimately the state's reputation.

Well, the community interest is to have the dry creek flowing and if judicious removal of pine trees from the saturation zone—not clear-felling—can create the change that will allow Deep Creek to flow, that will improve the state's reputation. Having a way that it can be done but ignoring it is what will diminish the state's reputation.

What really surprised me in that response was the minister's argument that we cannot do it because it would require compensation. Why, therefore, do we call this minister the Minister for Environment and Conservation? He appears to be acting as a mouthpiece for the Treasurer. Is the profitability of these forests justification for the destruction of a water catchment and its associated ecosystem and the potential damage to ecotourism if the Deep Creek Conservation Park deteriorates?

That conservation park is relatively small, only eight acres, so the impact of reduced creek flows could be profound and we need to know what the impact will be if our government is prepared to turn a blind eye to what is happening. Kevin Bartolo brought over to the Fleurieu Peninsula a hydrologist, Dr Emmett O'Loughlin, to look at the situation. This man is no slouch. Emmett O'Loughlin founded the Australian Centre for Catchment Hydrology in 1987. He was the founding director of the Cooperative Research Centre for Catchment Hydrology when that was set up in 1991. He is a Fullbright Travel Award recipient and formerly a chief research scientist at the CSIRO. Parts of his report are published in the Nature Conservation Society's newsletter *Xanthopus* in its latest edition. Some of this may be a bit technical, although in high school geography I learnt about convergent and divergent streams. It states:

Hillside shapes can be broadly classified as parallel, divergent or convergent. For example, ridge noses have divergent topography—

members will understand that that means that, if water falls on the top, the water diverges as it runs off in all sorts of directions—

and valley heads have convergent topography; valley sides are generally parallel, thus convergent slopes remain wetter and contribute most substantially to stream baseflows. They are therefore more effective in maintaining stream flow during dry periods. Changing the water balance on a convergent hillside by converting pasture to forest, for example, therefore has more effect on baseflow than a similar change on other hill slope shapes. This is compounded by forests taking advantage of better water availability in convergent slopes compared with parallel or divergent slopes. The net result is that a plantation forest, if established mainly in convergent parts of a catchment, will maximise the impact on dry weather flows from the catchment.

It is generally accepted that the major change in water balance and stream flow caused by converting pasture to pine forest is due to the increased interception of rainfall by the tall vegetation canopy. In the case of Deep Creek, effect on stream flow has been exacerbated by the location of the plantings within the convergent parts of the catchment, which have magnified the impact on dry weather seepage into the small dam at Foggy Farm. Similar impacts may be occurring in other Deep Creek tributaries, where plantings have been established in convergent topography.

Kevin Bartolo has assured me that if the motion is passed he will provide a full copy of Dr O'Loughlin's report to the committee. I compare those comments of Dr O'Loughlin to minister Hill's most recent arguments against action being taken with the apparent understanding he has of the impact of South-East forests on water usage. The impact in the South-East is such that the government brought in regulations to limit plantation expansion in the South-East last June. Mark Brindal, as minister for water resources in 2001, made reference to that and its possible implications across the state, but our current environment minister does not seem to have made the connection.

In relation to the South-East situation, I received a letter from Auspine in which it quoted the Hon. Mark Brindal from a contribution he made in state parliament. It is not dated, but I will read it because, although he was apparently talking about the South-East forests, it is just as relevant to this argument:

If every landowner is entitled to all the rain that falls on their property, the Murray Darling river system would not flow into South Australia because every Queenslander would take the Darling and dam it and every New South Wales and Victorian would take the Murray and dam it simply on the ground that it falls on their property. The Adelaide Hills would not supply the city of Adelaide with 60 per cent of its water because every farmer in the Adelaide Hills could claim their property.

This is an important issue. The survival of Deep Creek Conservation Park may well depend on it and I look forward to this motion receiving support from all parties so the Natural Resources Committee can begin to inquire into this crucial matter.

The Hon. G.E. GAGO secured the adjournment of the debate.

STATUTES AMENDMENT (PROHIBITION ON MINORS PARTICIPATING IN LOTTERIES) BILL

The Hon. NICK XENOPHON obtained leave and introduced a bill for an act to amend the Lottery and Gaming Act 1936 and the State Lotteries Act 1966. Read a first time.

The Hon. NICK XENOPHON: I move:

That this bill be now read a second time.

This bill has two elements to it. It seeks to amend the Lottery and Gaming Act and the State Lotteries Act to increase the age at which a person can play lotteries, as defined in those acts, to the age of 18 years. By way of background, the current position is that the State Lotteries Act applies to Lotteries Commission products: X-Lotto, Powerball, Keno, scratchies and all the games that the Lotteries Commission sells, either in hotels, newsagents or at its outlets.

In relation to the Lottery and Gaming Act, there are definitions with respect to the threshold at which the act applies, and in relation to lotteries my understanding is that it is for an amount of more than $2 000 in terms of price, so it does not apply to the so-called chook raffle. I deliberately make the distinction so that honourable members can decide whether they want to increase the age for playing lotteries, to simply be confined to Lotteries Commission products—X-Lotto, Powerball, scratchies, and Keno games—or to extend it to lotteries generally where there is a lower threshold for which a licence needs to be granted. That is something that I am more than happy to explore in the committee stage of this bill, should this bill pass the second reading stage, and to provide an explanatory memorandum to all members who may be interested.

My understanding is that, under the Lottery and Gaming Act, minor lotteries not exceeding $2 000, bingo up to $200 and sweepstakes not in excess of $10 are exempt from the legislation. Recently, I raised issues about the *Star Wars* scratchies promotion where the Lotteries Commission has been heavily promoting in the media its new scratchies game featuring *Star Wars* characters. I was very encouraged that on 5 May the shadow gambling minister, Mr Brokenshire, did indicate his personal view that he felt that the age for playing these games should be increased to 18, and I am grateful for that personal view and I hope that it is a view that will prevail in the party room.

The Hon. R.I. Lucas: No way.

The Hon. NICK XENOPHON: No way, says the Hon. Mr Lucas. I sincerely hope that it was tongue in cheek.

The Hon. R.I. Lucas: It is a conscience vote.

The Hon. NICK XENOPHON: I appreciate that, and I look forward to the Hon. Mr Lucas being consistent with these issues, as he always is, but I would like to think in this case that he will acknowledge that it is appropriate that the age at which someone can gamble is consistent with the age that someone can gamble in terms of the TAB, casino games and poker machines.

The Hon. R.I. Lucas: At what age are they driving—16, isn't it?

The Hon. NICK XENOPHON: If the Hon. Mr Lucas wants to move—

The Hon. R.I. Lucas: You can drive a car but you can't buy a scratchie. That is the Xenophon view of the world.

The Hon. NICK XENOPHON: There are some interesting views about the rate at which young drivers are involved in accidents, and I think that is why we have extended the probationary period for that. I am disappointed if the Hon. Mr Lucas has that laissez faire view of the world. If he is suggesting that you cannot buy a scratchie at the age of 16, is he suggesting that you should be able to play the pokies, go to the TAB and the casino at the age of 16, because that is the logical extension of that particular argument?

The Hon. R.I. Lucas: No, it isn't. Everything in moderation. You wean them on to gambling.

The Hon. NICK XENOPHON: I am grateful to the Hon. Mr Lucas for saying that you wean them on to gambling—

The Hon. R.I. Lucas: Sensible gambling.

The Hon. NICK XENOPHON: —he says sensible gambling—because that is the very reason why I am moving these amendments. Again, I am relieved and grateful for the fact that the shadow gambling minister does not have the same views as the Hon. Mr Lucas on this particular issue. There is a real concern amongst those who work with gambling addiction, amongst a number of gambling researchers, that there appears to be a correlation between the age at which you introduce young people to gambling, or wean them as the Hon. Mr Lucas said, and increased levels of problem gambling in the community. I think it is an issue not to be taken lightly, when you look at some of the research, including the research carried out by Dr Paul Delfabbro from the University of Adelaide Psychology Department who is very highly regarded. He undertook work for the Department of Human Services under the previous Liberal Government, when the Hon. Dean Brown was minister, and he has undertaken work for the Independent Gambling Authority in recent years, and I believe he is someone who is well regarded for his rigour in research.

A study that was produced at the end of 2003 and released in early 2004 indicated something like 9 000 teen gamblers, and a report in the *Sunday Mail* of 21 March 2004 states that a staggering 9 000 high school students are gambling at least once a week in South Australia, playing games such as Keno and buying scratchie tickets. The point made by Dr Delfabbro, referred to in the *Sunday Mail* article, is that there are more problem gamblers amongst adolescents than adults in terms of the survey that was carried out. It concerns me that there are many young people who have developed a gambling problem at an early age, who blow their savings and then miss out on the opportunity to buy their first car.

The Hon. R.I. Lucas: Are you saying that he is arguing that there are more problem gamblers in respect of scratchies than pokies?

The ACTING PRESIDENT (Hon. R.K. Sneath): Interjections are out of order.

The Hon. NICK XENOPHON: I know the interjection is out of order, Mr Acting President, but I do not object. He is just trying to help me. I want that on the record. The Hon. Mr Lucas is trying to help me, and I think I will frame that part of *Hansard*.

The Hon. J.F. Stefani: And he's not charging for it.

The Hon. NICK XENOPHON: And he is not charging for it, as the Hon. Julian Stefani says, because the advice is priceless. That is what is reported. I will refer to that study shortly in terms of the number of problem gamblers. It depends on the definition as to the extent of the severity of problem gambling. Clearly, those who have a gambling problem with poker machines (with the various definitions) have a more severe problem, but the fact that many young people have the seeds of those problems or, to some extent, have developed a gambling problem is an area for concern. I am not suggesting that it is as severe as poker machine problem gamblers—

The Hon. R.I. Lucas: Can we have a copy of that study?

The Hon. NICK XENOPHON: I am more than happy to provide a copy of that study to the Hon. Mr Lucas, because I am sure he will want to make a comprehensive contribution to the second reading debate. In December 2003, a report was issued by the South Australian Centre for Economic Studies headed 'Measurement of prevalence of youth problem gambling in Australia: Report on the review of literature'. The report was prepared for the Department for Families and Communities. Again, I am more than happy to provide copies to any members. The report looks at the literature and sets out the difficulties with measuring adolescent gambling and the various factors that should be taken into account.

There is a theme in some of the literature that, in some cases, being introduced to gambling at an early age can be a factor in terms of problem gambling. In terms of other research, the *Journal of Adolescence*, Volume 26 (2003)

headed 'The social determinants of youth gambling in South Australian adolescents' by Dr Paul Delfabbro and Leticia Thrupp from the Department of Psychology at the University of Adelaide sets out the various measures of gambling habits, attitudes towards gambling and the problem gambling measures amongst adolescents. In fairness, as a result of the Hon. Mr Lucas' interjection, I will again speak to Dr Delfabbro and ask for any follow-up reports that he has done in relation to adolescent gambling and ensure that they are provided to him.

In any event, the fact that 9 000 adolescents are regular gamblers and that a number of those could have gambling problems is still an area of concern. That is why linking gambling products to a *Star Wars* movie which is very popular amongst adolescents is an issue of concern. It seems that our current Treasurer and our former treasurer may have a similar attitude. I am glad that I have been able to perhaps unite them on one particular issue when it comes to their views on this matter. The choice we face is: is it reasonable that the age to play scratchies, Keno and lotto be kept at 16; or should it be increased to 18 for the sake of consistency and sending a message to young people about the potential addictiveness of various forms of games?

The Productivity Commission indicated that approximately 42.3 per cent of losses from poker machines were derived from problem gamblers. Indeed, more recent studies than the Productivity Commission's report indicate a higher percentage of revenue coming from problem gamblers.

The Hon. R.I. Lucas: Are you preventing under 18 year olds from buying raffle tickets as well?

The Hon. NICK XENOPHON: I will get to that in a minute. In relation to lotteries, the figure was 5.7 per cent in terms of the amount being derived from problem gamblers, but for Keno and scratchies it was in the order of 19 per cent of income being derived from problem gamblers. I am not sure whether the Hon. Mr Lucas took sufficient note of it, but I made it clear previously that this bill proposes amendments to two acts. In relation to the State Lotteries Act, it relates to Lotteries Commission products including Keno, scratchies, X-Lotto and Powerball. The amendment to the Lottery and Gaming Act would apply to any lotteries exceeding $2 000. I acknowledge that a number of members would say that we should leave the issue of raffles above $2 000 alone, but I am saying that, for the sake of consistency, there ought to be a consistent age to participate, other than in minor lotteries and raffles. That is a decision for this council.

In terms of problem gambling behaviour, from reading the research my view is that the greatest benefit would be derived from increasing the age at which one can participate in those lottery games, particularly Keno and scratchies, which, based on the Productivity Commission's report, seem to have a much higher ratio of their revenue coming from problem gamblers. My primary goal is to increase the Lotteries Commission age of participation in those games which seem to lead to a higher level of problem gambling behaviour and which derive much more of their income from problem gambling than, say, lotteries games. Again that is a choice for this council.

The Hon. R.I. Lucas interjecting:

The Hon. NICK XENOPHON: No. In reference to the Hon. Mr Lucas' interjection, the age for purchasing a ticket in any raffle worth over $2 000 would be 18. That is an issue—

The Hon. R.I. Lucas interjecting:

The Hon. NICK XENOPHON: There is an issue of consistency. I am damned if I do and damned if I don't. If I did not include—

The ACTING PRESIDENT: The honourable member will be damned if he keeps responding to interjections.

The Hon. NICK XENOPHON: Thank you, Mr Acting President. Essentially, that is the choice. Whether there ought to be an age limit for those bigger lotteries, some of which have very significant prizes to them—

The Hon. J.F. Stefani interjecting:

The Hon. NICK XENOPHON: The Hon. Mr Stefani asks, 'What does the Social Inclusion Unit say about this?' I do not know, but, as I understand it, the Social Inclusion Unit has looked at issues of homelessness, gambling and other issues. So, hopefully it would share some concerns with respect to this.

I do not resile from that. In Australia, we already have very high rates of problem gambling—something like 2.1 per cent of the adult population has a gambling problem. The Productivity Commission tells us that, on average, seven other people are affected by a problem gambler. It has been acknowledged broadly in the community that this is a serious social problem. I know that the Prime Minister and the federal Treasurer have spoken out about their concern about the devastation caused by problem gambling. If early participation in gambling can be a trigger or increase the level of prevalence of problem gambling, that is something we should take heed of. There ought to be some consistency in that approach, particularly in relation to Lotteries Commission products. That is why I think we need this particular reform.

I am happy to provide to any honourable member various articles I have on my file about the social determinants of youth gambling in South Australian adolescents; reports by the SA Centre for Economic Studies in relation to gambling; an article from the Victorian University of Technology back in 1988 on the illusion of control and youth gambling in Australia; and, of course, the work that Dr Paul Delfabbro has done in relation to his gambling survey. There is an issue here about consistency with current legislation, about saying that it is more appropriate, particularly for those larger lotteries games and games of chance, that there be a consistent age of 18 at which young people can play, and that is the intent of this bill.

I emphasise again that my primary concern is with respect to the amendments to the State Lotteries Act. However, for the sake of consistency, I have included amendments to the Lottery and Gaming Act for those other than minor or exempt lotteries in order to get the message across that perhaps it is not appropriate for there to be no age limit for gambling for our young people. When I get calls and letters on a not irregular basis from parents who are concerned about kids participating in raffles and sweeps at their schools, including primary school kids, I think it is important that we raise this as an issue and push this forward. I hope that honourable members will seriously consider supporting amendments to both acts and, in particular, the State Lotteries Act. I urge honourable members to support the second reading of this bill, and I look forward to their contributions.

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

POVERTY INQUIRY

The Hon. KATE REYNOLDS: I move:

That the government report by 15 September 2005 on progress achieved with implementing recommendation 1 of the Parliamentary Social Development Committee's poverty inquiry tabled on 13 May 2003.

Members will recall that two years ago, in May 2003, the Social Development Committee tabled its report on the poverty inquiry it had conducted over some number of months. It was a substantial report and, although I do not remember the exact number, an extensive number of submissions were made by various individuals, organisations and agencies. A number of witnesses gave very useful evidence, and members and staff of that committee worked hard to produce a report to the parliament that the government could then act upon.

The very first recommendation was that a state anti-poverty strategy be developed. The preamble states:

South Australia lacks a coordinated approach to poverty and has no overarching state policy or strategy to reduce poverty in the long term. Other countries, for example, Ireland, have achieved success through implementation of overarching policies and strategies. In Ireland, the implementation of a combat poverty agency, with responsibility for implementing their national anti-poverty strategy, has led to a reduction in poverty by nearly two-thirds from 1994 to 2000.

I am sure that all members in this place would like to see the same kind of results in South Australia.

Specifically, the committee recommended that the government consider development and implementation of a long-term state anti-poverty strategy. The committee said that elements of the strategy could include the development and implementation of a target for the reduction of poverty; a set of contracted outcomes for key agencies in the education, health, welfare, justice and other relevant sectors; and a multi-agency government policy framework that combines social, economic and environmental responses to poverty, with a view to producing collaborative responses and promotes early childhood intervention as a key strategy. Point 4 was a cost-benefit analysis to identify areas in which investment to reduce poverty can produce long-term reductions in government expenditure, savings from which could then be reinvested in anti-poverty programs.

Point 5 was the promotion and funding for preventative projects, especially early intervention and community-driven initiatives, and the evaluation of projects which will deliver evidence for successful long-term responses to poverty. Then it suggests 'through a community participation or social inclusion fund'. Point 6 was that there be a central process body for the provision of policy advice, project support, research, public education and innovation. This would include coordinated and readily available information about evidence-based models, including for schools. The report proposed that the strategy should build upon and facilitate coordination between existing related initiatives, for example, the Social Inclusion Unit and the Economic Development Board. These were all terrific recommendations, and that was just the very first one.

Mr Acting President, you will also recall that earlier this year the state government launched the South Australian Strategic Plan, and I quote from page 1 of that document, where the Premier said as follows:

South Australians want prosperity and more and better job opportunities, a better education for their children and a focus on quality health care. They want strong economic growth without compromising the environment or our quality of life. They want a fair community that extends opportunities to all.

Mr Acting President, as a member of the government, I am sure you will applaud the plans that the government has recently launched, including the State Strategic Plan, and some of the other initiatives such as the State Housing Plan. But what we do not yet have is a properly targeted and time-framed response to address poverty in this state.

I will seek leave to conclude my remarks in a couple of moments because I need to leave the building, but before I do so I would like to spend a little time talking about a campaign that SACOSS will be running over the next 12 months or so. SACOSS (as I am sure members would know) is South Australia's non-government peak representative body for community services organisations. On 18 March this year it launched a broad-based anti-poverty campaign titled 'Closer than you think'. This campaign intends to raise awareness and change perceptions of poverty and hardship in South Australia. As it highlights on its web site (which I urge all members to visit), compared to the early 1970s, poverty in this country is now more widespread and inequality is greater.

The United Nations regards poverty as a violation of human rights, as do the Australian Democrats, and almost a quarter of all South Australians are living on or below the poverty line. I will go through some of the key points that have been highlighted in this campaign, which summarise very succinctly the challenges to the state in addressing poverty. I think we will find that, without a statewide anti-poverty strategy, it will be very difficult for us to progress any further. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

CABINET, EXECUTIVE COMMITTEE

Adjourned debate on motion of Hon. J.F. Stefani:

That this council notes with concern the recent appointments made by the state government to the executive committee of the state Labor cabinet and to other positions.

(Continued from 25 May. Page 1907.)

The Hon. J.F. STEFANI: In dealing with the public statements attributed to Monsignor Cappo, as chairman of Labor's Social Inclusion Unit, and published in the media, it is appropriate that I should now quote some of the comments from a selection of newspaper articles to best illustrate how the public perception has been influenced by the statements and actions of the Vicar-General in the political appointments he has accepted and which entail his participation in the exercise of civil power. I refer to an article written by political reporter Ms Susie O'Brien in *The Advertiser* on 14 March 2002, as follows:

Catholic Vicar-General Father David Cappo will head the unit's board, which will seek to halve homelessness and double school retention rates. Yesterday, Father Cappo challenged government departments to 'think differently' about such social issues. 'At times we will cut across government departments. We will need different units and different resources in the range of departments to come together,' he said. 'We have to be incredibly targeted in the issues we address (and) how we address them. We know it is no longer about throwing money at problems. I said to the Premier "I accept this on the basis that we need to produce results quickly. If we fail, you'll see it, if we succeed, you'll also see it."'

Father Cappo said that there was a need to 'find new ways of doing things'. These included encouraging cooperation between and across departments, sharing department resources and acting on expert advice. The Social Inclusion Unit, one of Labor's key election pledges, will 'drive the government's social inclusion agenda but in

a way that will involve the private sector and the government sector,' Mr Rann said. A full-time executive director position will be advertised next week and the board, which will include high profile private and community sector members, will be established as soon as possible. The board will report to Father Cappo and then to Mr Rann.

The Vicar-General was further quoted as follows:

Having the Premier involved all along the way is crucial, especially when you are talking about funding issues and keeping social inclusion initiatives on everyone's agenda. If we are going to be serious about social inclusion, we have to keep it high on the agenda and the Premier has to be ready to intervene at appropriate times to make sure we get our funding and the implementation of our program occurs.

In another article written by Craig Clarke in the *Sunday Mail* dated 31 March 2002—

The ACTING PRESIDENT (Hon. R.K. Sneath): Order! There is too much conversation on my left.

The Hon. J.F. STEFANI: —when announcing the appointment of other members of Labor's Social Inclusion Board, Premier Rann was quoted as saying that the new members will help Father Cappo drive the important, new social initiative of the Labor government. Father Cappo stated:

This is a powerful credible board which will make inroads into social issues confronting the state.

The article went on to say that the first jobs of the board are to raise the school retention rate from 56 per cent to 90 per cent and half the homeless rate of an estimated 7 000 people. During the last election campaign, the then leader of the Labor opposition, the Hon. Mike Rann, promised the people of South Australia that, if elected into office, the Labor government would halve the homeless rate in the first term of office.

In an article published in *The Advertiser* of 24 December 2002 entitled 'Outdoor Sleepers: Priority to Cut Homeless', Colin James wrote:

People sleeping outdoors are the target of a state government bid to reduce homelessness by 50 per cent—not the state's entire homeless population of 7 000. Social Inclusion Board chairman Monsignor David Cappo said yesterday the committee had decided to focus on finding permanent shelter for half of the 1300 people 'sleeping rough' in metropolitan Adelaide and regional centres.

He was responding to briefing papers obtained by the state opposition which said that a promise by Premier Rann to reduce homelessness by 50 per cent was unachievable. Latest statistics show more than 7 000 people are homeless in the state, including 4 000 who move between temporary shelters, 2 400 aged between 12 and 18 and 1 300 'rough sleepers'. Monsignor David Cappo stated:

We have focused the 50 per cent target on those who are known as rough sleepers. This is the group sleeping in the parklands, in tents, in makeshift shelters.

He said that he expected more difficulty finding permanent shelter for homeless people who are transient and those who lived in boarding houses. He said:

These are the more complex issues and will require significant changes in government policies and innovative ideas. One of my themes is to get government and the community section to actually work differently and not just stay with the same models.

In reading this article, the public of South Australia can rightly come to the conclusion, or at least perceive, that the chairman of the board of Labor's Social Inclusion Unit and his board had decided to change the focus of their work from honouring Labor's election promise to halve the homeless rate of 7 000 people to halving the number of 1 300 people who are sleeping rough. This change of political position was in response to the findings contained in the briefing papers which said that the promise made by Premier Rann to cut the homelessness rates by 50 per cent was unachievable.

Here, we have an example of the Vicar-General of the Catholic Church doing a political cover-up to save the backside of the Rann Labor government instead of being an independent and vocal advocate for the South Australian homeless people and demanding that the Labor Premier keep his election promises. Clearly, as the chairman of Labor's Social Inclusion Board, Monsignor Cappo has compromised his position with the church because of his divided loyalties between the state and the church. He cannot serve two masters.

In chapter 3 of the Code of Canon Law, under the heading The Obligations and Rights of Clerics, article 285.3 states:

Clerics are forbidden to assume public offices which entail a participation in the exercise of civil power.

Many Catholic priests and lay people share my strong views that, by accepting the political appointments to public offices which entail, as they clearly do, the participation in the exercise of civil power, the Vicar-General has contravened and breached canon law, and he should resign from his three political positions.

In another article published in *The Advertiser* dated 29 March 2003 under the heading 'Monsignor: a man of action not just words', the Vicar-General was quoted as follows:

One of the biggest problems which exists within government is that we have services all over the place with no coordination and little integration. This fundamental issue is on my agenda all the time—how do we make things work better so we move away from the silo mentality in government departments? It may mean funding needs to be shifted. This may upset some people but this is how it has to be if we are going to get it right.

Monsignor Cappo said the firm backing of Mr Rann would be vital to the success of the various initiatives being developed by his board and a dedicated unit within the Department of Human Services.

In article entitled 'Help the Homeless' written by Colin James in *The Advertiser* of 7 April 2003, public hospitals were being asked to alert social workers to admissions of homeless people to enable their transferral to boarding houses. This new initiative was part of a comprehensive state government plan aimed at reducing the number of adults and children sleeping outdoors by 50 per cent. Monsignor Cappo said that he was confident the plan being developed by his board would deliver a 50 per cent reduction in homelessness as demanded by Premier Rann. The article stated:

'We're now in an enormously strong position to make a response to homelessness in South Australia,' he said. 'We have identified our priorities and now are developing our action plan. We are putting the flesh on the bones. I believe we have a very good plan to reduce the number of people sleeping rough by 50 per cent.'

Monsignor Cappo said that the Social Inclusion Board had spent most of last year holding community consultation, and that 'this year is about decisions around policies and recommendations to government on how to act.'

In another article published in *The Advertiser* of 25 August 2003, Colin James wrote as follows:

Social Inclusion Board chairman Monsignor David Cappo said that homelessness was a 'very complex issue' with no 'quick fix solution'. The $3 million to be spent before next June was a 'down payment' on a comprehensive program to reduce the state's homelessness by 50 per cent—as promised by Premier Mike Rann before the state election. Monsignor Cappo said he would be seeking more money next year to continue implementing the board's recommendations. Achieving the target would require strong

commitment by politicians, bureaucracy and the community, including business.

'Along with the spending of $12 million on the 14-point plan of immediate actions we have developed a long-term approach with recommendations and actions to be rolled out over the next four years,' he said. 'It should also be noted that this new 14-point plan of immediate actions to reduce homelessness is about joined-up solutions to respond to joined-up problems. It cuts across various government departments and portfolios and brings together a comprehensive package of responses to meet the real needs of homeless South Australians. It is a package of high impact interventions for people experiencing homelessness, at risk of homelessness, as well as early intervention strategies to prevent homelessness. We know where the homeless are, how many there are and what help they need. Most importantly, we start straight away because the money is approved, the plan is approved and we start implementing it from now.'

I now wish to refer to the statements made by the Vicar-General published in *The Advertiser* of 4 October 2003 when commenting on a $6 million drug strategy initiative announced by health minister, Lea Stevens. The article read as follows:

Social Inclusion Board chairman Monsignor David Cappo said this represented a major attack on the drug culture in South Australia. 'I am very confident that the government is responding seriously to the drug issues and drug problems we have in South Australia,' he said. There is a need for us to be vigilant because the drug culture is pervasive and entrapping many young people.'

He said the initiatives were attacking specific populations within the community which were affected by drugs in a serious way. 'The drug problem is huge and interconnected with so many issues in the community,' he said.

Again, I wish to refer to an article headed, 'Reforms encourage students to stay on', which describes how some bureaucrats within the education department had strongly resisted changes to the school curriculums as proposed by the chairman of the Social Inclusion Board, who said, 'We are giving schools licence to change their curriculums by giving them unprecedented authority at a local level to meet their kids' needs.'

I will now quote comments made by the Vicar-General in an article written by Greg Kelton and published in *The Advertiser* of 31 March 2004 under the heading, 'Red tape leaves hundreds of homeless on the streets':

Social Inclusion Unit chairman Monsignor David Cappo said yesterday he was frustrated at delays in implementing vital parts of the government's $3-million-a-year program. The government has committed to cutting the number of homeless in South Australia by half within its first term, a target the Families and Communities Minister Jay Weatherill described yesterday on ABC radio as 'very ambitious'. But, he said, Premier Mike Rann was 'the boss' and when he says that target had to be reached, 'we jump'.

Monsignor Cappo said there were incredibly good policies to combat homelessness in South Australia and, 'we know what to do to halve the number. We have the money allocated, but over the last six months the implementation has stalled,' he said. Monsignor Cappo blamed public service procedures, rules and regulations that had been built up over decades. 'What we have asked to happen with chief executives is to find a way to streamline the process and cut through the red tape,' he said.

As I have previously stated in my speech, canon law forbids clerics to assume public offices which entail a participation in the exercise of civil power. There is ample evidence from the public statements made by the Vicar-General and the action he has taken in his political appointment to the public offices and, in particular, as the chairman of Labor's Social Inclusion Board, that he is actively participating in the exercise of civil power.

To further illustrate this point I will now quote from an article published in *The Advertiser* of 30 August 2004, which reads as follows:

The state government's Social Inclusion Board has been undermined in its attempts to make changes by a resistant Public Service, according to board chairman Monsignor David Cappo. The levels of tension and confrontation have forced the board to bypass the bureaucracy and deal directly with Premier Mike Rann. Monsignor Cappo now talks with Mr Rann 'three or four times a week' following attempts by agencies to 'neutralise' his board. The board has been asked to halve homelessness in South Australia during the term of the government—but Monsignor Cappo has revealed how 'enormously difficult' it has been to instigate change.

Monsignor Cappo—Vicar-General of the Catholic Archdiocese of Adelaide—said that entrenched Public Service culture struggled to accept the board's and Labor's approach to government. The board would relay its experiences to the recently formed Public Sector Reform Unit, whose recommendation, he said, would be crucial. 'In a way the board was like a foreign body to the public service machine and the system in a sense wanted to expel it', said Monsignor Cappo. 'It wanted to push the board aside and turn it into a fairly neutral and passive body. It has taken a lot of work, pain, discussion and jumping up and down and confrontation to bring about change. I don't want to knock the bureaucracy, but I find every now and then I have to untangle myself from it. I cringe a lot at the social jargon and try not to use much of it myself. The system of government we have inherited is not the workable model for the future. The reality is our departments are a series of silos and, if we are to respond to complex social economic issues, we need much more responsive government and much more integrated government. Ministers and their chief executives need to come together and sort it out, to cross boundaries and network, which they won't normally do. If we can get it to work, the results will be significant.'

Monsignor Cappo said that there were 22 separate agencies delivering services to the homeless in South Australia and they needed to be monitored and evaluated. It was his job and that of the board to 'get the right policy' and then work with the government to ensure it was properly resourced. 'In future we will stick right in with the government departments as they work up service models for delivery on the ground. It is fine to have a long range plan, but we have to make a difference quickly. I want a flexible but hard nosed approach to delivering outcomes.' Monsignor Cappo predicted that within 18 months the number of 'rough sleepers', particularly in the metropolitan area, could be halved. 'There won't be a lot more money, but we have got a plan and we have got to be confident', he said. 'Unfortunately South Australia has a disease of a lack of confidence and pessimism about our economic situation and fragility, but we can overcome that and we can deliver.'

I now refer to an article by Alex Kennedy in the *Independent Weekly* of Sunday 22 February 2005. The article headed 'Priest who packs a punch for the poor' described the meeting between the author and the Vicar-General in the following terms:

A man with remarkable statewide influence in the political and social sphere.

The article includes the following comments:

Monsignor Cappo is without doubt the most influential man of the cloth that South Australia has ever had and more than any other he has managed to blur and continues to blur the lines between state and church. These days he is in the strange position of having more influence than his own archbishop and certainly more influence with the South Australian government than any of the state's senior public servants. Cappo's position in the Catholic archdiocese of Adelaide is Vicar-General and administrator of St Francis Xavier Cathedral. It means that he is the church CEO in South Australia with 5 000 staff. It is the positions outside the church, positions bestowed upon him by the Rann government, which have catapulted Cappo into a world of controversy, political intrigue and statewide influence. It is here that Cappo is making his mark as a bulldozer of a change agent.

He is a man impatient for social change, and a man who has demanded of a Premier and been given the authority to insist on change from and through South Australia's Public Service. Rann appointed Cappo as Chairman of the government's Social Inclusion Board almost as soon as he won government. Cappo is also a member of the influential Economic Development Board, of which Robert Champion de Crespigny is Chairman. De Crespigny and Cappo are described within the South Australian Public Service (scathingly) as together wielding more power and influence than

anyone in South Australia except the Premier, with whom they both have open line phone access.

In his role as chairman of social inclusion, as it is generally referred to, he is a head kicker par excellence. There have been plenty of meetings, plenty of reports but, as he saw it, no action, deliberately no action in his view, and he was not going to wear it. . . so he went public. He wanted things done differently, the decision making and budget silos of separate departments broken down, staff to move between departments and work in teams as required to bring about the aims of the social inclusion. He ripped up and ripped into and it didn't go down well, but he had and still has the Premier's authority to do all that he does.

'These opportunities come rarely', says Cappo. '. . . to be able to make a difference, change systems. But I said to the Premier that if I'm going down that path I need to have some authority' and he said 'get in there and do it'. By going public against the state public servants it was crash or crash through for Cappo. He crashed through. Whilst most people would have been celebrating, Cappo says that he 'was sad that it came to that, but I had a lot of trouble. It wasn't the way I wanted to achieve progress but, yes, it worked. I think we all understand each other better now. The relationships are far better.'

Cappo says that looking back he wouldn't be as tough on the public service as he was then and that he has come to see the complexities of how it operates and to appreciate difficulties and the skills and knowledge within, but he still muses his outburst worked. As was mentioned ad nauseam at the time, his media outburst was just, well, so unchurchlike, but then Cappo is unchurchlike in many ways. 'I am different. I can see that. It doesn't surprise people and, yes, I agree that my role, my influence, is quite uncommon.' And just when before has the Catholic monsignor been mentioned in a parliamentary inquiry as being associated with the resignation of a department CEO? The former CEO of the Justice Department in the middle of the ongoing 'stashed cash affair', Kate Lennon, in her evidence to a state parliamentary committee in December last year, made mention of Cappo. It is hardly a secret that there was no love lost between the two. Lennon made no accusations against Cappo, but her testimony made it clear they had pulled in different directions. So how did Cappo end up so much in the middle of state politics, so impatient for change, so much the man of social policy development while wearing the vestment of the church?

One would have to wonder, just as I am placing on the public record the telling statements and the comments made by the Vicar-General, and one could be forgiven for thinking that he has assumed the role of a Labor government minister, or that of a senior public servant, charged with the responsibility of discharging Labor's political agenda in a role which is contrary to canon law and in conflict with his position as a leading figure of the Catholic Church in South Australia. The perception which the Vicar-General has created is not likely to be removed from the hearts and minds of thousands of Catholics who, like me, disapprove and, in the strongest terms, condemn the acceptance of the three appointments, because we believe in the total independence and separation of powers and functions between the church and the state.

It is my view that, if the church fails to maintain an independent position, it will inevitably lead to a loss of trust and faith in its operations and will also result in the irreversible perception that the South Australian Catholic Church is in bed with the Labor government. The consequences and political connections that follow will be a public view that the Catholic Church is supportive of Labor administrations, both past and present, in which the current Premier played a very active role. Again I place on public record that it was Labor administrations that gave us homosexual laws, marijuana laws, poker machines, same-sex couple laws, etc., and has burdened all South Australians with the unforgettable scourge for which we are all still paying, the State Bank disaster that lost $3.5 billion of taxpayers' funds.

Many people in South Australia share my views that the Catholic Church in South Australia has created an irreversible public perception that it is totally aligned with the current Rann Labor government. Many Catholics strongly condemn and have criticised the hierarchy of the Catholic Church in South Australia, because they believe the church's independence has been totally compromised. Many are questioning the direction of the church's leadership in South Australia, and are most concerned that, because of the political involvement with the state Labor government, the independence and separation of power and functions between church and state have been seriously compromised.

The fact that a vicar-general is involved in the political strategies and executive decisions and obligations of the Labor administration brings into question the political motives of the Rann government which led to his appointment in the first instance. It is obvious that, by having a vicar-general of the Catholic Church involved in discharging and achieving some of the political promises, objectives and social responsibilities of the state Labor government, it will be politically advantageous and also create a favourable impression among members of the South Australian community.

The unhealthy closeness of the relationship between church and the state Labor government is further reflected when considering the joint invitation to the memorial service for His Holiness the late Pope John Paul II, which was issued in the joint names of the state Labor government and the Catholic archdiocese of Adelaide. This joint invitation was the cause for a number of Catholic priests and lay people to be absent from the Holy Mass being celebrated at the Adelaide Oval because of the involvement of the state government.

It is widely known that the Vicar-General travelled to London with the South Australian Labor Premier and now proudly displays a photo taken at No. 10 Downing Street with England's Labour Prime Minister Tony Blair, Premier Rann and himself. My strong views, shared by many Catholic people, are that by accepting the three political appointments the Vicar-General has breached the provisions of the Code of Canon Law No. 285.3. Furthermore, by participating in the exercise of civil power of the state Labor Government, the Vicar-General has seriously compromised his religious position.

In the circumstances, it is my shared view that, by accepting the previous appointments, including the recent appointment to the Executive Committee of the state Labor cabinet, a leading figure of the Catholic Church has compromised his independence to speak out without fear or favour about any social issue arising from the lack of competence by the Rann Labor government or, for that matter, any other government administration. Unfortunately because of this position, he is now being increasingly perceived as a Labor facilitator and supporter.

Finally, as the cynical recent appointment announced by the shameless deal-making Rann Labor government will continue to cause much debate, displeasure and great unrest amongst the clergy and the rank and file of the Catholic Church, it will also be the unfortunate cause of some political divisions within the church which will undoubtedly result in the loss of some of its followers.

The Hon. G.E. GAGO secured the adjournment of the debate.

CORRECTIONAL SERVICES

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

That this Legislative Council notes with concern the performance of the Minister for Correctional Services and the Department for Correctional Services and, in particular, a series of disturbing matters that have arisen sine September 2002.

(Continued from 2. March. Page 1279.)

The Hon. A.J. REDFORD: When I last spoke on this in March, I went through a series of concerns that I had in relation to the way in which the Department for Correctional Services and the Minister for Correctional Services had dealt with a series of disturbing matters. Indeed, I referred to a range of matters in a fairly lengthy contribution. At the time, I was dealing with the failure of the government to release the original decision made in relation to Ms Eva Les and the disciplinary proceedings that took place in relation to that matter. Things have unfolded since then, and, on 13 May last, the South Australian Disciplinary Appeals Tribunal handed down its judgment regarding a disciplinary hearing into Ms Les.

Indeed, I have asked questions of the minister in relation to that matter. I also raised issues in that question about the fact that a number of people had been requested to sign the recently released code of conduct for public servants. I reported that members, particularly officers in Port Augusta, had got hold of their codes of conduct and ceremoniously burnt them in a rubbish tin, signifying their disgust at the double standards that have been applied to public servants within the Department for Correctional Services. I also asked questions as to whether or not the acting minister had done anything to explain the decision of the tribunal to rank and file Correctional Services officers. Neither of those questions have been answered—and I suppose that does not surprise any member in this chamber because we never get answers to any questions that we ask in the upper house.

I suppose I remain eternally optimistic, some 10 months out from an election, that I might get something prior to the next election. I must say that the decision made by the Disciplinary Appeals Tribunal (of which His Honour Judge Gilchrist was chair) are extensive and, indeed, on the face of it, appear to be well-reasoned; and I would not quibble generally with the principles adopted by the tribunal. In that respect, the tribunal said that her conduct was serious and involved a grave breach of her duty to act honestly. But, it went on to say—and correctly pointed out—that, had someone in the private sector committed these actions, it is likely that it would have resulted in dismissal. The tribunal also went on to say:

> It is also very likely that, if an application for unfair dismissal had been lodged pursuant to the Industrial Employer Relations Act 1994, the Industrial Relations Commission would not have found that the employer had abused its right to dismiss.

Again, I do not dispute that; I think that is a correct statement and a correct application of the law had this conduct occurred in the private sector.

The tribunal, in giving its reasons for not dismissing Ms Les, said that there were other disciplinary options available for public sector employees. Indeed, because there are a range of other options the private sector does not have, they ought to be considered. Again, in the context of the way in which our public sector operates in this state, I think His Honour and the rest of the tribunal members were correct in their application of the law in the case of Ms Les. In the end, they imposed a severe reprimand, with no further penalty.

They went on to say that it was open for her to apply for a more senior position, and I must say that I am a little concerned about that. But, again, I am not being critical. I think that their reasoning, as a matter of law, was correct. However, what happens from here in relation to this matter needs to be carefully managed. I would hope that this sad chapter in Corrections administration is closed, and I remain hopeful that some lessons have been learnt by all those involved in the unfortunate incident that has been dubbed, quite appropriately in my view, as *Hogan's Heroes* by *The Advertiser*. So, in that sense, I do not wish to say anything further on that issue.

I do hope, though, that the minister understands that there is a severe crisis in terms of the morale of Correctional Services officers in the system. I hope the minister—and, in this case, I am referring directly to the minister who currently has responsibility, namely, the Attorney-General (Hon. Michael Atkinson)—understands that some work needs to be done in explaining the rationale for this decision. There is a perception amongst Correctional Services officers—it might not surprise you, Mr President, but I talk to them, unlike the current minister—that there seems to be two rules operating in relation to the management of people within the Department of Correctional Services.

The rank and file members of the PSA perceive that, if you are high enough in the food chain and you do something wrong, you are likely to get promoted, or, at worst, at least shifted sideways. However, if you happen to be someone on the shop floor—someone at the coalface—dealing with and engaging in the difficult job of managing our prisoners, if you make one mistake, you are booted out. I can understand that, from where they sit, that is not an unreasonable perception. What is typical of this government's management of the public sector is its incapacity to communicate and explain to those rank and file members exactly why certain things are happening. That is all I wish to say about Ms Les.

I now wish to turn to some real concerns being directed to me about matters at the Port Augusta gaol. I will not go into any extreme detail on them. Mr President, as a resident of Port Pirie and being one of only two Labor members who has a residence outside the metropolitan area, you may well have heard of some of these complaints. I know, sir, that you may well have raised them. I suspect, based on the reaction of the minister—and I am not letting the acting minister off the hook; he has been acting minister now for some weeks—that it has not been addressed. I will go through some of the allegations and assertions that have been put to me in relation to the management of the Port August gaol.

First, there have been allegations regarding the security of documents, particularly personnel records of prison officers at Port Augusta gaol. It has been put to me that personnel records have been kept in a filing cabinet and that prisoners—not just other employees—have had access to those documents. That is a very serious allegation and one I would hope has been properly and adequately investigated. It has been put to me by rank and file members of the Port Augusta prison that it has not been properly and adequately addressed. In my view, to have personnel records of prison officers available to prisoners puts the occupational, health and safety of our prison officers at severe risk. There is a real risk of blackmail and other nefarious conduct on the part of prisoners in their treatment of prison officers should that information fall into their hands. To my mind, it is a very serious allegation.

Secondly, there have been allegations of physical threats by senior officers on other prison officers, and I have seen correspondence where those allegations have been made. Again, I am not satisfied—or I certainly have not seen any evidence—that these allegations have been properly investigated. Thirdly, I have had allegations that there has been sexual harassment of female visitors to prisoners and inmates by some prison officers. Again, I have seen those allegations in writing, but I have not seen any evidence that they have been properly and fully investigated. I am not asserting the validity of those complaints; I am saying that there ought to be a process so that everyone can have some confidence.

Fourthly—and this I do assert as a fact—the government has, at great expense to the South Australian taxpayer, built a number of psychiatric cells at Port Augusta prison. They are outstanding cells. When I visited they were not in use, and I was informed by Correctional Services officers that they have not been put to any appropriate use at all for prisoners with psychiatric problems. The lame duck excuse I received was, 'We can't get psychologists to stay here.' From what I understand, the government and the department are seeking to recruit psychiatrists and psychologists at rates of pay that are less than those that might be received by unqualified prison officers. That is a serious issue that needs to be addressed by the department.

Another allegation—and, again, I cannot say whether or not it is true—involves sexual harassment of a prisoner's wife by a prison officer at her home. I have seen the allegation made in writing to appropriate officers. I have not seen anyone adequately, appropriately and fully investigate that allegation which, in my view, is very serious. Because one might be married to a prisoner does not mean that that person should not be protected by the law.

I have had allegations of inadequate and improper investigation of prisoner complaints regarding prison officers. I have heard of allegations regarding officers sleeping on the job. In that respect, I know that specific complaints regarding these matters have been raised by a PSA representative but no specific investigation, according to my sources, has been undertaken and, certainly, no specific reasons or explanation regarding the complaints has been provided. Indeed, my observations regarding the Port Augusta prison and my discussions with a large number of officers reveal significant problems at the Port Augusta prison. I hope that in his response the minister addresses each of them specifically.

My final statement relates to the treatment of Aboriginal prisoners in Port Augusta gaol. I urge every single member of this parliament to take the trouble to visit the Port Augusta gaol and, in particular, the cell blocks that contain pretty much a predominantly 100 per cent Aboriginal population. The facilities are disgusting. I went into that cell block and I saw a number of factors. The first factor I saw was significant overcrowding. The second factor I saw was that the Aborigines—most of whom come from the Pit Lands, a place with respect to which the former government promised to establish a facility so we could deal with prisoners—had, in fact, put dark sheets on each of their windows so that when one walked into the cell block it was almost pitch black. They prevented themselves (and this was done by them) from seeing any sunlight. My understanding is that that issue was dealt with by the Royal Commission into Aboriginal Deaths in Custody. On my estimation, more than half the prisoners in that area were from the Pit Lands.

The Premier can take the media up in his planes and helicopters to the Pit Lands and say that he is doing wonderful things up there, but half the problem is sitting in the Port Augusta gaol and no-one, as far as I can see, is attempting to deal with that issue. If a single journalist with a television camera was allowed to visit that facility and was allowed to interview some of the Aborigines contained in that area we would not just make the front page of *The Australian*: we would make the front page of just about every international newspaper in the world.

I met and spoke to a number of Aborigines in that facility. Most of the Aborigines to whom I spoke, if I can accept what they said (and I have no reason to dispute what they said), were in for only minor offences. I was not talking to people who were in for rape, murder or anything like that. One particular gentleman to whom I spoke, who seemed to be a lovely sort of fellow (he just had a few behavioural problems), was in for a drink driving offence. I suspect that he had a fair bit of form. I suspect that he had committed a lot of other offences but, ostensibly, according to him, he was in there for a drink driving offence.

What on earth are we doing taking people hundreds of kilometres away from their homeland and putting them into a cell in Port Augusta surrounded by lots of other people of the same race, of Aboriginal descent, allowing them to black out their windows and then say that we are dealing with the Aboriginal problem appropriately when it comes to the commission of offences. I urge every single member of this parliament to visit Port Augusta gaol and have a look at those cell blocks. As I said, I spoke to a number of the Aborigines, and I found them pretty easy to talk to.

I found them very gentle people. Indeed, some of them were involved in producing artworks that, from my observation, were of great value. So, they have the capacity to be quite productive, from what I can see. All I can say is that I hope that, when the Premier takes his media entourage up to the Pit lands next time in order to get himself a cheap headline, he might just pop into the Port Augusta gaol. He might take the same set of cameras with him into the Port Augusta gaol, and he might take them into the cell block where there are two floors of Aborigines. He might just let the media have a look at what we do without prisoners in the Port Augusta gaol.

I know that prior to the last election—and I am not saying that the former government on my side of politics has anything to be proud of in the management of Aborigines in the Pit lands—at least we did one thing. We promised a facility to deal with offenders near their homes, their elders and families. This short-sighted government said no. This short-sighted government would much prefer to extract these people from their own families, their own communities, and take them all the way down to Port Augusta so that they can cover their windows with black material and spend years in the dark—some for minor offences—and then expect them, when they get out, not to misbehave. I urge, as I said, all members of parliament to visit this facility because, I think if we all did, there would be an outcry at the way we treat our Aboriginal prisoners.

I am not suggesting that we go soft on them, and nor am I suggesting that we should have different rules for Aborigines. However, if you or I, Mr President, God forbid, were put in gaol, we would have families and support groups that are mobile enough to keep in contact with us and would be able to assist us with that process. At least we have that opportunity, but this Aboriginal community does not. Our very practice of taking them to Port Augusta is something which dislocates them in an extraordinary way.

I know that the minister will come in and say that he has done wonderful things, or that the Premier has done wonderful things, as far as the Pit lands are concerned. However, Mr President, I will bet you that no-one of any political clout on the other side has been to visit the Port Augusta gaol. I look forward to the government's response to the extraordinarily large number of issues that I have raised in relation to the management of corrections in the state. I have not even touched on the questions that I raised yesterday in relation to the complete failure by this government to implement a proper sex offender program despite numerous press releases and statements to parliament. The fact that only 12 prisoners have just started the Sex Offender Treatment Program, again, suggests to me that this government is not fit to run a prison system that might provide a reduction—

The Hon. Ian Gilfillan interjecting:

The Hon. A.J. REDFORD: What am I supposed to do? The Hon. Ian Gilfillan is sitting here, and I am sitting here and expressing my point of view about this, and I have raised a set of issues. If the Hon. Ian Gilfillan wants to move his own motion and go back into history, he is open to do that. I am saying that this government has not managed our prison system well, and I have given dozens of examples as to why that is the case. If the Hon. Ian Gilfillan says that I do not have any right to stand up here and criticise this government—

The Hon. Ian Gilfillan: I didn't say that. Don't create the impression that that is what I said.

The Hon. A.J. REDFORD: Well, I am sitting here; I have not sat here and extolled the virtues of the previous government.

The Hon. Ian Gilfillan: Good on you.

The Hon. A.J. REDFORD: I have sat here and given an honest appraisal of what this government is doing. This government stands condemned in my view, and I look forward to the response by the minister.

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

[Sitting suspended from 6 to 7.45 p.m.]

STATUTES AMENDMENT (RELATIONSHIPS) BILL

The Hon. P. HOLLOWAY (Minister for Industry and Trade) obtained leave and introduced a bill for an act to amend various acts to make provision for same-sex couples to be treated on an equal basis with opposite-sex couples; and for other purposes. Read a first time.

The Hon. P. HOLLOWAY: I move:

That this bill be now read a second time.

This bill will fulfil the government's election promise to remove unjustified legislative discrimination against same-sex couples. It is an amended form of the Statutes Amendment (Relationships) Bill 2004 introduced into this place on 9 November 2004. That bill was withdrawn and referred to the Social Development Committee on 8 December 2004. It was drafted to amend 82 state acts that treat same-sex couples differently to opposite-sex couples. The bill would have amended the acts so that same-sex and opposite-sex de facto couples would be treated identically under those South Australian laws. The approach taken in that bill was to replace references to 'spouse', 'putative spouse' and 'de facto partner' with the collective term of 'domestic partner' wherever the laws were to treat couples identically.

The Social Development Committee released its report on 24 May 2005. The committee received 2 260 written submissions, including 68 from organisations. It also heard oral evidence from 37 people. The majority of the committee expressed support for the bill but made two recommendations directly related to it. A frequently raised objection put to the committee about the bill was the proposal to use the term 'domestic partner'. Many submissions argued that the use of the collective term devalued the status of marriage. In response to those concerns, the majority of the committee recommended that the South Australian parliament support the replacement of the term 'domestic partner' with the term 'spouse and de facto partner', and that the definition of 'de facto partner' and associated criteria remain unchanged.

The committee also recommended that the Attorney-General consider amending the bill, out of an abundance of caution, to ensure that schools or other institutions administered in accordance with the precepts of a particular religion may discriminate on the grounds of 'cohabitation with another person of the same sex as a couple on a domestic basis' where this is considered to be against the precepts of that religion. This recommendation was made in response to a submission from the Association of Independent Schools. The association was concerned that, if a religious school refused to hire a person who was living with a same-sex partner, this might amount to discrimination on the ground of marital status and thus might not be covered by the exemption in section 50(2) of the Equal Opportunity Act 1984.

The 2004 bill has now been redrafted to pick up those two recommendations of the Social Development Committee. The bill now amends 92 acts, which is 10 more than the original bill. The reason for the increase is to pick up legislation that has been passed, or is in the process of being passed, since the 2004 bill was first introduced—for example, the Criminal Assets Confiscation Act 2005 and the Chiropractic and Osteopathy Bill 2005. The term 'domestic partner', which was used in the original bill, has been replaced throughout with the term 'spouse and de facto partner'.

In addition, the bill amends section 50(2) of the Equal Opportunity Act 1984 to provide that, where a school or other institution is administered in accordance with the precepts of a particular religion, discrimination on the grounds of cohabitation with another person of the same sex as a couple on a genuine domestic basis that arises in the course of the administration of that institution, and is founded on the precepts of that religion, is not unlawful.

I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it. It is essentially the same as I gave when I introduced this bill in December last year.

Leave granted.

Like heterosexual people, many homosexual people choose to live their life in couple relationships of mutual affection and support. As with those of opposite-sex couples, these partnerships may be of short or long duration and, in many cases, may be lifelong. They have much the same social consequences as the relationships of opposite-sex couples. For example, a couple may merge their property and financial affairs; they may provide care for each other during periods of illness or disability; and they may care for children together. Our law, however, knows nothing of such arrangements. Whereas it recognises opposite-sex couples, whether they marry or not, and attaches legal consequences to these relationships, it applies as though same-sex couples did not exist.

As a result, same-sex couples are denied some rights and exempted from some obligations that accrue to opposite-sex partners in the same situation. For example, if one's de facto partner is killed at work, or through negligence, or by homicide, if there has been the requisite period of co-habitation, the surviving dependent partner is entitled to claim compensation for the loss of the deceased's financial support. A dependent same-sex partner has no such entitlement. Likewise, if a person's de facto partner dies without leaving a will, where there has been the requisite period of co-habitation, the remaining partner is entitled to inherit the estate, or part of it, depending on whether the deceased also left children. A same-sex partner in that situation cannot inherit. Again, if the deceased had made a will but had disinherited the surviving de facto partner, that person can apply to have provision made out of the estate, despite the will; a same-sex partner, however, cannot. There are many other instances of such discrimination, for instance, in the area of guardianship and medical consent.

Conversely, there are also some instances where the present law imposes obligations or restrictions on unmarried opposite-sex couples that are not imposed on same-sex couples. For instance, at present a person who is elected a member of a local council, or a member of Parliament, must disclose on the register of interests the interests of his or her putative spouse. A member of a same-sex couple is under no obligation to disclose the interests of his or her partner. Again, a person whose de facto partner has received a first home owner's grant, or who already owns land, is not entitled to a first home owner's grant, but a member of a same-sex couple in that situation is. This Bill will redress such inequities.

It will extend to same-sex couples the same legal rights and obligations that now apply to unmarried opposite-sex couples.

The approach taken in the Bill is to build on the existing law as it applies to opposite-sex couples; that is, where an opposite-sex couple is recognised under the present law, the Bill proposes to recognise a same-sex couple in the same way. One important change is proposed. At the moment, the law generally requires that a couple live together for five years before they can be recognised, that is, unless they have a child together. This requirement arises from the *Family Relationships Act 1975* and applies across the statute book wherever there is a reference to a putative spouse. For example, this is the requirement to be able to inherit in case of intestacy. However, the *De Facto Relationships Act 1996* requires only three years' cohabitation. That Act applies to the division of property where a de facto couple separates. The Bill proposes to remove this discrepancy by granting legal rights across the statute book after a period of three years' cohabitation. Our present five-year requirement is higher than that generally prevailing interstate where periods of two years' co-habitation are often sufficient to give rise to legal rights. It is reasonable to regard a couple who have been living together for three years as an established de facto couple for legal purposes, and our law already does so for property-adjustment purposes. It is logical that it should also do this for other legal purposes.

I emphasise that this Bill is not about marriage. Under the Australian Constitution, marriage is a matter of Commonwealth law. The Bill cannot and does not seek to provide for the marriage of same-sex partners. Those who want the law of marriage extended to encompass same-sex couples must lobby the Commonwealth Government. Neither does the Bill provide any regime for the legal registration of same-sex partners as couples.

It may assist if I explain how the Bill is structured. The *Family Relationships Act 1975* is amended to create the new statutory status of de facto partner. The term will include partners of the opposite sex or the same sex. The criteria for a de facto partnership are similar to those now applied to the status of putative spouse, except for the reduction from five to three years' co-habitation. The parties must have co-habited for three years as a couple on a genuine domestic basis; however, a new requirement is that the relationship must be measured against a list of criteria including, the duration of the relationship, the nature and extent of common residence, the existence of a sexual relationship, the degree of financial dependence and the arrangements for financial support between the partners, a degree of mutual commitment to a shared life, the public aspects of the relationship, and other matters. The criteria have been adapted from similar provisions in the laws of New South Wales, Victoria, Queensland and Western Australia. None of the indicia is on its own determinative and so it is not necessary to show that they are all present. The more criteria are satisfied, the more likely it is that a couple relationship exists but, ultimately, the matter is one for the court, just as it is now for putative spouses. However, people cannot be de facto partners if they are within the prohibited degrees of relationship for marriage.

The Bill is about couple relationships, not friendships or so-called co-dependent relationships. The Social Development Committee recommended that the Government explore the implications of extending some legal entitlement to a limited category of non-couple dependent domestic relationships. The Government will consider this recommendation.

The *Family Relationships Act 1975* is also amended in two other important ways. At the moment, a declaration of putative-spouse status can be made by either the District Court or the Supreme Court. It is proposed that the Magistrates Court should also be able to make such declarations. A declaration depends upon findings of fact. Those findings present no greater difficulty than is presented in matters ordinarily determined by the Magistrates Court in its day-to-day business. An application there may be cheaper than an application to a higher court. Also, the confidentiality provision of section 13 of the Act is expanded and the penalties for a breach are increased based on the provisions of the existing State Superannuation Acts, as amended in 2003.

The amendments of the other Acts amended by the Bill can be usefully grouped into five kinds. First, there are those that give same-sex partners the legal rights of family members. These include inheritance rights and rights to claim compensation when a partner is killed, which I mentioned earlier. They also include the right to apply for guardianship orders where a partner is incapacitated and to consent or refuse consent to organ donation, post mortem examination and cremation. For these purposes, wherever a putative spouse now has rights as a next-of-kin, those rights will now accrue also to same-sex partners.

Secondly, there are provisions amending several of the Acts that regulate the professions. This arises where the law permits a company to be registered or licensed as a practitioner of a profession. In these cases, the present law generally provides that the directors of a company practitioner must be practitioners, except where there is a two-director company and one director is a close relative of the other. Same-sex partners will be treated as relatives for the purposes of these provisions. This also means that, if the relationship ends, the right of the same-sex partner to hold shares in such companies ends, just as it does now when putative spouses cease co-habitation.

Thirdly, there are provisions dealing with conflicts of interest. These require the disclosure of the interests of a same-sex partner in the same way that the person must now disclose the interests of a putative spouse. Similarly, there are provisions dealing with relevant associations between people for corporate governance purposes; for example, in the context of transactions between the entity and its directors or their associates. The *Co-operatives Act 1997* is an example.

Fourthly, there are those acts under which a person's association with another person is relevant in deciding whether the first person is suitable to hold a licence, such as a gaming licence. Under the Bill, a de facto partner, including a same-sex partner, will be an associate for this purpose.

Fifthly, there are some statutory provisions that entitle the Government to make certain financial recovery from a spouse, or prioritise government charges over land ahead of existing charges in favour of a spouse. Again, the same provision has been made for a same-sex partner.

Members will see that the four State Superannuation Acts are amended by this Bill. As members would recall, legislation was passed in 2003 amending these Acts so that same-sex partners of State employees could inherit superannuation entitlements. Members might wonder why those Acts are proposed to be further amended. The earlier amendments provided that, whereas a putative spouse does not need a declaration of his or her status, a same-sex partner does. The view has been taken that there is no justification for this different treatment.

Therefore, in the present Bill, those provisions are further amended so that same-sex partners are in the same position as opposite-sex partners. They do not need to apply for a declaration. Also, the confidentiality provisions have been deleted because the same protection will be delivered through section 13 of the *Family Relationships Act 1975*, which is expanded in scope to match the protection now given under those four Acts.

There have also been some other minor changes to some Superannuation Acts that are not required to give equal rights to same-sex couples but which extend the rights of some partners. At present, both the Judges *Pensions Act 1971* and the *Governors Pensions Act 1976* require that to be eligible for a pension the spouse

must have been married to the judge or governor while he or she held office. The same is not required, however, under the *Parliamentary Superannuation Act 1974*. For consistency, the two former Acts are amended so that a spouse or de facto partner of a judge or governor can claim the death benefit irrespective of whether the relationship existed while the judge or governor held office.

Further, the Bill provides that it will be the case under all four State Superannuation Acts that death-benefit entitlements arise if the person was married to the member on the date of death, regardless of whether the parties were married while the person was still employed and regardless of the period of co-habitation. At the moment, some of these Acts require that a married spouse who was not married to the member during relevant employment complete a period of co-habitation (whether as a de facto or married couple) before death to qualify for a benefit. The effect of the changes is to relax that requirement to match the position if the member dies before retiring. In that case, there is no period of co-habitation required for married couples.

The Bill amends many Acts. As indicated, the Bill picks up some of the legislative amendments recently made, or currently before the Parliament. Some provisions in the Bill may be superseded before they can come into operation. For example, the Bill will amend the *Chiropractic and Osteopathy Act 2005* and the *Chiropractors Act 1991*.

Depending on the passage and commencement of the Chiropractic and Osteopathy Bill, Part 10 of the Bill amending the *Chiropractors Act 1991* may be superseded before it comes into operation. If this occurs, there needs to be a mechanism to stop the superseded provisions coming into operation automatically. The Bill deals with this by excluding the operation of section 7(5) of the *Acts Interpretation Act 1915* so that unproclaimed sections of the new Act do not automatically come into operation on the second anniversary of the day of assent.

When the Government consulted on this proposal in 2003, it too received more than 2 000 replies. These replies made it clear that two matters are especially controversial: the adoption of children by same-sex couples and access by such couples to assisted reproductive technology. Indeed, of the thousand or so people who expressed opposition to the proposed Bill, the great majority appeared to be mainly, or in some cases solely, concerned about these two matters.

It is apparent that any amendment of the *Adoption Act 1988* or the Reproductive Technology Act would be controversial. Many South Australians are concerned, alarmed or even horrified at the prospect of the adoption of children by same-sex couples and at the possibility that a same-sex couple could use reproductive technology to produce a child. It is of course the reality now that some same-sex couples do raise children. For example, the children of one partner from a former relationship may live with the same-sex couple by agreement of the parents or by order of the Family Court. With or without legislative change, some children will grow up in such families. Nonetheless, there would be fervent public opposition to legislation amending either Act.

The Government has taken account of all the comments received on these two matters. That is why the Bill does not cover adoption or reproductive technology. The Bill does, however, seek to equalise the rights of same-sex couples with those of opposite-sex couples in all other areas. It is not the policy of the Government that homosexual relationships are the same as marriages. It is our policy, however, that same-sex couples should have the same legal rights and duties as unmarried opposite-sex couples.

The Bill is an important step towards equal civil rights for all South Australians. It has long been the policy of our law, through the *Equal Opportunity Act 1984*, that there is to be no discrimination against homosexual people as individuals in the areas to which the Act applies. Our law, however, has been too slow to recognise the rights and duties of homosexual people as couples. That many homosexual people choose to live in a relationship as a couple, much like heterosexual people, is a fact of life and one that the law can no longer ignore.

This Bill acknowledges in law what everyone knows to be so in fact. It is a just measure and I commend it to Honourable Members.

EXPLANATION OF CLAUSES

General remarks

This measure, in general, seeks to achieve equality before the law for couples of the opposite sex who live together as husband and wife de facto, and couples of the same sex who live together in a similar relationship.

The proposed amendments to the *Family Relationships Act 1975* are the source of understanding for what is meant by a de facto partner. Current Part 3 (providing for declarations in relation to putative spouses) will be deleted and a new Part 3 will be substituted that provides for declarations in relation to de facto partners.

The opportunity has been taken in this measure to achieve some consistency across the statute book. In most cases, a de facto partner will be defined as a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under proposed Part 3 of that Act or not, while in a few cases (such as the *Inheritance (Family Provision) Act 1972*), a declaration will be required. However, whether a declaration is required or not for the purposes of a particular Act, the matters set out in proposed Part 3 of the *Family Relationships Act 1975* are relevant in determining whether or not a particular person is, or was, at a particular time, the de facto partner of another.

Part 1—Preliminary

This Part contains the formal clauses.

Part 2—Amendment of *Administration and Probate Act 1919*

It is proposed to insert a definition of ***de facto partner*** and, as a consequence, delete the definitions of ***putative spouse*** and ***spouse*** and substitute a new definition of ***spouse*** that makes it clear that this means a legally married person. This Act is one that does require a declaration to be made that one person is the de facto partner of another as at a particular date under the new proposed Part 3 of the *Family Relationships Act 1975*.

The transitional provision provides that an amendment made by this measure to the *Administration and Probate Act 1919* applies only in relation to the estate of a deceased person whose death occurs after the commencement of the amendment.

Part 3—Amendment of *Aged and Infirm Persons' Property Act 1940*

Part 4—Amendment of *ANZAC Day Commemoration Act 2005*

Part 5—Amendment of *Architects Act 1939*

Part 6—Amendment of *Associations Incorporation Act 1985*

Part 7—Amendment of *Authorised Betting Operations Act 2000*

Part 8—Amendment of *Casino Act 1997*

Part 9—Amendment of *Chiropractic and Osteopathy Practice Act 2005*

This Act will eventually supersede the *Chiropractors Act 1991*.

Part 10—Amendment of *Chiropractors Act 1991*

Part 11—Amendment of *Citrus Industry Act 1991*

Part 12—Amendment of *City of Adelaide Act 1998*

The amendments proposed to each of the preceding Acts are consistent. It is proposed to insert a definition of ***de facto partner*** in the appropriate place. In each of them, a de facto partner is to be defined as a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under proposed Part 3 of that Act or not. It is also proposed that a definition of spouse (a person legally married to another) should be inserted appropriately. The remainder of the amendments are consequential on the insertion of those definitions or provide for transitional arrangements.

Part 13—Amendment of *Civil Liability Act 1936*

It is proposed to insert the definition of ***de facto partner*** and, as a consequence, delete the definition of ***putative spouse***. This Act is another that requires a declaration to be made that one person is the de facto partner of another as at a particular date under proposed Part 3 of the *Family Relationships Act 1975*.

The remainder of the proposed amendments are consequential except for the insertion of a provision that provides that an amendment made by this measure to the *Civil Liability Act 1936* applies only in relation to a cause of action that arises after the commencement of the amendment.

Part 14—Amendment of *Community Titles Act 1996*

Part 15—Amendment of *Conveyancers Act 1994*

Part 16—Amendment of *Co-operatives Act 1997*

Part 17—Amendment of *Cremation Act 2000*

Part 18—Amendment of *Criminal Assets Confiscation Act 2005*

Part 19—Amendment of *Criminal Law Consolidation Act 1935*

Part 20—Amendment of *Criminal Law (Forensic Procedures) Act 1998*

Part 21—Amendment of *Crown Lands Act 1929*

In each of the Acts proposed to be amended in these Parts, the definitions of ***de facto partner*** and ***spouse*** are to be inserted in the appropriate section of the particular Act. In each of them, a de facto partner is to be defined as a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under proposed Part 3 of that Act or not, and a spouse means a legally married person. The remainder of the amendments are consequential on the insertion of those definitions or provide for transitional arrangements.

Part 22—Amendment of *De Facto Relationships Act 1996*

This Act establishes a legislative scheme whereby a husband and wife de facto can make arrangements for property settlements. It is not proposed to alter the requirements of the scheme except to extend it to include persons of the same sex who cohabit with each other as a couple on a genuine domestic basis.

Part 23—Amendment of *Dental Practice Act 2001*

The amendments proposed to this Act are consistent with proposed amendments in this measure to other Acts that regulate a profession.

Part 24—Amendment of *Development Act 1993*

In the Act amended in this Part, the definitions of ***de facto partner*** and ***spouse*** are to be inserted. A de facto partner is to be defined as a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under proposed Part 3 of that Act or not, and a spouse means a legally married person. The remainder of the amendments are consequential on the insertion of those definitions or provide for transitional arrangements.

Part 25—Amendment of *Domestic Violence Act 1994*

This Act provides for applications to be made to the Magistrates Court relating to an order restraining a person from committing domestic violence against his or her husband or wife, or his or her husband or wife de facto. It is proposed to extend this to allow persons of the same sex who cohabit with one another as a couple on a genuine domestic basis to make such applications if the circumstances require.

Part 26—Amendment of *Electoral Act 1985*

Part 27—Amendment of *Environment Protection Act 1993*

The proposed amendments to these Acts are consistent with those proposed generally.

Part 28—Amendment of *Equal Opportunity Act 1984*

In addition to the amendments consistent with the general amendments, an amendment is proposed to section 50, which will extend the exemption that religious bodies have in relation to discrimination on the grounds of sexuality to discrimination in relation to same sex partners cohabiting on a genuine domestic basis.

Part 29—Amendment of *Evidence Act 1929*

Part 30—Amendment of *Fair Work Act 1994*

The proposed amendments to these Acts are consistent with those proposed generally.

Part 31—Amendment of *Family Relationships Act 1975*

The proposed amendments to this Act provide the key to the amendments proposed to all other Acts.

It is proposed to expand the definition of ***Court*** for the purposes of this Act to mean the Supreme Court, the District Court or the Magistrates Court.

It is proposed to delete current Part 3 (which provides for declarations in relation to putative spouses) and substitute a new Part that instead provides for de facto partners.

Proposed section 11A(1) provides that a person is, on a certain date, the ***de facto partner*** of another (irrespective of the sex of the other) if he or she is, on that date, cohabiting with that person as a couple on a genuine domestic basis (other than as a legally married couple) and he or she—

(a) has so cohabited with that other person continuously for the period of 3 years immediately preceding that date; or

(b) has during the period of 4 years immediately preceding that date so cohabited with that other person for periods aggregating not less than 3 years.

Proposed section 11 is an interpretation provision that clarifies the meaning of new section 11A(3), which provides that a person is not the de facto partner of another if he or she is related by family to the other. For the purposes of Part 3, persons are ***related by family*** if—

(a) one is the parent, or another ancestor, of the other; or

(b) one is the child, or another descendant, of the other; or

(c) they have a parent in common.

Proposed section 11A(2) provides that a person is, on a certain date, the ***de facto partner*** of another if he or she is, on that date, cohabiting with that person as a couple on a genuine domestic basis (other than as a legally married couple) and a child, of which he or she and the other person are the parents, has been born (whether or not the child was still living at that date).

Proposed section 11A(4) provides that a person whose rights or obligations depend on whether he or she and another person, or 2 other persons, were, on a certain date, de facto partners one of the other may apply to the Court for a declaration under section 11A.

Proposed section 11A(6) provides that, for the purposes of determining whether a person is to be recognised under the law of South Australia as the de facto partner of another, consideration must be given to the following:

(a) the duration of the relationship;

(b) the nature and extent of common residence;

(c) whether or not a sexual relationship exists, or has existed;

(d) the degree of financial dependence and interdependence, or arrangements for financial support between the parties;

(e) the ownership, use or acquisition of property;

(f) the degree of mutual commitment to a shared life;

(g) the care and support of children;

(h) the performance of household duties;

(i) the reputation and public aspects of the relationship.

Proposed section 13 is substantially the same as a provision that currently appears in each of the Superannuation Acts and provides for confidentiality of proceedings relating to applications under this Act. New section 13 creates an offence (punishable by a fine of $5 000 or imprisonment for 1 year) if a person publishes ***protected information*** (that is, information relating to such an application that identifies or may lead to the identification of an applicant, or an associate of the applicant, or a witness to an application).

The transitional provision provides that if, before the commencement of this clause, a declaration has been made under Part 3 of the *Family Relationships Act 1975* that a person was, on a certain date, the putative spouse of another, the declaration will, if the case requires, be taken to be that the person was, on that date, the de facto partner of the other.

Part 32—Amendment of *Firearms Act 1977*

The proposed amendments to this Act are effected in the same way as the amendments proposed to the majority of the Acts to be amended by this measure.

Part 33—Amendment of *First Home Owner Grant Act 2000*

The amendments proposed in this Part do not work by reference to the *Family Relationships Act 1975*. Instead, reference is made to persons cohabiting as a couple on a genuine domestic basis (whether they are of the opposite or the same sex).

The transitional provision provides that an amendment made by this measure to the *First Home Owner Grant Act 2000* applies only in relation to an application for a first home owner grant made after the commencement of the amendment.

Part 34—Amendment of *The Flinders University of South Australia Act 1966*

Part 35—Amendment of *Gaming Machines Act 1992*

Part 36—Amendment of *Genetically Modified Crops Management Act 2004*

The amendments proposed are effectively the same as the amendments proposed to the majority of the Acts to be amended by this measure.

Part 37—Amendment of *Governors' Pensions Act 1976*

The amendments proposed to this Act will achieve consistency with other State Acts that deal with pension and superannuation schemes.

De facto partner is defined by reference to the *Family Relationships Act 1975* consistently with the majority approach taken elsewhere in this measure (that is, no declaration is required under that Act).

The other amendments are consequential but for the transitional provision which provides that an amendment made by a provision of this measure to a provision of the *Governors' Pensions Act 1976* that provides for, or relates to, the payment of a pension to a person on the death of a Governor, or former Governor, applies only if the death occurs after the commencement of the amendment.

Part 38—Amendment of *Ground Water (Qualco-Sunlands) Control Act 2000*

Part 39—Amendment of *Guardianship and Administration Act 1993*

Part 40—Amendment of *Hospitals Act 1934*

Part 41—Amendment of *Housing and Urban Development (Administrative Arrangements) Act 1995*

Part 42—Amendment of *Housing Improvement Act 1940*

The amendments proposed in the previous Parts are consistent with the amendments proposed to the majority of Acts by this measure.

Part 43—Amendment of *Inheritance (Family Provision) Act 1972*

The amendments proposed to this Act require a declaration to be made under the *Family Relationships Act 1975*.

It is proposed to insert a definition of ***de facto partner*** and substitute the definition of ***spouse***. A de facto partner in relation to a deceased person is a person declared under the *Family Relationships Act 1975* to have been a de facto partner of the deceased as at the date of his or her death, or at some earlier date. A spouse in relation to a deceased person means a person who was legally married to that person as at the date of his or her death.

The amendments will only apply in relation to the estate of a deceased person whose death occurs after the commencement of the amendments.

Part 44—Amendment of *Judges' Pensions Act 1971*

The amendments proposed to this Act will achieve consistency with the other State Acts dealing with pension and superannuation schemes. It will no longer be the case that the spouse of a deceased former judge will be entitled to a benefit only if he or she was the former judge's spouse before the former judge ceased to be a judge. A person who is the spouse or de facto partner of a deceased judge or former judge at the time of death will be entitled to a benefit irrespective of when he or she became the spouse or de facto partner of the judge or former judge. However, because ***de facto partner*** is defined by reference to the *Family Relationships Act 1975*, a person can only be the de facto partner of a judge or former judge if he or she has cohabited with the judge or former judge for at least 3 years or is the parent of a child of whom the judge or former judge is also a parent.

Proposed new section 9 provides for the division of benefits where a deceased judge or former judge is survived by more than 1 spouse or de facto partner. Any benefit to which a surviving spouse or de facto partner is entitled under the Act will be divided between them in a ratio determined by reference to the length of the periods for which each of them cohabited with the deceased. A substantially similar provision is included in each of the Acts dealing with superannuation entitlements.

An amendment made by a provision of this measure to a provision of the *Judges' Pensions Act 1971* that provides for, or relates to, the payment of a pension to a person on the death of a Judge, or former Judge, applies only if the death occurs after the commencement of the amendment.

Part 45—Amendment of *Juries Act 1927*

An amendment made by this measure to the *Juries Act 1927* does not affect the eligibility of a person to serve on a jury empanelled before the commencement of the amendment.

Part 46—Amendment of *Land Tax Act 1936*

Part 47—Amendment of *Legal Practitioners Act 1981*

Part 48—Amendment of *Liquor Licensing Act 1997*

Part 49—Amendment of *Local Government Act 1999*

The amendments proposed to the preceding Acts are consistent with the amendments proposed to the majority of Acts by this measure.

Part 50—Amendment of *Medical Practice Act 2004*

Amendments consistent with the general amendments proposed by this measure are to be made to this Act, which will eventually supersede the *Medical Practitioners Act 1983*.

Part 51—Amendment of *Medical Practitioners Act 1983*

Part 52—Amendment of *Members of Parliament (Register of Interests) Act 1983*

Part 53—Amendment of *Mental Health Act 1993*

Part 54—Amendment of *Natural Resources Management Act 2004*

Part 55—Amendment of *Occupational Therapy Practice Act 2005*

The amendments proposed to the preceding Acts are consistent with the amendments proposed to the majority of Acts by this measure.

Part 56—Amendment of *Parliamentary Superannuation Act 1974*

The amendments proposed to section 5 of this Act would have the effect of substituting the definition of ***spouse*** and ***de facto partner*** and deleting the definition of ***putative spouse***. ***De facto partner*** in relation to a deceased member or deceased member pensioner is defined to mean a person who was the member or member pensioner's de facto partner within the meaning of the *Family Relationships Act 1975* at the date of the death of the member or member pensioner. This clause also proposes consequential amendments.

Current section 7A provides that a person who is the same sex partner of a member can apply to the District Court for a declaration that he or she is the putative spouse of the member. The District Court is required to make the declaration if the relationship between the 2 persons satisfies certain criteria. This section is redundant as a consequence of the proposed amendments to section 5. As a result of those amendments, the de facto partner of a deceased member, whether of the opposite or same sex as the member, will be entitled to a benefit if he or she is a de facto partner of the member within the meaning of the *Family Relationships Act 1975*. Section 7A is therefore to be repealed.

It is also proposed to repeal section 7B, which provides for the confidentiality of proceedings under section 7A. Section 7B is substantially the same as proposed new section 13 of the *Family Relationships Act 1975*. The protection afforded by section 7B will therefore continue and will apply equally to opposite sex and same sex de facto partners.

Many of the proposed amendments are consequential on the above changes.

An amendment made by a provision of this measure to a provision of the *Parliamentary Superannuation Act 1974* that provides for, or relates to, the payment of a pension, lump sum or other benefit to a person on the death of a member, or former member, applies only if the death occurs after the commencement of the amendment.

Part 57—Amendment of *Partnership Act 1891*

Part 58—Amendment of *Pastoral Land Management and Conservation Act 1989*

Part 59—Amendment of *Pharmacists Act 1991*

Part 60—Amendment of *Phylloxera and Grape Industry Act 1995*

Part 61—Amendment of *Physiotherapists Act 1991*

Part 62—Amendment of *Physiotherapy Practice Act 2005*

Part 63—Amendment of *Pitjantjatjara Land Rights Act 1981*

Part 64—Amendment of *Podiatry Practice Act 2005*

Part 65—Amendment of *Police (Complaints and Disciplinary Proceedings) Act 1985*

The amendments proposed to the preceding Acts are consistent with the amendments proposed to the majority of Acts by this measure.

Part 66—Amendment of *Police Superannuation Act 1990*

The proposed amendments to this Act are consistent with the amendments proposed to the other superannuation Acts, including the transitional provision.

Part 67—Amendment of *Problem Gambling Family Protection Orders Act 2004*

Part 68—Amendment of *Public Corporations Act 1993*

Part 69—Amendment of *Public Intoxication Act 1984*

Part 70—Amendment of *Public Sector Management Act 1995*

The amendments proposed in the preceding Parts are consistent with the amendments proposed to the majority of Acts by this measure.

Part 71—Amendment of *Public Trustee Act 1995*

This is one of the Acts under which a declaration under the *Family Relationships Act 1975* is required in order to establish whether or not a person is, at a particular date, the de facto partner of another.

Other amendments are consequential.

Part 72—Amendment of *Racing (Proprietary Business Licensing) Act 2000*

Part 73—Amendment of *Renmark Irrigation Trust Act 1936*

Part 74—Amendment of *Residential Tenancies Act 1995*

Part 75—Amendment of *Retirement Villages Act 1987*

Part 76—Amendment of *River Murray Act 2003*

Part 77—Amendment of *South Australian Health Commission Act 1976*

Part 78—Amendment of *South Australian Housing Trust Act 1995*

Part 79—Amendment of *South Eastern Water Conservation and Drainage Act 1992*

The amendments proposed in the preceding Parts are consistent with the amendments proposed to the majority of Acts by this measure.

Part 80—Amendment of *Southern State Superannuation Act 1994*

The proposed amendments to this Act are consistent with the amendments proposed to the other superannuation Acts.

Part 81—Amendment of *Stamp Duties Act 1923*

For the purposes of this Act, a person is the de facto partner of another if the person—

(a) cohabits with the other as a couple on a genuine domestic basis (other than as a legally married couple); and

(b) has so cohabited continuously for at least three years.

This Act currently defines ***spouse*** to include the de facto husband or wife of a person who has been cohabiting continuously with the person for at least three years. The new definition of ***de facto partner*** is consistent with this but includes partners of the same sex.

Most of the other amendments are consequential. The proposed amendments to section 71CBA will have the effect of extending the stamp duty exemption provided by that section to certain instruments executed under the *De Facto Relationships Act 1996* by persons of the same sex who are, or have been, in a de facto relationship.

A transitional provision will provide that an amendment made by this measure to the *Stamp Duties Act 1923* will apply only in relation to instruments executed after the commencement of the amendments.

Part 82—Amendment of *Superannuation Act 1988*

The proposed amendments to this Act are consistent with the amendments proposed to the other superannuation Acts.

It is currently the case under section 38 of the Act that the lawful spouse of a deceased contributor is entitled to a benefit if he or she became the lawful spouse of the contributor before the termination of the contributor's employment or he or she cohabited with the contributor as the contributor's de facto husband or wife or lawful spouse for a period of 5 years immediately before the contributor's death. A spouse who does not satisfy those criteria is nevertheless entitled to a benefit if he or she is the natural parent of a child of the contributor.

As a consequence of proposed amendments, the spouse or de facto partner of a deceased contributor at the time of the contributor's death will be entitled to a benefit irrespective of whether he or she was the contributor's spouse or de facto partner prior to the termination of the contributor's employment. However, because ***de facto partner*** is defined by reference to the *Family Relationships Act 1975*, a person will not be entitled to a benefit as the de facto partner of a contributor unless the person has, at the time of the contributor's death, cohabited with the contributor as a couple for 3 years or the person is the natural parent of a child of whom the contributor is also the natural parent.

A transitional provision consequential on the passage of this measure provides that an amendment made by a provision of this measure to the *Superannuation Act 1988* that provides for or relates to the payment of a pension, lump sum or other benefit to a person on the death of a contributor applies only if the death occurs after the commencement of the amendment.

Part 83—Amendment of *Superannuation Funds Management Corporation of South Australia Act 1995*

Part 84—Amendment of *Supported Residential Facilities Act 1992*

Part 85—Amendment of *Supreme Court Act 1935*

Part 86—Amendment of *Transplantation and Anatomy Act 1983*

Part 87—Amendment of *University of Adelaide Act 1971*

Part 88—Amendment of *University of South Australia Act 1990*

Part 89—Amendment of *Upper South East Dryland Salinity and Flood Management Act 2002*

Part 90—Amendment of *Veterinary Practice Act 2003*

Part 91—Amendment of *Victims of Crime Act 2001*

An amendment to this Act effected by a provision of this measure only applies in relation to a claim for statutory compensation for an injury caused by an offence committed after the commencement of the amendment.

Part 92—Amendment of *Wills Act 1936*

The amendments proposed in the preceding Parts are consistent with the amendments proposed to the majority of Acts by this measure.

Part 93—Amendment of *Workers Rehabilitation and Compensation Act 1986*

It is proposed that, for the purposes of this Act, a person is the de facto partner of a worker if the person cohabits with the worker as a couple on a genuine domestic basis (other than as a legally married couple) and the person—

(a) has been so cohabiting continuously with the worker for a period of 3 years; or

(b) has during the preceding period of 4 years so cohabited with the worker for periods aggregating not less than three years; or

(c) has been cohabiting with the worker for a substantial part of such a period and the Corporation considers that it is fair and reasonable that the person be regarded as the de facto partner of the worker for the purposes of this Act.

A person will also be the de facto partner of a worker if he or she cohabits with the worker as a couple and a child, of whom the worker and the person are the parents, has been born.

Other amendments are consequential.

The transitional clause makes it clear that an amendment to the Act effected by this measure that provides a lump sum or weekly payments to a person on the death of a worker will apply only if the death occurs after the commencement of the relevant amending provision.

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

MOTOR VEHICLES (DOUBLE DEMERIT POINTS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 31 May. Page 2029.)

The Hon. SANDRA KANCK: I rise to indicate that the South Australian Democrats are opposed to this bill, this piece of populous legislation. It is worth noting that we are not alone in our opposition to doubling demerit points for road traffic offences during long weekends: the RAA is opposed to this bill; and the Road Traffic Advisory Council also advised the government that it did not support the introduction of double demerit points. Even the opposition spokesperson, Robert Brokenshire, indicated he had deep reservations about this bill. Accused of being jello by the Minister for Transport, the Hon. Robert Brokenshire then confirmed the accuracy of that description by supporting the legislation. He should have opposed this bill in the House of Assembly, as should his colleagues in this council.

Robert Brokenshire thought that the politics of this bill were more important than the policy outcomes. He would have known that the introduction of double demerit points had strong public support in New South Wales and Western Australia. He would have feared accusations of being culpable for any road deaths that occurred during holiday periods between now and the next state election. I believe that he looked at those considerations and concluded that the imposition of double demerit points would have little or no impact on the road toll and was of secondary importance to how things might look.

This afternoon on Joseph Thompson's program on 5CK he confirmed all of the above. He said that he does not want to be the subject of an attack from the minister. Well, diddums! Is he not tough to withstand an attack? I listened in amazement as he referred to the big scoop of the interview. He had what I think were minutes of the Road Safety Advisory Committee, in which a decision was made that the committee did not support double demerit points. It is not

surprising that it came to that conclusion. The research shows that doubling demerit points and doing nothing else is ineffective. Double demerit points work only with saturation policing of the roads during holiday periods, combined with an aggressive advertising campaign. The research also shows that saturation policing and advertising work without the stick of added double demerit points.

New South Wales introduced more 'police tougher' advertisements and double demerit points during holiday periods and reduced the road toll. Victoria achieved the same outcome without introducing double demerit points, but through a combination of saturation policing and increased advertising. In short, doubling demerit points adds little or nothing to road safety, yet despite this evidence Robert Brokenshire told 5CK this afternoon that the opposition would still support the bill. I will read some of the comments he made, which I have obtained from the media monitoring service we are all provided with so that opposition members know how they apparently are going to vote tonight when we get to the second reading and maybe understand why.

Joseph Thompson said, after he mentioned these minutes from the Road Safety Advisory Council, 'What are the Liberals going to do?'. Robert Brokenshire's answer was, 'Well, we're going to highlight all of the matters around this'. What a brave and courageous decision. He then goes on to say, 'When you look at a five-year graph in South Australia—Christmas, New Year, Easter holiday periods between 2000 and 2004—it shows that the number of fatal cashes at holiday times is the same or lower compared to all other time during the year'. That is obvious; we knew that as well and I am sure the government knows it.

So, Joseph Thompson says to him again, 'What are you are going to do?' Robert Brokenshire said, 'Because I don't want to have a personal attack on me from the government if there's a death on the long weekend and, because we realise there may be some element of benefit in this, we will be supporting it but not without the sunset clause.' Thompson says, 'If that's what you believe, then why not have the courage of your convictions and simply vote that way now?', and Robert Brokenshire says, 'Well, because within all of that there is a slight element of information still to be released, which we can't get for a few more months that may show some benefit, some minor benefit, in having double demerit points, and I'm not going to have it on the head of the Liberal Party that we are the fault of deaths on our roads on a long weekend because that's what would happen.' If you have the facts with you, surely you can beat Patrick Conlon in an argument.

So, on the basis that Patrick Conlon might beat Robert Brokenshire around the head and he might not beat him in an argument, the opposition will support this legislation on the basis that there is a slight element of information still to be released which we cannot get for a few more months that may show some benefit. I assure the opposition that there will be people who will lose their licence based on this double demerit points legislation just for some political point to be proven. If what Robert Brokenshire says is correct, and it would appear that the opposition is going to do what he tells them because he is the shadow minister, this bill, which is entirely ineffective will pass unless the collective jello of the opposition benches recognises the absurdity of claiming that moving bits of paper from one house to another amounts to a road safety initiative.

What is worse is that, in passing this legislation, the Labor government can claim to have acted to reduce the road toll and will be consequently less likely, in the longer term, to take genuine costly road safety measures. The Hon. Caroline Schaefer said last night, 'It is the intention of the opposition to block this piece of legislation from proceeding any further until we are provided with facts that we know exist.' I look forward to seeing what will happen at the second reading vote, because the only new fact to emerge in the last 24 hours is the document that Robert Brokenshire has which confirms, as we all knew it would, that the Road Safety Council did not support double demerit points. Pressure was obviously applied to the Road Safety Council because it has subsequently supplied a letter to the transport minister indicating that it now supports the legislation provided that there is a guarantee of increased police enforcement and intensive advertising, but we know that increased police enforcement and intensive advertising on their own produce the results that the government is looking for.

If the government intends to accede to what the Road Safety Council has asked for, and I was assured at my briefing on this bill that that would be the case, then the legislation is unnecessary, and passing unnecessary legislation, legislation that will have no impact, makes parliament a joke. I have a further concern about the impact of this legislation, and that is that doubling demerit points will result in people losing their licences for relatively minor traffic offences. With the hotchpotch of speed limits and poor signage that now characterises Adelaide roads, it is quite conceivable that a person could think they are doing just 5 km/h above the speed limit when in fact they are doing 15 km/h or maybe 25 km/h above the speed limit.

Let me assure members that is more than just theory. Only a week or so ago, I was advised of a case where the speed limits on a main road were dropped from 60 to 50 and a constituent was twice clocked doing 15 km/h above the speed limit. With this legislation in place, she would lose her licence if she had done that on a long weekend. A person with a faultless driving record would face a three-month licence suspension, and there is no right of appeal against a disqualification imposed as a result of demerit points. It is too harsh an outcome for a measure that will not significantly reduce the road toll, for a measure that is just a cheap scare tactic that makes it look like the government is doing something.

So as each member considers this bill, I want them to reflect on what brings politicians into disrepute. Doing the expedient thing as opposed to the right thing is high on the list of gripes about our behaviour, and I challenge each member of the opposition to support the South Australian Democrats in opposing this bill tonight. The government making an announcement for political reasons does not justify the opposition's caving in for the same political reasons. The only reason there can be for supporting legislation such as this is for good road safety reasons. They do not exist in relation to this bill and I ask all members to join the South Australian Democrats in opposing it.

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I thank all members for their contributions. A wide range of statements has been made regarding this proposition, and a number of questions have been asked. I appreciate that different members have different views on the proposition. Obviously they are entitled to those views, and I will address some key issues and questions that have been raised by members.

The Hon. Caroline Schaefer asked why we are doing this. Fundamentally, this bill is about addressing the senseless loss

of life that occurs on our roads on long weekends and holidays. We need to commit to memory the needless tragedies of the Easter and May 2005 long weekends when 15 South Australians lost their lives. Other members of our community were left with long-term injuries and disabilities because of those avoidable crashes. Families, friends and other people who knew those killed and injured have been left with the ongoing grief for those lives cut short or changed forever.

The intention of a double demerit point scheme is to enhance the deterrent effect of penalties during specific times when more people are using the roads and travelling long distances. The rationale underpinning double demerit points is that drivers will be more conscious of, evaluate and then modify their driving behaviour when faced with an increased threat of demerit penalties. At this point I would like to clear up a misconception that has crept into this debate, that double demerits in their own right will make a difference. The government has never suggested or implied that double demerit periods are a magic bullet or a panacea for the rising road toll. Nothing could be further from the truth. This government has always seen double demerits as a mechanism which enhances the deterrent effects of enforcement and heightens awareness of the messages of road safety media campaigns.

Therefore, let me assure honourable members, and put this undertaking on the record, that first this government is committed to complementing double demerit periods with increased police enforcement on holidays and long weekends. Police will be out there and they will be visible. Second, each and every double demerit period will be preceded by extensive radio and print advertising supplemented with television at key times. This includes the maximum of eight 48-hour periods that may be invoked by the Minister for Police on advice that police intelligence indicates a particular time or event is a high crash risk period.

This approach is entirely consistent with the manner in which double demerit points are used in New South Wales and Western Australia, where this measure was introduced in 1997 and 2002 respectively. In these jurisdictions, the application of double demerit points during long weekends, with associated enhanced police operations and significant advertising, have proven to be successful in significantly reducing the fatalities and traffic infringements which had occurred during double demerit periods. Moreover, drivers have demonstrated marked changes and reported marked changes in their attitudes and driving behaviours. An evaluation of the New South Wales double demerit points trial found strong levels of community awareness and support for the measure; positive changes in self-reported behaviours by motorists who had a tendency to drive above the speed limit; and significant reductions in fatalities and traffic infringements during the period in which the measure applied.

Subsequent community surveys show that community awareness and support for the measure continued to be strong. The Easter 1999 survey found very high levels of awareness of the scheme—93 per cent; very high levels of support—87 per cent of respondents stated that it was a good or a very good idea; and one in two drivers (48 per cent) believed that the double demerit initiative was likely to reduce crashes. Of the drivers who were aware of double demerits and reported increased enforcement, around 25 per cent reported they slowed down. Even larger percentages of drivers in high risk speeding target groups reported that they slowed down; 67 per cent of drivers usually travelled at a speed where they believed they could be booked and 45 per cent of drivers aged 18 to 29 years.

More recent research from New South Wales indicates continued significant reductions in fatalities during periods of double demerit points. Over the 28 holiday periods—152 days up to and including the Anzac Day public holiday period in 2002 in which double demerit points have applied—there have been 20 per cent fewer fatalities than for the same holiday periods immediately prior to the introduction of double demerit points. Preliminary results of the trial Western Australian scheme are consistent with those of New South Wales. The key results of the evaluation were as follows. In relation to community attitudes and behaviour, data showed that two-thirds of drivers claimed to have reduced their speeding behaviour; one-third claimed to have decreased their alcohol consumption when driving; and one-quarter increased their use of restraints or checking of passengers during the double demerits period.

In relation to police-reported road crashes, the total number of police-reported road crashes, including the high severity, fatal and injury crashes, decreased during the double demerit periods by 11 per cent. In relation to fatal and injury crashes, fatal crashes were 20 per cent lower in double demerit periods, while injury crashes were reduced by 18 per cent. This bill is not intended to be, nor should it be seen as, a stand-alone measure. Rather, it complements the other significant road safety measures which were introduced by this government and passed by this parliament such as the following:

- the Motor Vehicles (Licences and Learner's Permit) Amendment Act 2005, which will strengthen the current graduated driver licensing scheme by enhancing the mechanisms by which novice drivers acquire the skills and experiences to drive safely;
- the Statutes Amendment (Drink Driving) Act 2005, which will significantly impact upon drink driving and, in doing so, benefit individuals, their families and the community through a decrease in injuries and fatalities associated with motor vehicle crashes in which alcohol is a contributing factor;
- the Road Safety (Excessive Speed) Amendment Bill 2005 (which passed this parliament the other day), which will introduce measures designed to safeguard the public by removing from the road, as soon as possible, drivers who, by driving at excessive speeds, pose a serious threat to all road users.

These significant measures will be further complemented later this year by the introduction of the Road Traffic (Drug Driving) Amendment Bill 2005. That bill will provide a considered and effective response to the emergence of drug driving as a significant contributor to reduce road safety and increased trauma resulting from crashes. The bill will amend current legislation to allow for random saliva blood testing of persons driving under the influence of drugs.

In closing, I wish to emphasise to members that this bill to introduce double demerit points is a considered response by the government to the needless tragedies of the Easter and May 2005 long weekends, based upon research and representations from police. The government does not know whether this bill will make a difference, but neither does anyone else in this chamber, or in the other place. For this reason, the government has accepted the opposition amendment inserting a 12-month sunset clause and a requirement for the preparation of a review that must be laid before parliament.

The one thing the government does know is that, after two tragic long weekends, it is time to accept the advice of police and introduce this measure. The research from New South Wales and Western Australia indicates that it will make a difference and save lives, and reduce the incidence of serious injuries on long weekends and holidays. If this bill does that just once every long weekend or holiday period and brings down the road toll, lessens the suffering on South Australian families, and catches and punishes those who endanger us all by doing the wrong thing on our roads, then it is worthwhile.

The Hon. Sandra Kanck in her comments claimed that double demerit points are unnecessary, as increased enforcement and publicity will achieve the same results. The Hon. Sandra Kanck's argument is based upon the assumption that in New South Wales and Western Australian increased enforcement and publicity were not in place prior to the introduction of double demerit points. The Hon. Sandra Kanck claimed that, if a person is disqualified because of double demerits, there is no appeal mechanism.

The Hon. Sandra Kanck: That is what it says in the handbook for the kids who are learning to drive.

The Hon. P. HOLLOWAY: It is simply not true—

The Hon. Sandra Kanck: It says so.

The Hon. P. HOLLOWAY: It is simply not true.

The Hon. Sandra Kanck: You had better check it out. You had better change the handbook.

The Hon. P. HOLLOWAY: It is simply not true because, if a person has incurred 12 or more demerit points in a three-year period, under section 98B(c) of the Motor Vehicles Act, that would result in a period of licence disqualification. The period of disqualification is determined by the number of demerit points incurred. If the driver accumulates 12 to 15 points, they lose their right to drive for three months; 16 to 20 points, they lose their right to drive for four months; and over 20 points, they lose their right to drive for five months. Under these circumstances, the person has a choice of either serving a three, four or five month disqualification, depending on the number of demerit points incurred, or, pursuant to section 98B(e) of the Motor Vehicles Act, enter into agreement with the Registrar of Motor Vehicles to be of good behaviour for a period of 12 months.

If a person chooses this option, they enter into a good behaviour agreement with the Registrar of Motor Vehicles. The agreement permits the person to continue to drive, but their licence will be subject to the condition that they do not incur two or more demerit points during the 12-month good behaviour period. If, during this 12-month period, the person incurs two or more demerit points, they are required to serve a disqualification period twice what they would have served had they not entered into the good behaviour agreement.

I return to the other arguments that have been used. Paragraph 1.3.1, page 2, of the New South Wales evaluation noted that the double demerit points measure was trialled during periods with high levels of police enforcement. In support of the police tradition of statewide operations during the holiday periods, RTO funding of $2.9 million was provided for an extra 88 400 person hours of enforcement. This level of enhanced enforcement was similar to previous years. The fact is that the measures of increased enforcement and publicity were in place but they were not having the required impact. It is sad to note that, over the past 10 years, 170 South Australians (on average, 17 per year) have been and are dying on our roads during long weekends and holiday periods—times where, traditionally, there has been a high police presence and enforcement efforts, supplemented by increased road safety advertising.

The Hon. Sandra Kanck argues that it has been argued that Victoria achieved significant reductions in alcohol and speed related crashes through marked increases in enforcement and supporting mass media advertising. However, what is not known is whether there were corresponding decreases in the incidence of people failing to wear seat belts or whether there were significant changes to people's behaviours and attitudes, particularly among high risk groups, after the enforcement and publicity returned to normal levels.

The New South Wales and Victorian studies indicated that, when these measures were undertaken in conjunction with double demerit periods, there were changes in attitudes and behaviours among this group that did carry over beyond these periods. What is also unknown is whether the Victorian approach of marked increases in enforcement and supporting mass media advertising would have produced an even greater reduction in alcohol and speed related crashes had it been complemented by double demerit periods.

The merits of double demerit periods complementing increased enforcement activity and supporting mass media, as opposed to increasing enforcement and advertising only, can be argued back and forth indefinitely, as can the merits of the various evaluations. However, at the end of the day, what this is about and always has been about is saving lives and reducing long-term injuries and disabilities that result from these avoidable crashes. If we can do this, we can also reduce the ongoing grief of families, friends and other people who knew those who are killed and injured, or those lives cut short or changed forever because of a crash on a long weekend or holiday. Can the government guarantee that this will work? No; but can anyone in this place guarantee that it will not? With this in mind, all we can do is try to make a difference. Perhaps I could also pose the question: can anyone say that this will do any harm? I do not think that anyone could possibly argue that. You might say that it might have limited effect, but to say that it will have no effect at all would, I believe, be hard to sustain.

This measure contains a 12-month sunset clause and a requirement that, no later than 18 months after the commencement of this measure, a report on its effectiveness will be made to parliament. If the measure works, we will know. If it does not, it will end. No matter what the outcome, we would have at least tried to make a difference. Even if we save only one life or one person from a serious accident, is there anyone in this chamber who would argue that it was not worth it?

Finally, I make the point that in the budget there was a substantial increase in road funding—$22 million for the Lifelong Roads Program, which will include substantial funding in regional areas. Also in this budget, there was an additional $1.54 million for regional road police saturation, which of course—

The Hon. Sandra Kanck: Over four years; put that on the record as well.

The Hon. P. HOLLOWAY: I do not think that was the case for the police saturation. Yes, that is right; it is $1.54 million over four years. So, presumably that—

An honourable member: Wow!

The Hon. P. HOLLOWAY: 'Wow', they say. So, presumably, that devalues it. The police force already has a considerable budget. During the course of this government, the police budget has been more than indexed for CPI during the time of the government. It has not been subject to any

cuts, and this $1.54 million on top of it will, of course, enable additional resources on long weekends. What the government is arguing, of course, is that those efforts on long weekends will be that much more effective if they are associated with this measure of double demerit points. As I have said, there is significant additional funding for roads. With all those facts in mind, I commend the bill to the council. Of course, the government would like to see this measure passed in the next few days, because we have a long weekend coming up in several weeks.

Bill read a second time.

In committee.

Clause 1.

The Hon. P. HOLLOWAY: During my second reading speech I omitted to say that yesterday during her second reading contribution the Hon. Caroline Schaefer requested some information. I wish to indicate that that information has been supplied to members. What has been supplied is a copy of a letter dated 27 May 2005 from Sir Eric Neal, the Chair of the Road Safety Advisory Council, on this subject, and also a briefing note that was provided for the agenda of the Road Safety Advisory Council. I will table the letter from the Chair of the Road Safety Advisory Council, and I will provide a copy of the note in a moment.

The Hon. CAROLINE SCHAEFER: I am very disappointed about the way in which the minister is attempting to conduct this piece of legislation. Yesterday I asked for some details, of which the shadow minister was aware, which he had asked for in another place and did not receive. The minister here brushed it off yesterday and said, 'Oh, I think it was nothing more than a slip of paper or an agenda item or something.' Some time after 5 o'clock this afternoon the document from the Road Safety Advisory Council (which is several pages long), which is dated 10 May, was given to me by the shadow minister. I have not had a chance to look at it. Our party has not had a chance to discuss the information contained in that document.

There has been a longstanding practice in this chamber that the two Whips discuss what legislation is to be handled each day, and priorities are set. I went to dinner tonight on the understanding that when we came back the council would be debating the Occupational Health, Safety and Welfare (SafeWork SA) Amendment Bill. We were told that that would be the priority and that the debate would take place tonight after dinner for several hours. I was in my room making a telephone call when our Whip telephoned me and said that we are now dealing with this piece of legislation. This legislation involves new facts that we have not had the opportunity to discuss within our party or even with our shadow minister. Given that situation, and so that we can make a considered decision, I move:

That progress be reported.

The CHAIRMAN: Standing orders provide that it must be moved without discussion.

The committee divided on the motion:

AYES (14)

Cameron, T. G.	Dawkins, J. S. L.
Evans, A. L.	Gilfillan, I.
Kanck, S. M.	Lensink, J. M. A.
Lucas, R. I.	Redford, A. J.
Reynolds, K.	Ridgway, D. W.
Schaefer, C. V. (teller)	Stefani, J. F.
Stephens, T. J.	Xenophon, N.

NOES (5)

Gago, G. E.	Gazzola, J.
Holloway, P. (teller)	Sneath, R. K.
Zollo, C.	

PAIR

Lawson, R. D.	Roberts, T. G.

Majority of 9 for the ayes.

Motion thus carried.

Progress reported; committee to sit again.

CHIROPRACTIC AND OSTEOPATHY PRACTICE BILL

Adjourned debate on second reading.

(Continued from 13 April. Page 1652.)

The Hon. J.M.A. LENSINK: I rise to address this issue on behalf of Liberal members. Just to recap on this bill, it is one of a range that has been reviewed as part of competition policy requirements. I think that as we are proceeding with all of the professional services bills, we will refine the process, and I have noticed that each time there are ever fewer amendments, so I am sure that it will have a smooth passage. A number of issues that were raised in the House of Assembly, I understand, have been resolved. I am grateful to the representatives of the board and the Chiropractors Association. As yet, I have not spoken to the Osteopaths Association, but I would like to do so prior to us moving into committee. I would like to state that I will do my best to allow this bill to have a relatively quick passage through.

A number of the provisions are repeated from previous bills that we have dealt with of this nature, namely the medical practitioners bill and the nurses bill. We have dealt with the podiatrists and the physiotherapists bills more recently. One of the significant things in this bill is that it recognises osteopaths as their own profession. I think that one of the strengths of having separate bills for each of these professions is the acknowledgment that they have their own origins and, in some ways, their own philosophies which have led to their development within our community. As a physiotherapist—I have made this point before in relation to other bills—I admit that I would not see myself as being in a fit position to judge the professional standards or otherwise of other professions. In particular, physios and chiropractors are sometimes seen in the community as rival groups and that really arises from the fact that chiropractors' philosophy comes from a different area to physios which is very much on what they call the medical model, although I think that in the last two decades there has been more crossover than previously.

The bill will set up separate registers for chiropractors and osteopaths as distinct professions, which I think is important to them. The board membership and the balance of the board have been issues in previous bills. I note that this has been resolved in the sense that there will be four elected chiropractors, one osteopath and the membership of the board to include a range of other people including a legal practitioner, a medical practitioner and two other persons who are not either legal practitioners, medical practitioners, chiropractors or osteopaths. In that sense, in a similar way, this board will have a majority of its own profession on the board. I had raised, and I noticed that it did not come up in the debate in the House of Assembly, that both the board and the association stated that they were not in favour of having a requirement that there be a medical practitioner on the board. There

is some belief that, if a medical practitioner were to be retained, this would be the only such board in Australia that is in that situation.

It has been suggested to me that there is an historical rationale for that; that a medical practitioner was required to advise of malpractice regarding 'adjustments'. However, the profession does not believe that medical practitioners are necessarily in a position to judge whether or not that is so, and they have suggested that, instead of a medical practitioner being stated in the legislation, it be another health professional—which could, if that was the minister's choice, be a medical practitioner. So, I put that on notice as something for the government to perhaps reply to at a later stage.

Again, there are provisions for conflicts of interest, complaints and the registration of students. I notice in the minister's report that there is a reference to insurance which says:

> . . . providers will be required to be insured, in a manner and to an extent approved by the board, against civil liabilities that might be incurred in connection with the provision of chiropractic or osteopathy or proceedings under part 4 of the bill.

I wonder whether the government might actually locate that for me and advise whether it is likely to be an internal policy of the board.

Also inserted in here is an identical definition of 'restricted therapy', which is what in physiotherapy is called 'manipulation' and what in chiropractic or osteopathy is called 'adjustment', relating to spinal column movements beyond their normal physiological range. Also, in 'restricted therapy' I understand there is the use of electro-therapeutic equipment—that might actually be the wrong word, but electrical equipment. I am also unsure what dangers those particular machines might pose. As I stated the other day on the Physiotherapy Practice Bill, our machines are quite dangerous and in some ways pose the greatest risk because they are used so frequently, and I am glad that the government has decided to take that on board and try to find some way through that, but I would like to question whether that is also an issue for chiropractors.

As I said, I think most of the issues have been addressed—for instance, relating to the balance of the board and the concern that exists in the profession that fringe groups might potentially take it over, which has been addressed through the casual vacancy amendments that passed in the other place. I am sure that travelling sporting teams are also being dealt with through the regulations, as per the Physiotherapy Practice Bill. With those brief remarks, I indicate support for the bill.

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for her contribution and indication of support. I also thank the Hon. Sandra Kanck for her support—she has elected on this occasion not to speak because, of course, this is one of several bills in response to national competition policy and the fulfilment of those agreements. I indicate to the Hon. Michelle Lensink that during the committee stage I will undertake to bring back responses to the questions she has raised. Again, I thank all honourable members.

Bill read a second time.

In committee.

Clauses 1 to 24 passed.

Progress reported; committee to sit again.

SUPPLY BILL

Adjourned debate on second reading.

(Continued from 31 May. Page 2034.)

The PRESIDENT: I am sure the Hon. Mr Stevens is aware of the direction I gave with respect to this matter last night.

The Hon. T.J. STEPHENS: Whilst I was on leave last night, not being all that well, I will do my best to stay within what I am sure would be your wise guidelines, Sir.

The PRESIDENT: I will do my best to ensure that you do.

The Hon. T.J. STEPHENS: I rise to speak in support of the Supply Bill and in so doing I would like, as others from these benches have done, to make a few points regarding the overall approach to economic management this government has exhibited to date.

The PRESIDENT: As it affects supply.

The Hon. T.J. STEPHENS: Others have made the point that the Supply Bill allows for the payment of the Public Service and hence for the continued operation of the public sector itself. I hope to add to the debate with regard to the state of the public sector in relation to the wider economy. Last year during the debate on the same issue I said that the Treasurer was beggaring the average home owner through the imposition of excessive property taxes. Judging by the actions of the government in recent months, the Treasurer obviously agrees.

The government's announcement and subsequent advertising about its tax cut program was misleading and overblown. The land tax relief was minimal and the reduction of taxes, which the previous Liberal government agreed to under the GST deal, was evidence of this government's lack of credibility when it comes to financial management. Clearly the federal Treasurer had to intervene to encourage the Labor government to honour the deal made under the previous Liberal government.

The federal Treasurer had to intervene because the GST revenue flowing to this state is a river of gold. If we look at the forward estimates in the last Liberal budget before the change of government and compare that to the results over the same period, we find a $5 billion windfall. This is probably a very lucky thing in some ways because the government's track record in the management of the expenditures of this state leaves something to be desired.

I refer to some projects: for example, Sturt Street Primary School has blown out by $5 million; the Glenelg tram line, not including the extension, has blown out by $16 million; the *Ring* cycle was out by about $4 million; and most troubling is the $178 million blowout for the Port River Expressway. I am willing to accept that these projects are important and have to be completed and therefore costs must be met. However, there are some appalling cases that can only fall at the feet of the decision makers of the government. They are the controlling troika of the Premier, the Treasurer and the Minister for Infrastructure. These include the extra $16 million for ministerial staff over the term of the parliament. I am not sure how they justify pay increases when the government does so very little and key reports like the infrastructure plan are months late and correspondence is rarely attended to.

Also, there is the cost of the Premier's party for expatriate South Australian university graduates: $50 000 for a party is unbelievable. This is an outrageous and deeply cynical

exercise which cannot be justified to the public. Also there is the matter of the Independent ministers' officers. To say that they sold out for 30 pieces of silver would be a ridiculously low estimate. In fact, the Independent ministers cost the South Australian taxpayers approximately $4 million each year. In total there has been no less than $237 million in blowouts—excessive spending on my figuring which includes the $10 million for Housing Trust rentals that are still outstanding.

Further on the expenditure side, if we look at the infrastructure plan released after many months of preparation, we see it is a fairly ordinary document when you consider the actual level of investment it will make over the long term. Given the government's record of financial management, we should be very concerned with the moneys it has committed. The South Australian Freight Council has stated that the government's infrastructure plan is unable to meet the government's own target of trebling the state's exports by 2013, a fact borne out by the export figures over the term of this government.

The government has undertaken trendy and high profile projects, but projects that will add to public safety and to the economic value of the state have been ignored. Yet this government is awash with money and the economy, largely thanks to the national boom, is still strong. The state government is missing an opportunity which we in government never had because we had to fix the mess left to us by the Labor Party. Investments that will carry our state forward for the next decade and beyond are not being made and, while we may not feel the effects of this in the very near term, in the medium term there is a very real risk that we will be left behind by the rest of the country in terms of population and economic growth. I support the bill.

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

ESTIMATES COMMITTEES

Consideration of the message from the House of Assembly.

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I move:

That the Minister for Industry and Trade, the Minister for Aboriginal Affairs and Reconciliation and the Minister for Emergency Services have leave to attend and give evidence before the estimates committees of the House of Assembly on the Appropriation Bill, if they think fit.

Motion carried.

The Hon. CARMEL ZOLLO: Mr Acting President, I draw your attention to the state of the council.

A quorum having been formed:

POVERTY INQUIRY

Adjourned debate on motion of Hon. K.J. Reynolds (resumed on motion).

(Continued from page 2057.)

The Hon. KATE REYNOLDS: When I spoke earlier, I read into the record recommendation 1 of the Social Development Committee's poverty inquiry report, and I talked about the campaign that SACOSS is going to be running over the next 12 months or so to combat poverty in South Australia. I would like to talk for a couple of minutes about some of the key areas of that campaign and again refer members to the SACOSS web site, because it provides a particularly useful summary of the effect of poverty in South Australia.

SACOSS talks about income, or the lack of it, as being the main cause of poverty and the lack of wellbeing. One in four families in South Australia has an income of less than $500 per week, and here in South Australia we have the highest rate of families who report Centrelink benefits as being their main income. Three-quarters of older people rely on government pensions as their main source of income. Particularly disadvantaged groups include lone parents, children from low income households, people with disabilities, Aboriginal people, elderly people, as well as people living in certain areas of South Australia. The highest proportion of low income South Australian families lives in the most disadvantaged rural and regional areas.

So, as SACOSS says, addressing this disadvantage requires the removal of barriers that prevent members of these groups from gaining an education, getting and keeping a job, and accessing the supports and services that would make their lives better. Anomalies in the provision of welfare and market forces mean that they pay a disproportionately high part of their income on essential services and this too must be changed.

In relation to employment, education and training, being unemployed, especially for a long period, is a major contributor to poverty. In December 2004, 39 900 South Australians were defined as long-term unemployed—and that number is increasing; 60 per cent of people looking for work in South Australia have been unemployed for more than a year. South Australia's unemployment rate of 5.2 per cent hides the equally large number of people who have insufficient hours of employment to meet their needs, or have dropped out of the labour market in frustration. Nearly one in five South Australian children are growing up in jobless households. Children growing up in jobless households are much less likely to participate in education, training and other community activities to the same extent as their peers. This reduces employment and other life opportunities, and unquestionably contributes to social exclusion.

In a changing and increasingly skilled work force, we all know that education and training are the keys to poor and disadvantaged people breaking the cycle and improving their life. Working with communities to leverage local knowledge and government resources can create employment, education and training opportunities for the people who need them most. In terms of health and wellbeing, we know that people who are disadvantaged in income, education, housing and employment also have higher rates of illness and mortality. Chronic long-term illnesses such as asthma, diabetes type 2, circulatory system diseases, arthritis and diseases of the ear and mastoid are over-represented amongst disadvantaged groups, whilst tooth decay and gum disease also disproportionately affect children and people from low socioeconomic backgrounds.

Low birth weights are an indicator of prenatal health and wellbeing, and particularly the health of the mother. Children with a low birth weight have a high likelihood of future health problems as they grow. In indigenous communities, low weight births are three times more likely than for the rest of the population. People from disadvantaged groups make less use of preventative and primary health care, but are represented in larger numbers in the chronic and critical care stages. Planning for public health service provision will need to be based on the requirements and locations of populations, but it is vital that we understand that, by reducing the extent

of poverty, we can reduce the cost to the health care budget. Prevention, primary care and the management of chronic illness need to be adequately resourced and placed into community environments that are able to provide accessible, coordinated and culturally appropriate care in a way which helps to break that cycle of poverty.

In relation to housing, we know that people without secure, stable and affordable housing are at a major disadvantage in accessing employment, health services, education and training. The figures provided by SACOSS just two months ago indicate that 7 586 South Australians are homeless—and the number is increasing. A significant number more are in accommodation that is unsuitable, hazardous, too expensive or unreliable. Housing provided by the South Australian Housing Trust, community housing and Aboriginal housing is declining. In fact, the total stock is decreasing by about 1 000 units per year. People on low incomes are seldom home owners and the recent increase in property prices has meant that three-quarters of private rental market tenants with low incomes are now paying more than 30 per cent of their income on rent.

Last, but certainly not least, in terms of social participation to be poor is not just to lack food, housing and health, but it is to be deprived of the support and nurture of family and friends, and the ability to engage actively in the life of one's wider community. An individual's or a community's socioeconomic and health status influences their level of participation, and so people from disadvantaged areas and groups experience less social and community interaction. There might be some members in this place who like me occasionally would enjoy a little less community and social interaction, and would not mind a night at home with their feet up in front of the television, but for people living in poverty the idea of being able to go out with friends on social occasions but knowing that it is just not affordable can be incredibly debilitating. Individuals with low income and low education levels often report low levels of social participation.

In addition, chronic health and disability restrict an individual's mobility and ability to participate in community life. If you are out of the loop, it is called social exclusion. I acknowledge that, in this state, we have a Social Inclusion Unit, and I will refer to that in a moment. However, social exclusion is a way of life for nearly one-quarter of South Australians. I return now to the state government's response to the Social Development Committee's poverty inquiry report. This response was tabled in November 2003, so some seven or eight months after the report was handed down by the committee. In response to recommendation 1—that is, that the government consider the development and implementation of a long-term state anti-poverty strategy—the government said that it has set up the Social Inclusion Unit initiative and appointed the Social Inclusion Board with the objective of tackling pressing social issues.

It said that this initiative recognises that issues such as poor health, crime rates, problem drug use, poverty and decreased social cohesion are inter-related and their causes can often be traced to social exclusion; that is, lack of prospects, supportive networks and life opportunities. They said that the initiative, together with the work of the Economic Development Board and the Science and Research Council, is part of a whole of government drive to make a decisive impact on the eradication of poverty and social exclusion in South Australia. I mean no disrespect to either fairies or mothers, but I have to say they are pretty airy-fairy kind of words. SACOSS, the peak social welfare body in this state (with hundreds, if not by now thousands of member organisations) has said that poverty in this state is increasing.

We do not yet have a targeted or time-framed plan to address poverty in this state. Yes, we have a Social Inclusion Unit and, yes, it is doing some good and welcome work. However, it is not making enough of a difference. Until we have a plan that has time frames and targets, and is properly resourced, we are not going to reduce that gap between the rich and the poor in South Australia. I urge all members to support this motion, which requires the state government to report on recommendation 1 about why it has not—or, perhaps, why it will not—develop and implement an anti-poverty strategy for the whole state.

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

DISABILITY SERVICES

Adjourned debate on motion of Hon. K.J. Reynolds:

That the Social Development Committee investigate and report upon the opportunities for people with disabilities as defined under the Disability Discrimination Act 1992 (Cth) and their carers, to take part in all aspects of social, economic, political and cultural life, with particular regard to:

1. The adequacy and suitability of existing accommodation opportunities for people with a disability, including the adequacy of plans to meet targets identified in the SA Strategic Plan for moving people from institutional care into community-style accommodation;
2. Access to appropriate and affordable equipment services, accessible transport, recreation, education, advocacy, rehabilitation and employment services for people with a disability;
3. The adequacy of support services for carers;
4. The adequacy of services for people living outside metropolitan Adelaide;
5. The progress being made by SA government agencies in the development and implementation of disability action plans;
6. The level of protection provided under the Equal Opportunity Act 1984 (SA); and
7. Any other relevant matter.

(Continued from 25 May. Page 1921.)

The Hon. KATE REYNOLDS: I have moved this motion because I am very concerned that the state government has not yet heard the message from the community that the disability sector in this state is in disarray, some people would say, but I think that is a little too harsh, but it is certainly still under-organised and under-funded. I will quote some paragraphs from a media release which was circulated yesterday, I think it was, by the organisation Dignity for the Disabled. When I spoke last, I referred to an article that had appeared in the *Sunday Mail*, I think it was, which featured David Holst who was spearheading that campaign for more funds for the disability sector in this state. This media release is that group's analysis of the state budget, which was handed down last Thursday. The press release states:

Disability advocates have commended the South Australian government for including disability funding as a key budget item in the 2005 Budget but warn that there is still a great deal of unmet need.

Their spokesperson, David Holst, said:

This budget reflects the Government's initial step along the path of building our neglected disability services to levels that will address the present and future unmet needs of people affected by disabilities in this State from an extraordinary low base.

What they are saying is, yes, this is a good and welcome move, and the Democrats support that. However, as they have said, there is still a great deal of unmet need. It goes on to say:

> People with disabilities, their carers and supporters have clearly told the government through the Dignity for Disabled campaign, that $25-$30 million of recurrent funding is needed per annum—

that is, about $100 million over the next three to four years—

> . . . to address the unmet needs of people affected by disabilities in this state. The $9 million of recurrent funding announced in the 2005-06 Budget is only a start towards what is needed to eradicate the accumulating shortfall of the last decade which has resulted in extraordinary waiting lists and a lack of basic support services.

I remind members and you, Mr Acting President, about the question I asked today about the 22-year old man who has been on the waiting list for supported accommodation for well over three years, and his story is not uncommon. The media release from Dignity for the Disabled goes on to say:

> This follows the poor South Australian growth funding allocations of just $2.5 million in the 2003-04 financial year and $5.2 million in 2004-05 which is disturbingly low by National standards as is the 31 per cent increase in recurrent funding that the Government claims it has provided since taking office.
>
> Disappointingly, the annual funding increase in 2005-06 will be barely above the $7 million the State must contribute under the . . . federal disability agreement therefore given the increased 2005-06. . . funding that has already been announced in 2003 by the previous Disability Minister. . . as part of a promised $97.4 million injection over 5 years, this re-announcement is not as positive as portrayed by the government.

In case honourable members on the other side of the chamber are getting ready to make some fulsome interjections, I will come back to the words in here about 'over decades'. The government's one-off grant funding injection of $25 million is a positive, with $8 million to be spread across a number of projects and $8.7 million allocated to purchasing 48 new bed licences and the development of an aged care facility for people with intellectual disabilities, in conjunction with Minda.

The other $8.3 million of the $25 million will continue the devolution of Minda and Orana, but will not create any new supported accommodation positions. In the media release from Dignity for the Disabled, Maryanne Murphy from Compass SA said:

> This sort of grant funding does not provide the practical services people with disabilities need on a day-to-day basis. 35 000 households have a person with serious, or multiple disabilities, and their families and carers have to live with the extreme stress and family breakdown that often goes along with the lack of proper support.

The government's 2005 budget announcements will be recognised more for the change in political recognition of need than for the changes in funding provided. So, there is certainly recognition in this media release that work has been done.

As I have said previously, those budget increases are welcome, but they are not nearly as good as this government would have us believe. But, then again, the announcements made by the previous government were never anywhere near as good as they wanted us to believe. In moving this motion I am not attempting to apportion all blame to the current government. I think all disability groups that I have ever had anything to do with would argue that it is decades of neglect that we are trying to improve now. This is not just having a go at the current government; it is saying that this system has been stressed for many years and will fall over soon if we do not do something significant.

The Hon. T.J. Stephens: Only those in government can do anything about it.

The Hon. KATE REYNOLDS: The Hon. Terry Stephens said that only those in government can do anything about it. I think that is a very well made point, and I look forward to him doing something about it in future years. I would also like to make a couple of other remarks—

Members interjecting:

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! Interjections are always out of order, but particularly when a member is on his feet and out of his place.

The Hon. KATE REYNOLDS: Thank you for your protection, Mr Acting President. Disability Action, which is also a significant advocate for people with disabilities in this state, yesterday put out a media release entitled '$92 million is a good start'. The release states:

> Disability Action welcomes the $92 million boost to people with disabilities. There are some very positive initiatives for which we have advocated for a long time. Unfortunately, the neglect of the past 10 years in disability funding, and the urgent need many individuals find themselves in, could have been better addressed.

It further states:

> The South Australian government has shown insight into the situation, but in order to keep up with the living standards of people with disabilities in other states we still have a fair way to go.

All members will be familiar with SACOSS; some would probably say that I keep talking about it incessantly. It is very well connected to service providers and individuals around the state who either experience it themselves or work every day with people who are doing it much tougher than many of us have ever had to face. In its post-budget release on Thursday 26 May, SACOSS stated:

> This is a safe budget, a pre-election budget, and gives a little to everyone but more to those who apparently have more.

In relation to disability, the media release gives the government a scorecard, one could say, and there are columns for what is good, what is bad and what could be better. Under 'Disability' the scorecard from SACOSS is $67 million over four years to the disability sector and also the additional one-off payment of $25 million in 2005-06. Under 'Bad' is the statement: 'The reality is that it is insufficient to address the full problem.' Under 'Could be better' is the statement: 'The one-off payment should be committed to recurrent expenditure'.

I would also like to refer members to another report of the Social Development Committee, the inquiry into supported accommodation, which was tabled in November 2003. I am not sure of the exact date that the government made its response but I think it would have been within three months of that inquiry. One of the recommendations of the inquiry was that the minister for social justice and housing lobby the commonwealth for greater flexibility in the allocation of future unmet needs growth funding to ensure that state priority areas are addressed. That report went into considerable detail about the amount of unmet need in the disability sector in South Australia. Copious evidence was taken and submissions were made and the committee made some very good recommendations. However, it seems that enough notice has not been taken of those recommendations.

I will not go through all the points in the motion in detail. I have spoken with a number of members here who have indicated that the establishment of this inquiry will be supported. I am sure there are other matters that we will spend considerable hours talking about tonight, but I just wanted to highlight that.

Point six, which instructs the inquiry to investigate the level of protection provided under the Equal Opportunity Act 1984, is particularly important, given that cabinet decided in March that it would ditch the bill it had drafted that would make significant changes to our Equal Opportunity Act. We do not have a disability discrimination act in South Australia, so we have very poor definitions to use in our legislative and policy frameworks and service provision in this state. So, it is particularly important that the level of protection provided to people with disabilities under the Equal Opportunity Act be considered by the committee and that its recommendations be brought back to the parliament.

In closing, as much as it pains me on topics like this, I refer to the words of the Treasurer who said on radio last week, just one day after the budget was brought down, in relation to disability services, 'I accept this is not enough and that more needs to be done.' On this occasion, I agree with the Treasurer, and this motion is the Democrats' attempt to have the state do more in a coordinated and planned kind of way. I urge all honourable members to support this motion and to play their part in building a stronger disability services sector that can sustain the challenges that it will face as the level of unmet need is revealed and as the complexity of disabilities that individuals, families and communities will face in the future are also revealed.

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

The Hon. R.I. LUCAS: Mr Acting President, I draw your attention to the state of the council.

A quorum having been formed:

LEGISLATIVE REVIEW COMMITTEE: SUPPRESSION ORDERS

Adjourned debate on motion of Hon. J.M. Gazzola:

That the report of the committee be noted.

(Continued from 31 May. Page 2038.)

The Hon. A.J. REDFORD: I would have liked to make a speech tonight in relation to a specific case. Unfortunately, there are so many suppression orders in relation to this particular case that I am not in a position to make a speech this evening because I need to seek further legal advice; therefore, I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

MOTOR VEHICLES (DOUBLE DEMERIT POINTS) AMENDMENT BILL

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I move:

That this order of the day adjourned on motion be taken into consideration forthwith.

The council divided on the motion:

AYES (5)

Gago, G. E.	Gazzola, J.
Holloway, P. (teller)	Sneath, R. K.
Zollo, C.	

NOES (13)

Cameron, T. G.	Dawkins, J. S. L.
Evans, A. L.	Gilfillan, I.
Kanck, S. M.	Lucas, R. I.
Redford, A. J.	Reynolds, K.
Ridgway, D. W.	Schaefer, C. V. (teller)
Stefani, J. F.	Stephens, T. J.
Xenophon, N.	

PAIR

Roberts, T. G.	Lawson, R. D.

Majority of 8 for the noes.

Motion thus negatived.

The Hon. P. HOLLOWAY (Minister for Industry and Trade): Given that the council does not want to do any business, I have no option but to move that we adjourn.

The PRESIDENT: Minister, order of the day No. 12 must be made an order of the day for the next day of sitting.

The Hon. P. HOLLOWAY: I think the opposition should do that, Mr President.

The PRESIDENT: No, it is a prerogative of the minister; it is the minister's responsibility.

The Hon. P. HOLLOWAY: I am not going to do it, Mr President. We are ready to deal with it. The opposition wants to run the show so let them do it.

The Hon. R.I. LUCAS (Leader of the Opposition): I move:

That order of the day No. 12 be made an order of the day for the next day of sitting.

Motion carried.

The PRESIDENT: Some very dangerous precedents have been set here tonight.

SOCIAL DEVELOPMENT COMMITTEE

The House of Assembly appointed Ms White to fill the vacancy on the committee in place of Mr Snelling.

ADJOURNMENT

At 9.35 p.m. the council adjourned until Thursday 2 June at 11 a.m.