LEGISLATIVE COUNCIL

Wednesday 30 November 2005

The PRESIDENT (Hon. R.R. Roberts) took the chair at 2.20 p.m. and read prayers.

RIGHT OF REPLY

The PRESIDENT: I rise in respect of a right of reply. I have to advise that I have received a letter from Mrs Anna Rau requesting a right of reply in accordance with the sessional standing order passed by this council on 15 September 2004. In her letter of 29 November 2005, Mrs Rau considers that the Hon. D.W. Ridgway made inaccurate and critical remarks about her in this council on 29 November 2005. Following the procedures set up in the sessional standing order, I have given consideration to this matter and I believe that it complies with the requirements of the sessional standing order. Therefore, I grant the request and direct that Mrs Rau's reply be incorporated in *Hansard*. The reply is as follows:

The Hon. Ron Roberts MLC
President of the Legislative Council
Parliament House
North Terrace
Adelaide.

Re: Right of reply to Hon. D.W. Ridgway

Dear Mr President,

My attention has just been drawn to yet another in a series of contributions by the Hon. D.W. Ridgway concerning my role as a Councillor for the City of Charles Sturt. In particular I refer to remarks made on the 29th of November 2005.

Hon. D.W. Ridgway refers to a Council ballot for the position of Deputy Mayor, which as a matter of interest occurred on the 23rd day of May 2005, in which I was an unsuccessful candidate. He asserts that:

> '. . . following the Deputy Mayoral ballot, where one (me) was unsuccessful, she and her supporters retreated to the Member for Croydon's office to work out their strategy.'

This is totally incorrect. I did not meet with anyone on that night. I went straight home. I did not then and have not attended any meeting with 'supporters' at the office of the Member for Croydon to discuss the subject of the Deputy Mayoral ballot. Indeed, I have not set foot inside the Member for Croydon's office since February 2002.

Hon. D.W. Ridgway also asserts that:

> 'I am told that that is where the Statutory Declarations were signed. . . '

As I was never in that office at that time, or any other time in the last few years, I can only say that in my case at least, this is again totally incorrect. My statutory declaration was signed on Tuesday the 31st of May at my home. I had nothing whatsoever to do with arranging for other Councillors to sign a Statutory Declaration. I do however believe that eight were signed on the 30th of May at the Council Civic Centre. Two others, including mine, were signed on the 31st of May. None of these correspond to the date of the ballot which is the subject of Hon. D.W. Ridgway's remarks.

This is not the first time that Hon. D.W. Ridgway has made inaccurate remarks and critical remarks about me under the protection of privilege.

Yours faithfully,

Anna Rau.

AUDITOR GENERAL'S SUPPLEMENTARY REPORT

The PRESIDENT: I lay upon the table the Auditor-General's Supplementary Report on government management and security associated with personal and sensitive information.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Mental Health and Substance Abuse (Hon. C. Zollo)—

Reports, 2004-05—
- Ceduna District Health Services Inc
- Metropolitan Domiciliary Care
- Northern and Far Western Regional Health Service
- Pika Wiya health Service Inc
- Port Augusta Hospital and Regional Health Service Inc
- Port Broughton District Hospital and Health Services Inc
- Port Lincoln Health Service
- Renmark Paringa District Hospital Inc
- Repatriation General Hospital Inc
- Riverland Regional health Service Inc
- Strathalbyn and District Health Service
- Waikerie Health Services Inc.

LEGISLATIVE REVIEW COMMITTEE

The Hon. J. GAZZOLA: I lay on the table the following reports of the committee:

Review of the Fisheries (General) Variation Regulations 2005.

Superannuation Variation Regulations 2005.

Inquiry into Sexual Assault Conviction Rates.

Reports received and ordered to be published.

The Hon. J. GAZZOLA: I bring up the 32nd report of the committee.

Report received.

The Hon. J. GAZZOLA: I bring up the 33rd report of the committee.

Report received and ordered to be read.

SELECT COMMITTEE ON ELECTRICITY INDUSTRY IN SOUTH AUSTRALIA

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I lay upon the table the interim report of the committee and minutes of evidence.

Report received and ordered to be published.

STATUTORY OFFICERS COMMITTEE

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I lay upon the table the 2004-05 report of the committee.

Report received and ordered to be published.

SELECT COMMITTEE ON STAFFING, RESOURCING AND EFFICIENCY OF THE SOUTH AUSTRALIA POLICE

The Hon. R.K. SNEATH: I lay upon the table the interim report of the committee.

Report received and ordered to be published.

MENTAL HEALTH

The Hon. CARMEL ZOLLO (Minister for Mental Health and Substance Abuse): I seek leave to make a personal explanation.

Leave granted.

The Hon. CARMEL ZOLLO: On Thursday 24 November 2005, in response to a question about mental health asked by the Hon. Michelle Lensink, I referred to $175 000 allocated to the expansion of the after-hours service at the

Women's and Children's Hospital, which provides telephone advice for practitioners right across our state. That was the advice I had received from the department in writing. However, officers have now advised me that the briefing I received contained a transcription error, and I inform the chamber that the correct amount of expansion funding provided to that service is $156 000.

QUESTION TIME

TRADE AND ECONOMIC DEVELOPMENT DEPARTMENT

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make an explanation before asking the Leader of the Government a question regarding the chief executive officer of the Department of Trade and Economic Development.

Leave granted.

The Hon. R.I. LUCAS: Members will be aware that, when Mr Ray Garrand was appointed by this government as head of the Department of Trade and Economic Development, I and a number of other people expressed considerable reservation about his ability to handle the position. It saddens me to say that, in the 18 months since, continuing concerns have been expressed by prominent business leaders and departmental officers within the department about Mr Garrand's capacity to undertake the task with which he has been charged. It has been put to me that, whatever his skills are, they may have been better suited to being a political adviser to a Labor premier or minister (as he has in the past) rather than the chief executive of the most important economic development agency we have.

This week, based on information provided from within government and departmental circles, I raised a series of questions outlining the significant concerns that Treasury has with the budget, financial and monitoring controls overseen by the chief executive, Mr Garrand, and minister Holloway. I will not go over them, but there have been a series of three or four questions this week regarding financial management within the department.

I have been reminded of the chief executive's contract, which he signed back in May 2004. At that stage, as the chief executive, I believe he was on a total remuneration package of over $230 000. Clause 4.1 of that contract reads, in part, that 'the total remuneration package will be reviewed 18 months after appointment between the minimum and indicative level.' Eighteen months brings us to this month, November 2005, and, given the issue of Mr Garrand's performance, a number of departmental people have expressed concern that the minister has agreed to a significant further increase in his remuneration package. My questions are:

1. Can the minister assure the council that the government has not agreed to a further significant increase in the salary package of Mr Ray Garrand over the $230 000 plus he was already being paid? If that has not occurred, will the minister assure the council that clause 4.1 will not be triggered as soon as this parliament rises this week, so that the minister can escape further questioning and accountability in relation to what would be a controversial decision, should he or the government take that course?

2. If the minister cannot give an assurance that he has not already given, or will not in the near future give, Mr Garrand a significant salary increase, can he outline on what basis he could defend such an increase on the $230 000 plus that Mr Garrand is already being paid by this government?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): The Leader of the Opposition continues to show that of all the parliamentarians in the history of South Australia he has the greatest capacity to grovel around in the gutter, to grovel in the sewer with his head right under. He has that capacity beyond any other person in this parliament and he continues to do it today, using parliamentary privilege to attack an individual officer. He does not have the guts to get out there and do it; instead, he uses parliamentary privilege to malign people. The basis for his questions is completely false, because Mr Garrand is doing a great job as the chief executive officer of the Department of Trade and Economic Development. When Mr Garrand was appointed, his salary was at the same level as other comparable chief executive officers, and I would expect that his salary would remain at that level; that is, at the same level as other chief executive officers. I think it is a sad thing that the Leader of the Opposition in this place should continue—

The Hon. R.I. Lucas: What have you got to hide?

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: —to personally denigrate people who are working hard for this state. This is the person who has launched a systematic attack on those people in the Public Service who are seeking to defend the probity of South Australia. He is the person who, in conjunction with the Hon. Terry Cameron, has launched a systematic attack on the Auditor-General, and anyone who has been in this parliament over the past four years knows it full well. He is doing everything he can to denigrate that person. We even had the situation where the other day one of the officers in the office of the Auditor-General had to defend himself against the personal denigration of Rob Lucas, the Leader of the Opposition. He has set all times lows for attacking people, but, of course, when it comes to people who are subject to allegations of fraudulently using the finances—

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: —Rob Lucas is always there to defend them. That is the great risk that the people of South Australia will have to face in the future. After 18 March next year, they could well have a treasurer who has systematically undermined those who are seeking to protect the probity of South Australia's finances and, at the same time, someone who continually defends those who seek to breach them. That is his credibility. How dare he try to lecture members of the Public Service who are lifting the standards—the standards that he took to record lows. He should be down on his hands and knees begging the forgiveness of South Australians. What an arrogant person he is to go to the public of South Australia and say, 'Look, I will give you more of the same. I will continually undermine those people in the Public Service who are setting high standards and, at the same time, I will use everything I have to defend those people who have systematically indulged in fraud.'

It is a cowardly attack. I repudiate the suggestions of the Leader of the Opposition. Why does he not go and do something worthwhile? Why does he not put some policies together for the people of South Australia, instead of indulging in personal attacks on public servants who are doing a good job for this state? What a low attack. What a low human being.

The Hon. R.I. LUCAS: I have a supplementary question.

The PRESIDENT: Order! Before the Hon. Mr Lucas asks his supplementary question, during your contribution, minister, obviously you were critical of the Leader of the Opposition and you were demanding high standards. You should also refer to members opposite as 'the honourable'. If all members maintain the protocols of the parliament, I think we will get through this a lot easier. Members on the back bench on my right are not being helpful when the minister is giving an answer; and members on my left should remember that interjections are out of order.

The Hon. R.I. LUCAS: I note that the statements made by the minister set the standard in terms of how we will be able to describe the minister and other ministers. We did not take a point of order and the standards have been set. My supplementary question is: what has this minister got to hide, given that he refuses to answer a question as to whether or not a senior public servant will be given by him or this government a very significant salary increase? What does he have to hide?

The Hon. P. HOLLOWAY: I have nothing to hide.

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: I answered the question. I suggest the Leader of the Opposition read the answer, if he is capable. We have the Premier's reading challenge. Obviously here is someone who needs to participate in the Premier's reading challenge, because obviously he was not listening.

BAIL REVIEW

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Leader of the Government, representing the Attorney-General, a question about bail.

Leave granted.

The Hon. R.D. LAWSON: In September last year, the Premier announced that he had asked the Attorney-General to re-examine the Bail Act and report back next month with any recommended changes to the current law. Earlier this year (in February), the Attorney-General issued a media release which promised a review of the Bail Act. We know that such a review was undertaken because the Attorney wrote to the Law Society in October last year seeking its comments on his proposed review, yet we have not seen any revision of the Bail Act. Today on Radio 5AA, the beleaguered Attorney-General said that making alterations to the Bail Act of the kind proposed by the Liberal Party in the bill presently before this council would require South Australia's prison population to be doubled and would require a new gaol costing $1 000 million.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.D. LAWSON: On the same radio station yesterday the Attorney also made the extraordinary claim that delays in our criminal justice system have a 'silver lining', to use his words, because the community is better off having people held on remand rather than having them tried and their trials concluded. The fact is that, as was proposed in the Liberal bill, in other jurisdictions in this country there is not a universal presumption in favour of bail. In New South Wales, there is a presumption against bail for certain serious offences. There is also a rule that the presumption in favour of bail that applies in South Australia does not apply in certain serious offences.

In Queensland, the Bail Act has a reverse onus where the defendant is charged with a serious offence alleged to be committed whilst awaiting trial. In Victoria, certain criteria are set out where bail shall be refused. In Western Australia, the Bail Act requires exceptional circumstances to be shown by an applicant for bail charged with certain serious offences. In the Australian Capital Territory in 2001, a law reform commission report recommended that that territory adopt the New South Wales provisions. My questions to the Attorney are:

1. Will he reveal publicly the source of his information that varying the onus of proof in certain selected offences in relation to bail would double the prison population of South Australia?

2. Will he confirm that other states that do have a reverse onus for selected offences achieve that without doubling their prison population with additional remandees?

3. Will he confirm the fact that South Australia already has the highest proportion of persons charged held on remand?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I will refer those questions to the Attorney-General and bring back a reply.

METROPOLITAN FIRE SERVICE

The Hon. A.J. REDFORD: I seek leave to make an explanation before asking the Minister for Emergency Services a question about MFS maladministration.

Leave granted.

The Hon. A.J. REDFORD: Two days ago I was approached by yet another senior firefighter to express his serious concern about a series of maladministration events that have occurred in the MFS over the past few months.

The Hon. P. HOLLOWAY: Sir, I rise on a point of order. The Hon. Mr Redford is quite clearly making allegations in his explanation. I believe it is out of order for him to do so. My understanding of standing orders is that he is to use facts, not allegations.

The PRESIDENT: He is casting an opinion. It might be just as easy to say 'alleged' maladministration, the Hon. Mr Redford.

The Hon. A.J. REDFORD: That is what I said.

The PRESIDENT: No, you said—

The Hon. A.J. REDFORD: I said that he alleged certain elements of maladministration. The leader has invited the Hon. Rob Lucas to check *Hansard*. I have a pretty clear recollection of what I said, because I have written it down here in front of me.

The PRESIDENT: Order!

The Hon. A.J. REDFORD: I wish the leader would just settle down. It has been a hard week, and I know that he is reaching the end of his political career. In any event—

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order! All honourable members will come to order. The Hon. Mr Redford, when he rises to his feet, should continue with his explanation and stop provoking other members in the council.

The Hon. A.J. REDFORD: In any event, before I was rudely interrupted by the Leader of the Government, I was informing this council—

The Hon. P. HOLLOWAY: On a point of order, Mr President—

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order! The Leader of the Opposition will come to order.

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order! The Leader of the Opposition should come to order. A point of order has been raised.

The Hon. P. HOLLOWAY: I believe that the Hon. Mr Redford is out of order in making those reflections upon me in that way. I believe that the point of order I took was legitimate, and he is out of order in reflecting upon me in that way, and I would ask him to withdraw.

The PRESIDENT: I uphold the point of order.

Members interjecting:

The PRESIDENT: Order! I think that the Hon. Mr Redford is prepared to continue with his explanation.

The Hon. A.J. REDFORD: Sorry, Mr President; I am not sure what you want me to do. Whatever you want, I will do.

The PRESIDENT: Continue. The point of order is correct; you should not cast reflections upon the minister. It is a right of every member of parliament to raise a point of order under the standing orders, and to reflect on that is impertinent, to say the least, and it is not doing the standard of the debate any good. The Hon. Mr Redford should continue. All members should hear his explanation in silence.

The Hon. A.J. REDFORD: Thank you, Mr President. I apologise. I was adopting the same lofty standards as the leader did in his answer to the last question.

The PRESIDENT: Order! If you are going to continue, I will have to withdraw leave. Continue in line with the standing orders.

The Hon. A.J. REDFORD: I received a copy of a leaked letter dated 15 June 2005 from Mr Phil Harrison, the Secretary of the United Firefighters Union of South Australia, directed to Mr Lupton. This letter begins by stating:

> It has been brought to the attention of the UFU that there has been an inordinate number of acts ups and recalls pertaining to the Station Officer rank.

It goes on and talks about the process of the enterprise bargaining agreement and how it was left in the air for the MFS to deal with. He then goes on in a statement which, I think, summarises the frustration of the UFU. He states:

> The UFU believes that a Legislative Council Select Committee should be established to investigate the resourcing and staffing of the MFS.

It goes on:

> To assist us in putting together facts and a sustainable argument I request from you the number of acts ups and recalls for all ranks within the MFS from 1 July 2004.

He also went on and told me about the case of a particular firefighter who had been on stress leave and who was actually seconded to work with the State Transport Authority (STA). He worked there for a short period of time, sustained a repeat injury, apparently has been at home being paid by the MFS for the past six or seven years without any knowledge of the MFS, yet is incorporated in its staffing levels.

I am also told—and this was discovered recently—that recently personal protection equipment was distributed to firefighters, and members were not asked to sign or document what items of personal protection equipment they received. As a consequence, the MFS is unable to locate or properly account for some $2 million worth of personal protection equipment. I am also told that there is now no auditable trail that will enable an auditor to properly ascertain whether that equipment is still a part of the assets of the MFS. In the light of that, my questions are:

1. Will the minister refer the issue of resourcing and staffing to the Statutory Authorities Review Committee?

2. Will the minister provide the opposition or the parliament with a copy of the facts and sustainable argument that would have been provided by the MFS to Mr Harrison in response to his letter of 15 June 2005?

3. Is the minister aware that the MFS lost an officer for up to five years and, if not, will she investigate the matter?

4. Will the minister refer the uniform issue, or the personal protection issue, to the Auditor-General for a full investigation?

The Hon. R.K. SNEATH: I move:

> That all of the documents quoted by the honourable member in his questions be tabled.

The Hon. R.I. Lucas: It has to be tabled by the minister.

The PRESIDENT: No; the Hon. Mr Sneath has moved a procedural motion, but the documents from which the member quoted have been tabled.

Motion carried.

The Hon. CARMEL ZOLLO: That is not the only one. You were quoting from other things as well. On a point of order, Mr President, the honourable member was quoting from lots of things.

The Hon. R.K. SNEATH: I move:

> That all the documents that the member quoted from be tabled.

The PRESIDENT: That was clearly the motion. I heard it.

The Hon. A.J. REDFORD: Mr President, I quoted from one document; the others are my private notes. I do not care what the order is: I am not giving up my private notes.

Members interjecting:

The PRESIDENT: Order! Honourable members will come to order. The Hon. Mr Sneath has moved that the documents quoted from be tabled. The Hon. Mr Redford has indicated that the documents he quoted from have been tabled. I can only take him at his word, so I am prepared to accept that that is the only document that he quoted from, and it has been tabled.

The Hon. R.I. LUCAS: I have a point of order, Mr President. I understand that members can call for documents to be tabled. Can you outline to members what standing orders you are applying in relation to—

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. Gago interjecting:

The PRESIDENT: The Hon. Ms Gago is not being helpful. Standing order 452 provides:

> A document quoted from in debate, if not of a confidential nature or such as should more properly be obtained by address, may be called for at any time during the debate and, on motion, thereupon without notice may be ordered to be laid upon the table.

That is what has occurred. My assessment of the situation is that the Hon. Mr Redford has laid the document he has quoted from on the table, and he has claimed that any other thing he mentioned was of a confidential nature.

The Hon. A.J. Redford: My own handwritten notes.

The PRESIDENT: That is a confidential nature. That is the requirement of the standing orders. They have been met as far as I can see.

The Hon. P. HOLLOWAY: Just for clarification on that, Mr President, given that I have been the subject of this order in the past, when it was moved that I table documents, are you saying now that the interpretation of this rule is that, if someone says they are confidential, that is sufficient?

The Hon. A.J. REDFORD: If it satisfies the Leader of the Government, here are my handwritten notes. There is nothing confidential in them. I am happy to table them, too. This is the most childish performance I have ever seen.

Members interjecting:

The PRESIDENT: Order! The table staff will collect the document. 'Of a confidential nature' in my view means if it is a cabinet document or if it is something which is going to cause harm to either a member of the public or to the parliament. In that respect it could be claimed to be confidential. If at some stage there is a dispute about that, we will handle the question of whether or not the document is confidential. The first step in that process would be to present it to me and I would give my opinion. That has not been called for on this occasion, and we are not talking about a cabinet document. The question has been resolved by the laying on the table of the Hon. Mr Redford's private notes.

The Hon. CARMEL ZOLLO (Minister for Emergency Services): First, I will not be calling for the Statutory Authorities Review Committee to look into any such thing as suggested by the honourable member. This government, since coming to power, has resourced the MFS with considerably more millions than the previous government, and indeed I would be very surprised if a union like the UFS did not enter into very robust discussion and—

The Hon. A.J. Redford: UFU.

The Hon. CARMEL ZOLLO: I said UFU.

The Hon. R.I. Lucas: The *Hansard* record will show you said UFS.

The Hon. CARMEL ZOLLO: You really are pathetic if you have to go down to levels like that.

Members interjecting:

The PRESIDENT: Order! We will refer that to the English police later.

The Hon. CARMEL ZOLLO: As I said, I would be very surprised if a union like the UFU did not on a very regular basis enter into healthy debate, discussion and correspondence with the MFS. Indeed, I would be very surprised and I could even be disappointed. In relation to all the other accusations, anonymous tip-offs and whoever the honourable member has in the MFS—

The Hon. A.J. Redford: Lots.

The Hon. CARMEL ZOLLO: 'Lots', he says. That makes it very difficult to respond to. He can get away with saying whatever he likes, because he is not accountable, and neither is the person who tells him. We do not have a name to respond to. But, I can say that they all appear to be operational issues, and I will ensure that I get some advice.

ICT INDUSTRY

The Hon. G.E. GAGO: I seek leave to make a brief explanation before asking the Minister for Industry and Trade a question about the ICT sector.

Leave granted.

The Hon. G.E. GAGO: South Australia has the basis of an exciting and dynamic ICT industry, with huge potential for growth. It currently employs around 18 000 people and is a sector that will contribute to increasing our state's exports, with innovation as a critical component to that growth. My question to the minister is: what is the state government doing to ensure that the ICT industry grows to its full potential?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I thank the honourable member for her question, because the ICT industry is certainly very important to the state. As the honourable member has just pointed out, it provides significant employment opportunities to South Australians. We have more than 1 200 ICT companies in South Australia which directly employ some 18 000 people and generate more than $4.1 billion in annual revenues. Indeed, total industry turnover is predicted to reach $5.4 billion this year, with the industry predicted to achieve double digit growth during the next five years. The South Australian government assists the ICT industry by promoting innovation, ICT skills training, high-speed broadband development and assisting market access through programs such as the MAP scheme. But, it is ultimately the industry itself and its ability to develop innovative products and appeal to the global marketplace that will deliver the benefits of the ICT revolution to the Australian community.

South Australia is increasingly seen as an ideal location to base an IT company because of the state's lower business costs and enviable quality of life, which helps attract and retain highly skilled workers. Highly trained software engineers, researchers and technical and creative specialists are working to build a strong, dynamic ICT sector in South Australia with world-class capabilities. Just last night I had the great pleasure of attending an event for the Secrets of Australian IT Innovation Competition, and I am very pleased to report that South Australian information technology companies have again topped the nation, taking home half the awards in this year's Secrets of Australian IT Innovation Competition. This competition recognises Australian ICT companies and research organisations which have developed new world-leading innovation, with winners participating in major national and international ICT industry trade events and presenting their technologies to a global audience.

The Secrets Competition helps to identify South Australia's best ICT innovators and gives them the opportunity to showcase their ICT innovations to the world. It helps us find the ICT companies which are initially in niche markets but which have the potential to grow into and dominate mass markets both locally and globally. The competition also helps the industry by increasing the profile of local entrepreneurial ICT companies and their innovative products, increasing export sales and investment and promoting South Australia internationally as a state with leading-edge innovation and creativity.

South Australia has had a close involvement with the Secrets of Australian IT Innovation Competition since its inception in 2002 and, so far, about a third of all winners are South Australian ICT companies or research institutions. Once again, this year the South Australian ICT industry has shown it is punching well above its weight with almost half of the awards coming here to Adelaide. Three awards are made in each of the seven categories. The 21 national winners of the competition included the following 10 South Australian companies:

- A-Rage Pty Ltd, in the entertainment category;
- BoxSentry Pty Ltd, in the security category;
- Citech Holdings Pty Ltd, in communication applications;
- e-Channel online, in commerce;
- eLabtronics, in learning;
- Grow Your Own Business Pty Ltd, in business and industrial software;
- In the Chair Pty Ltd, in the learning category;
- InfoTec Communications Pty Ltd, in commerce, and business and industrial software;
- ConvertU2 Pty Ltd, in business and industrial software; and

· WARPS Australia Pty Ltd, in communication applications.

The awards will be formally presented by Senator Helen Coonan at a national ceremony in Sydney in mid December. This impressive result shows that the state's reputation for innovation in ICT is continuing to grow and flourish, and I congratulate those South Australian winners on a magnificent result.

The Hon. J.M.A. LENSINK: I ask a supplementary question. What role does the minister see for EDS in South Australia into the future, and when will the minister provide some information about the revised contracts?

The Hon. P. HOLLOWAY: It would be inappropriate for me to comment on any matter in relation to the letting of the IT contract. In any case, that is a matter for my colleague. I will see what information he has.

SCHOOLS, MUSIC EDUCATION

The Hon. KATE REYNOLDS: I seek leave to make a brief explanation before asking the minister representing the Minister for Education and Children's Services a question about music education in South Australian state schools.

Leave granted.

The Hon. KATE REYNOLDS: Last week, the federal government released the National Review of School Music Education. This report paints a bleak picture of music education in schools around the country, including in South Australia. Federal education minister Brendan Nelson said that the results of the inquiry were disturbing at best. The inquiry found that 10 per cent of schools have no music education at all. Dr Nelson said when releasing the report that 'music education is no less important than learning how to read, write and count' and federal arts minister Rod Kemp said that he was struck by how far music education has slipped, calling it 'a crisis'. Dr Nelson has said that he will write to every school principal in South Australia to inform them of the review's findings.

I note also that the Australian Council of State School Organisations published some information just a few months ago following a survey that it had conducted. The survey concluded that 87 per cent of respondents agreed that music education should be mandated by the states to ensure that every child has an opportunity to study music in school; 91 per cent considered that it should be a specific element of the formal curriculum; 86 per cent agreed that music education helps a child's overall intellectual development and that that often corresponds with better grades and helps students to do better in other subjects; 86 per cent agreed that music education assists in the development of self-discipline and personal reliance; 95 per cent noted its contribution to a sense of achievement, confidence and creativity; 95 per cent felt it contributes to building effective teamwork and interactive skills; 85 per cent felt strongly that music provides an important part of life; and 91 per cent saw it as an essential part of a well rounded education.

I am the self-declared non-musical parent of four children who have all studied music in school, and I believe that has been of great benefit to them. My questions to the minister are:

1. How many specialist music teachers are there in South Australia and does the state government believe there are enough?

2. How many schools have no specialist music teacher at all, and is the percentage of schools without a music teacher greater in South Australia than the 10 per cent national average?

3. Does the minister agree with the federal government's position that every single young person who leaves school ought to be able to read, write, count, communicate and be familiar with music? I do not mean just what they hear on the radio or on CD players or when they pass by the television.

4. Does the minister agree with the federal government that state governments have starved state schools of essential funding and that one of the casualties has been music education?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I will refer the honourable member's questions to the Minister for Education and Children's Services in another place and bring back a response.

GERARD, Mr R.

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Leader of the Government, representing the Premier, a question about Mr Robert Gerard.

Leave granted.

The Hon. T.G. CAMERON: Yesterday in another place Mr Robert Gerard was the subject of comment by the Premier. Questions were asked about him in the federal parliament, and the Australian Labor Party called upon him to resign from the federal Reserve Bank board. This morning, Matthew Abraham, on 891, read out quotes from a statement issued by Mr Michael Abbott QC that stated that neither Mr Gerard nor his companies had been charged with, let alone found guilty of, any breaches of the Trade Practices Act, etc. and that all disputes with the tax office had been settled and the accounts paid in full. I might add that I have never met with nor spoken to Mr Gerard.

Mr Robert de Crespigny has been appointed as chair of the Australian Economic Development Board and has been co-opted onto the executive committee of cabinet. In a recent federal court case involving a company called Edensor Nominees Pty Ltd v Australian Securities and Investments Commission, in an appeal decision handed down on 20 March 2002 (the appeal was dismissed), various judgments were handed out against companies Mr de Crespigny is associated with or which he is part of the management team or which he chairs. Amongst some of those decisions was an order to pay costs. Edensor was ordered to pay $28.5 million to ASIC and was found guilty of breaches of section 615 of the Corporations Law and, I understand, breaches of the Trade Practices Act, and I could go on. We also have the very interesting Primelife, Sent and the boxer consultant affair, which is an extraordinarily interesting case. Mr de Crespigny also has a de Crespigny Foundation.

I became a little curious when I saw this, so I decided to have a look at any court cases where companies in which de Crespigny has either an interest, through shareholding or as chairman or director, or in some other way is associated with, and I was stunned at the number of court cases I was able to come across.

The PRESIDENT: Order! The honourable member is starting to get into the area of opinion. I am not here to protect anyone from a member who is entitled to ask a question and to make an explanation; I am here to apply the standing orders. The honourable member is starting to debate,

and I ask that he stick to his explanation and get to his question.

The Hon. T.G. CAMERON: The court cases that I can mention involve companies such as Poseiden Ltd, Poseiden Oil Pty Ltd, Posgold, cases involving de Crespigny himself, Normandy Mining, Kingsview Nominees v de Crespigny, Simto Resources v Normandy Capital and others. I am afraid that I would probably break the Hon. Ian Gilfillan's record if I were to list them all. My questions therefore—

The Hon. Ian Gilfillan interjecting:

The Hon. T.G. CAMERON: No, don't goad me today; there are only two more days left. I'm afraid I would break the honourable member's record if I were to go into all the court cases.

The PRESIDENT: Order! The Hon. Mr Cameron will complete his question.

The Hon. T.G. CAMERON: My questions are:

1. Is the Premier aware of the judgments and convictions against de Crespigny's various companies and companies in which he has an interest?

2. In view of the calls by the Australian Labor Party for Robert Gerard to resign without being charged and/or found guilty, is the Premier satisfied that de Crespigny is a fit and proper person to continue in his government-appointed positions?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): The honourable member might well trail through the legal text books and look at court cases that involve individuals, but I am sure anyone who is in corporate life would be involved in all sorts of similar litigation, which may not necessarily involve any question of impropriety or mal-intent. The reason why—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: Members over there are very jumpy indeed. As I understand it—

Members interjecting:

The PRESIDENT: Order! Standing orders are very clear: when a member is orderly debating an issue interjections are out of order. The minister listened in silence to the contribution made by Mr Cameron, and he is entitled to give his answer in the same form.

The Hon. P. HOLLOWAY: The honourable member can refer to any particular case and bring that up in parliament, if he wishes, in terms of someone's fitness for office; however, the honourable member began by talking about Mr Gerard and used that as the benchmark. I think that if someone has a case currently outstanding with the Taxation Office it raises genuine issues of public concern when the person responsible for the Taxation Office—namely, the federal Treasurer—appoints that person to the board at that time. The federal opposition and others are quite entitled to raise those issues because, after all, it is the Reserve Bank that sets the interest rates affecting the mortgages of ordinary Australian home-buyers, and the public should be able to expect that the people on that board would be empathetic to the conditions they face—most people pay their taxes, for instance.

I do not know the facts of that particular case and I do not know the facts of the particular cases that the Hon. Terry Cameron is raising in his question; however, I can say that Mr Champion de Crespigny has made an enormous contribution to this state, and I am not aware of any issues whatsoever that would put his capacity into question.

The Hon. R.I. LUCAS (Leader of the Opposition): I have a supplementary question. Does the Leader of the Government also accept that Mr Robert Gerard has made an outstanding contribution to the South Australian community?

Members interjecting:

The Hon. P. HOLLOWAY: As my colleagues have said, Mr Gerard has certainly made a big contribution to the Liberal Party. However, I am not going to denigrate the contribution Mr Gerard has made to companies in this state. As I understand it, the questions are not so much related to Mr Gerard but rather whether the federal Treasurer, knowing that someone was under investigation, should appoint that person to the board—so I think the question mark is over the federal Treasurer rather than over Mr Gerard.

The Hon. A.J. REDFORD: I have a supplementary question arising out of the answer. What is the distinction between someone having a dispute with the tax department and someone being involved in litigation with ASIC?

The Hon. P. HOLLOWAY: As I said, it depends on the particular nature of the case. I am not—

The Hon. A.J. Redford: He can't think of one!

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: Let me say it again slowly for the Hon. Angus Redford, and perhaps he will listen this time. The problem is that the attack is on the federal Treasurer: is it appropriate for a federal treasurer to appoint someone to an important commonwealth board if he is aware (as he should be) that the person is being investigated by one of the authorities under his control? That is the issue as I understand it. The Hon. Angus Redford may want to raise something else, but I am not going into that. As I understand it, the issue being raised in the federal parliament is regarding the commonwealth Treasurer and the propriety of his actions.

Members interjecting:

The PRESIDENT: Order! There is too much disorderly behaviour.

The Hon. J.F. STEFANI: I have a supplementary question. Will the Leader of the Government advise the chamber whether Normandy Poseidon (under the chairmanship of Robert de Crespigny) made any contribution to the Labor Party?

The PRESIDENT: I do not know whether that is a supplementary question.

The Hon. P. HOLLOWAY: It is really not a supplementary question, but, never mind, if opposition members want to use their question time in this way, I am happy for them to do so. In relation to donations to political parties, following the changes made by the federal Labor Party when it was in office, we now have disclosure of election donations, at least we have had since I think the mid-1980s. Consequently, that information is available for anyone to inspect, if they wish.

DEFENCE SKILLS INSTITUTE

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Industry and Trade a question about the Defence Skills Institute.

Leave granted.

The Hon. J.S.L. DAWKINS: Last week, I asked questions of the minister regarding the possible transfer of the Defence Skills Institute to the Defence Teaming Centre. The minister referred those questions to the Premier. Is it correct that the government has allocated approximately $250 000

to facilitate the transfer in 2005-06, which will be followed by allocations of more than $180 000 in 2006-07, and in excess of $130 000 in 2007-08?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): As I said, the defence sector reports to the Premier. I will get that information and bring back a response for the honourable member.

FRANKLIN HARBOR

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the minister, representing the Minister for Agriculture, Food and Fisheries, a question about net fishing in Franklin Harbor.

Leave granted.

The Hon. CAROLINE SCHAEFER: I have received a number of representations from the people of Cowell on Eyre Peninsula, including from the Franklin Harbor community development group, expressing their concerns with the fallout from the changes to commercial netting regulations introduced by this government. As members would recall, the minister instigated a voluntary buyback of commercial netting licences and, at the same time, closed a large area of the state to net fishing, particularly most of Gulf St Vincent and quite a lot of Spencer Gulf. At the time, I expressed my concerns that this would have the effect of concentrating the remaining effort into a much reduced area, and therefore cause damage to those areas due to the increased concentration of fishing in a smaller area.

This is just what is happening at Franklin Harbor now. The Franklin Harbor community has within its midst four commercial net fishers and four commercial hook fishers who are part of their community. They express quite clearly that they have no objection to those people who live in the area, who make their living in the area and who spend their money within their community. However, what is now happening is that large numbers of commercial netters are moving into the Franklin Harbor area where there is no ban, fishing for several days and nights and leaving again. The community has prepared figures, and although they are anecdotal, I think they very much make the point. If tourist fishers catch 1 000 kg of yellowfin whiting, it equals about 4 000 fish, and 4 000 fish equals 200 fishers at a daily bag limit of 20. Two hundred fishers spend about $30 a day on food, drinks, fuel, bait, etc., all of which stays in the community. The net benefit to the community is $6 000 per day.

A locally based net fisherman catches 1 000 kg of yellowfin whiting at $5 per kilogram, which equals $5 000. That $5 000 is all spent within the community, with a net benefit to the community of $5 000. If an itinerant net fisherman catches 1 000 kg of yellowfin whiting at $5 per kilogram, they may spend about $100 on fuel in the community and possibly another $100 on drinks, with a net benefit to the community of $200. My questions to the minister are:

1. Will he explain what science was applied to decide which areas would be closed to net fishing and which would not?

2.Will he agree to review his decisions in the near future?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I will refer the member's questions to the Minister for Agriculture, Food and Fisheries in the other place and bring back a response.

MENTAL HEALTH

The Hon. R.K. SNEATH: I seek leave to make a brief explanation before asking the Minister for Mental Health and Substance Abuse a question about mental health funding.

Leave granted.

The Hon. R.K. SNEATH: I note that the government recently provided $25 million to non-government organisations for mental health services. A portion of this money was allocated to the South Australia Divisions of General Practice Incorporated (SADI). Can the minister advise the council how the South Australian divisions are using this funding to assist people with mental illnesses?

The Hon. CARMEL ZOLLO (Minister for Mental Health and Substance Abuse): I thank the honourable member for this important question regarding funding for mental health services. I am pleased to advise that, in this year's state budget, $2.75 million was allocated to South Australia Divisions of General Practice Incorporated (SADI). After receiving this funding, SADI sought submissions from across its divisions for proposals to provide mental health services in urban, rural and remote areas of the state. In one of the programs that SADI is running, psychiatrists will provide one-off consultations for patients who are being managed through their GP. The project aims to provide patients with quick and easy access to psychiatric care, and it will provide additional support to GPs who may be managing patients with complex illnesses at the primary care level.

A second project, known as Headstart, will commence in the new year. This program focuses on the needs of adolescents living in Adelaide's urban and rural areas. The project is being conducted jointly between SADI and the Northern Child and Adolescent Mental Health Service (CAMHS). This is a pilot program, with the intention of developing a model that might be rolled out further across the state in the future. The model that is being developed focuses on education for GPs relating to child and adolescent mental health issues. Training will include interview skills and assessment and will focus on treatment through therapy rather than using medication. A hotline will be developed for GPs to phone CAMHS directly to ask questions. The program will also offer a fast track of referrals from GPs to CAMHS and will focus on shared care between the two.

Other programs run by individual divisions will develop working relationships with GPs and community-based mental health services in local communities. The Flinders and the Far North divisions will be working with Pika Wiya Aboriginal Health Service to address the needs of the local Aboriginal population. The project involves the provision of a psychologist and additional psychiatric visits, referral pathways and education for service providers. The Southern Division of General Practice Inc. is looking at systematic issues regarding transferring the clinical care of consumers from in-patient units and community teams to their local GP. Community teams and in-patient services can then be freed up for acute cases. This is an excellent example of primary health care providing support for people in the community.

The Adelaide Northern Division is focusing on taking 50 patients who receive anti-psychotic medication from Lyell McEwin Health Service Emergency Department and providing streamlined community-based services so that these patients can be managed by their local GP in the community. The Adelaide Western Division is looking at a model of shared care between GPs and mental health service teams for

consumers who are at risk of being readmitted to hospital, often via emergency services. The Adelaide Hills Division is focusing on the physical co-morbidities that often complicate mental illness. A partnership will be formed with Area Health Services and Adelaide Hills Community Health Service to provide a single point of entry to the health system.

The Eyre Peninsula Division is looking at self-management of chronic disease and addressing the pathways and protocols for GPs and mental health services to work together more collaboratively. The Barossa Division is providing opportunities for patients, carers, GPs, agencies and consumers to work together to improve mutual understanding through mental health programs. The Adelaide North-East division and the Yorke Peninsula division will be working on programs to 'up-skill' nurses who work in general practice. The Murray-Mallee Division of General Practice Inc. will be commencing a project to provide allied health and nursing services to people in their catchment area whose mental illness impacts on their daily activities. The Mid-North division is establishing a mental health GP liaison role to work with small communities to enhance share care systems.

I would like to commend SADI for its initiative and commitment to the health and well-being of consumers with chronic and complex mental health issues. It is through working collaboratively with non-government organisations such as SADI that the Rann Labor government can continue to work towards its goal of reforming mental health services for all South Australians. We are now undertaking other reforms and providing the services on the ground that the previous government neglected for eight long years. We know from various reports that mental health reform passed South Australia by whilst the Liberals managed the system. This government will not allow mental health to be neglected any longer, and we will work closely with GPs, non-government organisations and consumers to improve mental health services in South Australia.

The Hon. J.M.A. LENSINK: I have a supplementary question. Can the minister advise the council what proportion of recurrent funding for community mental health services is going to non-government organisations?

The Hon. CARMEL ZOLLO: We announced in the last budget that the money I am talking about—the $25 million—was to be used over one, two and three years. We will be looking at future budget projections at the appropriate time. In relation to other recurrent funding for community groups, various portions of another $10 million were made available. I probably do have the specifics in front of me, but a good proportion of that was also for community groups.

WHYALLA DUST

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Minister for Industry and Trade, representing the Minister for the Environment and Conservation, a question about Whyalla red dust.

Leave granted.

The Hon. SANDRA KANCK: Legislation was passed by this parliament about two months ago, which the government and opposition told us would reduce the amount of dust being emitted from OneSteel at Whyalla. However, local people continue to report and lodge complaints about dust incidents with the EPA. Residents inform me that the watering down of dust does not occur during the night despite the fact that operations at the plant continue around the clock. My questions to the minister are:

1. Is it correct that the watering down of dust does not continue 24 hours per day?

2. Is there any requirement that OneSteel should continue watering down when dust is being created, whether it be light or dark? If not, why not?

3. Without a permanent EPA presence in Whyalla how is the EPA able to assess the validity of complaints?

4. Given the continuing problems of red dust at Whyalla, will the minister ensure a permanent EPA presence in that city?

5. Given the government's claims that things would get better with the passage of the indenture act amendment, and given that this has not occurred, when does the government anticipate any such improvement?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): In relation to the latter question, that will be when the pulverising plant is moved out to the mine site, which can now go ahead following OneSteel's decision to make the $350 million investment in the new plant at Iron Duke. So, yes, obviously that change has to take place. That is exactly why the government was keen to see that investment take place: so that will come about. It will not happen overnight, but it will happen relatively quickly in the next 12 to 18 months. In relation to the matters about the EPA, they are questions for the minister for the environment, and I will pass them on to my colleague and bring back a reply.

SUPPORTED ACCOMMODATION

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Disability, a question about the accommodation of people with disabilities and the future of Strathmont Centre.

Leave granted.

The Hon. A.L. EVANS: As the minister is aware, there has and continues to be significant community concern regarding the government's intention to relocate residents from the Strathmont Centre into the community. In 2000 a motion was passed requesting the Social Development Committee to investigate and report on the issues that impact on supported accommodation needs for South Australian people with a disability.

A recent media report of 10 July 2005 details the government's intention to move 150 Strathmont residents out of the centre and into community accommodation at a cost of $23.5 million over the next three years. The report provides that the relocation of the Strathmont residents signals the government's long-term future intent to close the Strathmont Centre. The report also states that the government has consulted residents, families and staff at the centre about the project and that the 150 who would be moved out want to go, a statement that raises concern as to the consultation process and the committee's understanding of the constant capacity. My questions are:

1. Will the minister detail the consultation process undertaken in consideration of the relocation of Strathmont residents?

2. Will the minister provide summary information as to the cost of running the Strathmont Centre?

3. Will the minister provide advice of the government's intention for the remaining 100 residents in the Strathmont Centre?

The Hon. CARMEL ZOLLO (Minister for Mental Health and Substance Abuse): I thank the honourable member for his question. In relation to accommodation for people with a disability at the Strathmont Centre, I will refer his questions to the minister in another place and bring back a response.

REPLY TO QUESTION

METROPOLITAN FIRE SERVICE

In reply to **Hon. J.S.L. DAWKINS** (4 July).

The Hon. CARMEL ZOLLO: I provide the following information:

The suggestion that there are six vehicles allocated to the MFS Training Department is incorrect.

Of the four vehicles budgeted for the MFS Training Department, three were fully utilised by the Training Department and the fourth was re-allocated to the MFS Fire Cause Investigation Section to meet increased operational demands. This vehicle was re-allocated to the Fire Cause Investigation Section as it would have been assigned to an Acting District Officer and not a permanent incumbent (normally provided with access to a vehicle). No Training Department vehicles have been allocated to unfunded executive positions.

One of the vehicles assigned to the Training Department is a twin-cab utility, which is available for use at the MFS Angle Park Training Centre site. At one stage this vehicle was only partially available at the Angle Park Training Centre, as it was being used to transport training and operational staff to Live Fire Training at the Brukunga Training site; however, this was still a function of the Training Department. To offset this use, a short-term hire vehicle was obtained from Fleet SA. This vehicle was hired from 6 October 2004 to 30 November 2004 at a cost of $2 217.60.

To offset the re-allocation of the fourth Training Department vehicle to the Fire Cause Investigation Section, staff have had access to the Training Department Coaster Mini Bus and to three Training Department fire appliances that can be used for transportation, if necessary.

MATTERS OF INTEREST

GOVERNMENT, PERFORMANCE

The Hon. J. GAZZOLA: There is a buoyant mood in the electorate as we look back over the first term of the Rann Labor government, with new constructions dotting the city landscape and the destroyer contract as two examples, together with unemployment figures trending below the national average and the restoration of the AAA credit rating as examples of the new confidence in the state. At the moment, South Australia is travelling nicely with a development boom of private and public works with $20 billion of major projects being undertaken or soon to be undertaken. This confidence in South Australia's development and future is not just parochial but also held by national and international companies.

The government's solid and confident performance has clearly got opposition members rattled, as they often demonstrate with their negative, no-policy approach. Their intention and frustration often vent themselves in personal attacks, supposed leaked information, letters from anonymous supposedly high sources, general mud throwing and their usual vehicle of implication and guilt through association. Their feeble effort has not fooled the public into believing that their insipid performance and perennial leadership squabbles posit it as a viable alternative government.

Given their current form as we approach the end of parliament and draw closer to the election, I would not be surprised if the opposition and independents in the council out-monster Monty Python in initiating a batch of select committees on the meaning of life to squeeze out the last drop of prejudice and publicity. I will highlight some examples of the tenor of opposition tactics. I refer to some of the unsavoury elements of the health debate. The previous opposition health spokesperson cherry picked a number of allegations from hospital patients which strongly accused the government and the health services of seriously and irresponsibly dropping the ball. The detailed and considered reply from the then minister for health in the other place put things in accurate perspective. What a cheap trick from the opposition—

Members interjecting:

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! The Hon. Mr Gazzola has the call.

The Hon. J. GAZZOLA: —in consequently embarrassing the patients and their families, as well as denigrating the health professionals who were busting a gut to do their best. The present opposition spokesperson on health is now stooping to pick up the baton from his failed predecessor whose level of responsibility when health minister was questioned in the Attorney-General's Report on the MRI scandal, and when the DHS under his watch in 1999-2000 failed to comply with the spirit and intent of the then treasurer's instructions in regard to advanced payments of $20 million. If you listen very carefully, Mr Acting President, you will still hear the Leader of the Opposition muttering, 'Not happy, Dean'.

We know the health system is not perfect but the angle of criticism from the previous Liberal health spokesperson and former minister is outstanding for its hypocrisy and imbalance. For an independent view of the health system and the efforts of the previous Labor health minister, let us reiterate what Fran Baum, Professor of Public Health at Flinders University, said. Minister Stevens, she said, was a 'visionary reformer', while Professor Baum's experience with the WHO rated our health system as one of the best in the world. They are her words, Mr Acting President, not mine.

The Hon. T.J. Stephens interjecting:

The ACTING PRESIDENT: The Hon. Mr Stevens is out of order.

The Hon. J. GAZZOLA: Who should we believe—the words of the opposition, or the professor? I know in whose hands I would put my life. It seems that the opposition needs yet another reminder to temper its self-righteous attitude. I will give a random list: think about the deception over the selling of ETSA; the forced resignation of a Liberal premier; the standing down of two Liberal ministers; the bungled wine centre and the fiasco of the Hindmarsh stadium; not to forget the sale of the TAB. In a final reflection on the opposition's style, I look forward in the future to the upper house opposition leader—the self-styled face of righteous disclosure, the velvet assassin—naming those anonymous sources in high and low places who continually and prodigiously leak information to him.

RADIO TELEVISIONE ITALIANA

The Hon. J.F. STEFANI: Today I wish to speak about the 30th anniversary celebrations of the Radio—

Members interjecting:

The ACTING PRESIDENT: Order! The Hon. Mr Stefani, I cannot hear you. I will stop the clock and ask you to start again, please.

The Hon. J.F. STEFANI: Thank you. Today I wish to speak about the 30th anniversary celebrations of Radio Televisione Italiana. I was privileged to be one of the invited guests to attend the special celebrations held at the Campania Sports and Social Club on Saturday 26 November 2005. More than 450 people attended the function. Initially adopting the name Radio Paesani, Radio Italiana began broadcasting on 3 March 1975 through the university radio 5UV. The one hour, pre-recorded program was one of the first to be transmitted entirely in Italian and was known as Paesano. Mr Luigi Penna was the first president to be elected, on 12 December 1977 under the provisions of a new constitution, and in the following year Radio Paesano changed its named to Radio Italiana. Radio Italiana continued its broadcasting efforts through 5EBI FM and, in 1982, jointly purchased with the Dante-Alighieri Society new premises situated at 185 Portrush Road, Maylands. After selling these premises to the Italian Village in 1988, Radio Italiana temporarily moved to Collinswood and, shortly afterwards, purchased its current premises in Wright Street, Adelaide.

Radio Italiana continued to strive for its own transmission licence and finally purchased its independent licence in September 2002. The 30th anniversary celebration of Radio Televisione Italiana is an important occasion to acknowledge and pay tribute to the many multicultural groups that have contributed to the growth and development of our state, including the many South Australians of Italian origin. The Italian community has played an important role in enriching South Australia by promoting its cultural traditions and language. Radio Televisione Italiana has been instrumental in providing a significant link not only within the Italo-Australian community but also with a wider Australian audience through its coverage of news, information and other community events and by reaching a large number of listeners.

Radio Televisione Italiana has been a welcome voice and entertainment for many people, particularly the thousands of elderly within the South Australian Italian community who are the pioneers of the early immigration period. I offer my sincere congratulations to Radio Televisione Italiana on celebrating its 30th anniversary of broadcasting and take this opportunity to acknowledge and pay tribute to the hard work of the executive committee and the many volunteers who, through their continued dedication, have achieved this historic milestone. I wish 5RTI continued success in the future.

JUDICIAL APPOIONTMENTS

The Hon. R.D. LAWSON: I would like to comment on some observations made by the member for West Torrens on 17 October. Like most South Australians, I would not ordinarily bother to read any comment made by the member for West Torrens because, as far as I am aware, this member's only contribution to the parliament is that he is a useful and continuing source of political information on the international affairs of members of the left faction of the Labor Party. My own personal experience of this member is that I witnessed at first hand a wager being laid between the honourable member and another distinguished member of this parliament, and the member for West Torrens welched on that wager.

The Hon. R.I. Lucas: Hear, hear! An independent witness.

The Hon. R.D. LAWSON: The Hon. Rob Lucas was also a witness and, indeed, a participant in the transaction. Clearly, the member is a spear carrier for a judge who was appointed by this government and whose credentials for appointment have made the present Attorney-General an even bigger laughing-stock in the community than he was before he made the appointment. In fact, the Attorney-General was so proud of this appointment that he avoided engaging in the consultation process laid down by statute.

The member for West Torrens sought to embarrass me by suggesting that members of the legal chambers of which I was formerly a member—a founding member, I am proud to say—had been appointed by Liberal governments to judicial positions over the years and that I was irate that this government had not made similar appointments. What the member for West Torrens did not mention—it is likely that he did not know and that having no knowledge of this at all his ignorance is an excuse—is that one of the founding members of those chambers, Mr J.W. von Doussa QC (latterly a distinguished judge of the Supreme Court and the Federal Court) was appointed to the bench by a Labor government.

The honourable member did not mention the fact that another founding member of those chambers, Judge Neil Laurie, was appointed to the District Court by a Labor government. He also did not mention the fact that Mr Ted Mullighan, another distinguished judge and a former member of Jeffcott Chambers, was appointed to the bench by a Labor government, and he failed to mention the fact that his own government appointed Mr Kelvin Prescott SM, another founding member of Jeffcott Chambers, to the elevated position of Chief Magistrate.

What the member for West Torrens does not understand is that these legal chambers had a group of lawyers whose talents merited selection for the bench. Neither did he mention the fact that none of the appointments which the Hon. Trevor Griffin made to the bench were made for party political reasons. As far as I am aware, none of the persons in those chambers (whether appointed by Labor or Liberal governments) had any affiliation with any political party. It certainly would not have disqualified them if they had been a member of any political party, but so far as I am aware none was even associated with any faction of a political party. Quite clearly, none of these appointments were made for transparently political purposes.

The regrettable fact is that this government has made a number of significant judicial appointments. I emphasise that not all of the appointments it has made have been for party political purposes. Many of the people appointed by the government have been entirely appropriate and suitable candidates. Unfortunately, there have been a number of lapses when this government to its eternal shame has made appointments for the sole purpose of satisfying some political deal or other.

PERSONAL BELIEF

The Hon. IAN GILFILLAN: The subject of my matter of interest today is my personal belief, and I want to comment on that in my contribution. There is no evidence that the universe has a capacity to self-start or deliberately plot its evolution or predetermine the details of its existence. There

is no evidence that the universe is or was capable of deliberately evolving widespread human experiences, namely the appreciation of beauty in all its forms; art, music, drama; and the experiences of love, loyalty and unselfish sacrifice. So, to me, it is incontrovertible that an ultimate entity, conveniently called God, exists and is responsible for all that comprises our awareness and existence.

This entity is beyond my comprehension. But, since this entity called God deliberately established the circumstances in which we find ourselves, it naturally follows that God is aware of the reality of the life of humankind. In recognising that scriptures in all faiths is a human expression of ultimate truths, I believe there is predictably a variety of interpretations of truth. The most devastating revelation is that God is love; an amazing simplification of the entity which arranged for the infinitely complicated, yet marvellous, universe to occur.

Many who cannot accept the existence of a God baulk at a God of love, arguing with feeling, 'How can a God let this happen?', when reacting to the apparently cruel acts of God to individuals, for example, a tsunami, leprosy or being born to a couple of drug addicts. The question that is impossible to answer but must be asked is: how then would you have existence? Would you have direct divine intervention to counter all accidents, acts of nature or evil actions? The honest answer is that there is no alternative if humankind is to be free to respond to love and to care. Life would indeed be unjust if it were not eternal, that is, extending beyond our experiences in this life on earth. I believe in a loving God and that God's love was and is demonstrated in the link between God and us through the life of Jesus Christ. There is no time to expand on this, other than to say that no loving God would leave us to struggle on alone, bereft of comfort.

So, I am a Christian. There is a misconception abroad that all Christians are unanimously or duty bound to be in lock step with certain dogmas or opinions, and this is plainly not so. To be dogmatic is to be unchristian. Christianity is beautifully tolerant. God is not exclusive in allowing access to the truth or Divine inspiration, nor is God so egocentric that God insists that the only acceptable response is within strict orthodox lives. I believe that all humankind can be directly influenced by God individually and directly.

The most disconcerting aspect of Christianity is that it regards all people as of equal and inestimable value that can never be extinguished. This challenges Christians to show this, even in the face of abhorrent behaviour to the most disabled and to the most disadvantaged. There is no escape clause. Christians are people who believe they have an awareness of divine truth and respond to it. They do not despise non-Christians. They can disagree on issues to which I have subscribed, for example, prostitution, drugs, abortion, divorce and homosexuality.

My challenge is to hold my views and respect those with whom I disagree. However, there is no place in the democratic process for a political party that puts itself forward as the mouthpiece of Christianity, because there is not and never should be one mouthpiece for Christianity. A political party and, indeed, a single politician, has the challenge and responsibility to work with the needs of a diverse community. It is an unjustified arrogance for a party to imply or believe that it carries the imprimatur of God. In my efforts in this place and my life as a politician, I have been motivated to follow some unpopular causes. I have tried to relate my actions and decisions to reflect my opinion of the appropriate Christian attitude, but I am not the judge of my success or failure.

KAROBRAN REHABILITATION CENTRE

The Hon. A.L. EVANS: Amen to that, Ian! I take this opportunity to speak about the Karobran Rehabilitation Centre. We visited Karobran on 25 September this year and were impressed not only by the place but by the people. It was amazing to hear people speak about their life—the change and opportunity that Karobran had given them and continues to give them. Karobran, which is a long-term residential care centre which caters for people with life-controlling problems, is situated 30 kilometres from Naracoorte in the South-East of South Australia and comprises two 42-hectare properties. The Karobran Centre at Joanna can house up to 40 people, and the other property can accommodate 30 people, making it the largest centre in South Australia.

Karobran has been in existence for 23 years, and for the past 18 years has been under the management of Dean and Jenene Childs, with six full-time staff and three voluntary workers. Karobran is unique in that it provides services to single males and females, either individually or, where appropriate, those requiring assistance may elect to reside at Karobran as a family unit. This means that, where a family unit is affected by trauma or crisis and requires the assistance of Karobran, the entire family may reside at Karobran under the protection and support of 24-hour monitoring. Whilst in residence at Karobran, staff assist the individual or family unit to make lifestyle changes and deal with existing life difficulties. The staff also have the opportunity to assist the children of participating families to understand and begin to deal with emotional traumas experienced prior to their arrival.

Karobran staff facilitate participation in programs such as the work for the dole scheme and skill development through participation in local industry. Karobran staff also run weekly programs which residents are strongly encouraged to attend. These include anger management, personal rights, financial freedom, personal hygiene, Ten Steps to Recovery, parenting, boundaries, abuse, love and acceptance, and personal relationships. Counselling is also provided both one-on-one and in groups.

Karobran is also involved with many community services such as the community mental health team, correctional services, the Department for Families and Communities, local doctors, and tele-links with psychiatrists, as well as providing support at court attendances. It has been described by a number of South Australian courts as this state's best kept secret; magistrates increasingly offer Karobran as a sentencing option and are now referring increasing numbers to the centre. Interestingly, Karobran has never received government funding; however, in 2004 it was successful in receiving a grant through the regional partnership scheme, which went towards the construction of a $250 000 teaching facility.

Karobran invites consideration of the fact that people whose lives have been turned upside down by traumatic circumstances need additional support, and it is only with such support that cycles of offending and recurring health problems may be addressed. It also provides a new perspective to the notion that the solution to offending or addiction lies solely in the domain of rehabilitating the individual. Very clearly, entire families are affected by an individual's inability to cope with the life issues they may face, and to this end I invite your consideration of the contribution made by

Karobran as it continues to assist individuals and families to re-enter the community with hope.

ROBERTS, Hon. R.R.

The Hon. R.I. LUCAS (Leader of the Opposition): Mr President, you will be disappointed that you missed a stunning revelation earlier this afternoon. The Hon. Rob Lawson indicated that he was witness to a bet between the member for West Torrens and myself (a bet which you know something about), and I have complained that the member for West Torrens has still not paid the $50 he owes me for having lost that particular bet. You should read his contribution, in which he refers to the member for West Torrens welshing on that deal.

Mr President, I hope you will remember my contribution last week when I invited you to bear in mind that I am sure there is an invitation for you for 16 December to appear before an important body associated with the council should the various members of your party, the Australian Labor Party (including the Hon. Mr Sneath and, in particular, the member for West Torrens), be successful in their political execution of yourself on 10 December.

The Hon. Nick Xenophon interjecting:

The Hon. R.I. LUCAS: As the Hon. Mr Xenophon says, shame. Mr President, I am sure you will bear that in mind over the coming days. It is disappointing that the member for West Torrens and others continue to roam the corridors with smiles on their faces, gleefully referring to your political execution on 10 December and continuing to say unfavourable things about your good self and your contribution to the party and the government. On behalf of members—

The Hon. R.K. SNEATH: I rise on a point of order. The Leader of the Opposition is reflecting on a member in the other house. It is propaganda made up by the Hon. Mr Lucas, and there is no truth in it whatsoever.

The PRESIDENT: Dissent is not a point of order. I am not certain exactly what the reflection is.

The Hon. R.K. SNEATH: He is reflecting on the member for West Torrens saying things that I know the member for West Torrens would not be saying about you, Mr President.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: I thought it was a point of order from the Hon. Mr Sneath. It was not much of a point of order. The invitation remains there for you, Mr President, for 16 December to just tell the truth, as you would know, in relation to the Attorney-General and other dealings. This government and its members have been very sensitive over the past few days. Over the past few days, we have seen members of the government roaming the corridors expressing concern about what various members have said in this chamber and elsewhere. We have had ministers of the crown threatening Liberal members in the corridors saying, 'If you want to continue in this way, we have got dirt on you.' We have backbench members of this government similarly making various threats. This government just cannot take it. It reminds me of schoolyard bullies. They love to dish it out, starting with the Premier, to the Deputy Premier, to the Minister for Infrastructure and, indeed, some of the members of this chamber. They love to dish it out, but when anyone stands up to them—toe to toe, jaw to jaw—who blinks first? The government. When Steve Pallaras—

The Hon. R.K. SNEATH: Mr President, I rise on a point of order. The Leader of the Opposition is totally out of order if he thinks that members of the opposition are standing up to us.

The PRESIDENT: Order! There is no point of order.

The Hon. R.I. LUCAS: When the Director of Public Prosecutions, Mr Pallaras, stands up and outs the Deputy Premier in relation to certain issues, suddenly the government goes to water. When various government ministers or members have the blowtorch applied to their bellies, they go to water. They run the corridors; they make threats. I would remind some of these government members who adopt a holier than thou attitude to go back over the history of people like the now Premier, the Deputy Premier and the Minister for Infrastructure and look at the accusations they made under parliamentary privilege about former government staff, government ministers and departmental heads such as the head of the—

The Hon. R.K. Sneath interjecting:

The Hon. R.I. LUCAS: The Hon. Bob Sneath says, 'They were right.' They were former departmental heads such as the head of education and the heads of various other government departments and agencies as well and, indeed, other private sector business leaders. We saw another attack in the past 24 hours from the Premier on a prominent business-man in South Australia, Rob Gerard. This government and its ministers are prepared to hand it out. However, they remind me of schoolyard bullies: as soon as you put the pressure back on them they go to water. They slink in the corridors, they make threats, but, in the end, when you go toe to toe with them, or you stand jaw to jaw with them, the ones who blink first are this government, its ministers and its wholly owned subsidiaries on the back bench.

LIBERAL PARTY CANDIDATES

The Hon. J.S.L. DAWKINS: Today I take the opportunity to indicate that I look forward to working over the next several months before the state election with a range of excellent candidates for the Liberal Party, who epitomise the great candidates that our party has on the ground working hard in a range of seats. I will take a few minutes to highlight the ones with whom I have a particular association. First, in the seat of Wright, which is in the north-eastern suburbs, I am pleased to work with Stephen Ernst of Salisbury East. Stephen is an ex-policeman with about 18—

The Hon. J. GAZZOLA: Sir, I rise on a point of order. These are supposed to be matters of public interest, and I understand that the public is not interested.

The PRESIDENT: There is no point of order. Just because the Hon. Mr Gazzola is not interested, it does not mean that other members may not be.

The Hon. J.S.L. DAWKINS: I can assure the Hon. Mr Gazzola that many people will be interested. Stephen Ernst is an ex-policeman with 18 years of experience, and he is currently a training officer in the IT area. Like most of the candidates in the Liberal Party with whom I am working, he is a family person. In the neighbouring seat of Florey, the candidate is Pat Trainor, who lives at Wynn Vale. He is an engineer and also a manager. He is heavily involved in sport and church activities, similar to Stephen Ernst. In the seat of Little Para—

Members interjecting:

The Hon. J.S.L. DAWKINS: Mr President, I will drown them out if I need to do so. They might want to listen to some of these names, because they might be seeing a bit more of

them in the future. In the seat of Little Para (which was formerly Elizabeth) we have Mr Ron Watts, who was the candidate in the previous election. Ron has lived at Elizabeth Grove for many years. He has been involved in small business and was recently awarded the title of best business enterprise centre manager in the whole of Australia. In the seat of Playford we have Tom Javor, who also stood at the last election. Tom has been a member of the Ingle Farm community for many years. He is heavily involved in Neighbourhood Watch and is an executive officer for a sporting organisation.

In the seat of Ramsay (and do you blokes know where Ramsay is, because I do not know whether the Premier does?) we have Damien Pilkington, who lives at Salisbury Heights. He is a councillor with the City of Salisbury and has been for the past five years or so. Another Salisbury city councillor, Linda Caruso, is standing for the Liberal Party in the seat of Taylor. Linda lives at Direk and is the proprietor of the local trout farm and par 3 golf course. Like councillor Pilkington, she is heavily involved in the community and family. Another local government councillor standing for the Liberal Party in the northern suburbs is Joe Federico, in the seat of Napier. Mr Federico is a councillor with the City of Playford. He lives at One Tree Hill and is very involved with the local institute and farming organisations in that area.

Having spoken about those seven candidates who are all representing the Liberal Party in the northern and north-eastern suburbs, I would also like to mention Anna Baric of Monash, who is representing the Liberal Party in the Riverland seat of Chaffey. Like the other candidates, Anna has a strong family commitment. She works in real estate and has a background in banking. She assists her husband in the running of a grape growing property. That just illustrates the quality of the candidates the Liberal Party has out in the field who are out doorknocking—doing the things that their opponents find very difficult—and I very much look forward to having a number of those candidates join us in the House of Assembly next March.

SELECT COMMITTEE ON THE ROLE AND ADEQUACY OF GOVERNMENT FUNDED NATIONAL BROADCASTING

The Hon. NICK XENOPHON: I move:

That the report be noted.

This matter relates to a select committee established by the council on 31 March last year to inquire into and make recommendations on the role and adequacy of government funded national broadcasting and to examine the impact of these broadcasts on the South Australian economy and community. This was as a result of a debate in the council on 24 and 31 March 2004. The committee members comprised the Hon. John Dawkins, the Hon. Gail Gago, the Hon. Terry Stephens, the Hon. Carmel Zollo and me as the chair.

Whilst there was a uniformity of views at the end of the day with respect to the recommendations made by this committee, my remarks will be relatively brief. It is worth noting that this committee arose from quite significant concerns in the South Australian community about the perceived raw deal that South Australians were getting in relation to programming decisions about the role that South Australia had in the context of national broadcasting, with the primary concern being with respect to the ABC. The catalyst for this was a decision made by ABC management in Sydney that there be a national sports wrap, which has in effect reduced the editorial discretion and independence of the local newsroom in determining what will be in our bulletins.

The recommendations are set out in the report, and they include that the ABC should give strong consideration to establishing a state-based daily current affairs program in the manner of the *7.30 Report*, which was axed in late 1995. I note that there is now a local version of that—*Stateline*—on Friday nights, but that is still not the same. It is not as good as having five nights of local political coverage. Indeed, the only other state-based current affairs program that has remained is Channel 7's *Today Tonight*. Recommendations also include that the previous state-based sports reports be restored in conjunction with local editorial control over the national sports wrap; and that the ABC should facilitate the switching of networks and weekends so that the digital delay system can be bypassed at the determination of South Australians rather than the Sydney newsroom, and an example was given. When Saddam Hussein was captured, we did not get that live; we got that on delay, in a sense, on ABC TV, unlike those who live in the eastern states.

The committee has also made recommendations relevant to South Australians with respect to SBS, the other national broadcaster: that SBS should base a full-time television reporter in every national capital rather than its current policy of simply Sydney, Melbourne and Canberra; and that SBS expand its second radio frequency nationally. There is also a recommendation by the committee that the South Australian government seek information from the commonwealth minister with regard to the distribution of resources.

The committee also recommended that the ABC develop a long-term strategy, which can give much needed guidance and coordination in respect of the development of broadcasting skills and knowledge in South Australia, and that community broadcasting should be investigated as a possible avenue by which South Australia can develop broadcasting resources through a closer working relationship with our national broadcasters. Whilst this is a matter that is directly under the control of the federal government, in a sense, there is still a legitimate role for state parliaments and committees of state parliaments to play in terms of raising issues of public concern and importance.

It gave an opportunity for those concerned about the ABC, including Friends of the ABC, ABC management, as well as unions whose members are ABC employees (reporters and production staff), to provide information. My colleague the Hon. Gail Gago will be speaking on this motion, and no doubt she will elaborate on some of these issues. It is worth noting in the context of this motion that the Managing Director of the ABC, Mr Russell Balding, was asked on a number of occasions to appear before the committee. The committee was more than willing to accommodate him, when he was in Adelaide on one of his probably not too frequent visits for ABC business, to appear before the committee, and Mr Balding was not prepared to do that, despite a number of requests in relation to that. The issue was that he was not prepared to appear before the committee under any circumstances, apart from offering to have a cup of tea with the committee—

The Hon. G.E. Gago: In Sydney.

The Hon. NICK XENOPHON: In Sydney, as the Hon. Gail Gago pointed out, but not to give evidence. I also note

that Mr Balding, as the Managing Director of the ABC, is, in many respects, the public face of the ABC in terms of representing the ABC's vision and representing the ABC's role in the community, because the buck ultimately stops with him as managing director, of course, and of course through the board, but he is the person who bears responsibility for the ABC.

It is a pity that he did not appear before the committee when he had the opportunity to do so. Instead, he left it to his local member here, Sandra Winter-Dewhurst, who was very cooperative, but it just was not the same as having the Manager Director of the ABC to answer questions about the particular impact of decisions made in Sydney on matters relating directly to South Australia, including programming decisions and production decisions with respect to that.

I also note that Mr Balding was not prepared to appear before a federal parliamentary committee recently, which I find extraordinary. So, the fact that Mr Balding was not prepared to appear before both this committee and another committee, I think, reflects poorly on him, and it is very unfortunate. I think some would see that he has thumbed his nose not only at this committee but also at a federal parliamentary committee looking into ABC issues. The report is a very useful resource in terms of putting the ABC's role and SBS's role in South Australia into context. I believe it has been a very useful exercise, because there appears to be a very distinct Sydney-centric bias on the part of the ABC in a number of its key decisions, and it appears that South Australia, in terms of staffing, is somewhere in the middle. It seems that Sydney does better than does all the other states. Western Australia and Queensland, on a per capita staffing basis, does not do as well as South Australia. So we are somewhere in between. However, New South Wales with 33.9 per cent of the population has 47.23 per cent of the staff, and that information was provided by Sandra Winter-Dewhurst on behalf of the ABC.

I would like to conclude by highlighting the importance of public broadcasting both at a national and state level. I refer to the role it plays for those of us who have been to the United States, for instance, where you have a public broadcasting service that does a valiant job. However, it is nothing like the depth and standard that the ABC and, indeed, SBS provide us with in terms of depth of coverage. Concern was expressed by the committee that cuts over a number of years of some 30 per cent in the ABC's budget have clearly had some impact in the way that the ABC has been able to function. I believe that those sort of cuts cannot take place without affecting both content and quality. In terms of comparable countries such as Canada, where (as I recollect) there seems to be higher per capita funding, that is something that ought to be considered at a broader federal level.

Finally, I wish to express my gratitude to my colleagues. I believe we worked well and constructively together on this issue. In particular, I acknowledge the role of the ABC in regional South Australia, which has been highlighted by the Hon. Mr Dawkins. I also wish to express my gratitude to our research officer, Dr Jonathan Ping, who prepared this report, and I wish him well in his new life in Sydney. Finally, it would be remiss of me if I did not thank the long-suffering secretary of the committee, Noeleen Ryan, who has a patience on this and other committees that approaches saint-like status. I commend the motion to the council.

The Hon. CARMEL ZOLLO (Minister for Mental Health and Substance Abuse): I will say a few quick words. The final report of the select committee is in many ways an affirmation of the importance of national broadcasters in a country as diverse and multifaceted as Australia. As stated in the report, the charters of the ABC and SBS make it clear that they are working in the interests of the nation rather than for the creation of profit. Also emphasised are the obligations the charters place on national broadcasters. These are long-established obligations that apply not just to the major population centres but to all Australians.

It is obvious from the report that these obligations are at risk of being overlooked, at least in part, due to the funding pressures to which our national broadcasters have been subjected. Because of this, the committee was compelled to make as one of its recommendations that the ABC and SBS should be provided with adequate and ongoing funding to fulfil their charter obligations to South Australia. It is important that South Australians are able to view local material, particularly sport and current affairs. South Australia has a rich culture and our national broadcasters should produce local material that reflects that. I commend the report and its recommendations to the council. As a member of the select committee, I also place on record my thanks and appreciation to Ms Noeleen Ryan, the secretary, and our research officer.

The Hon. G.E. GAGO: I want to speak briefly on this report. I was pleased to be a member of this committee. Although the responsibility for the ABC quite obviously lies with the commonwealth, the select committee was established to inquire into its role and adequacy. In its findings, the committee made 10 recommendations in relation to the evidence it received. I want, first, to acknowledge the tremendous role that the ABC plays in contributing to the social, political and, generally, rich cultural development of Australia. It is an Australian icon. It plays a vital role as Australia's independent national broadcaster. It is both independent from government and from commercial interests. It is also worth while stating that I think it is important that our media be funded and controlled from truly diverse sources. Our independent broadcasting network is an important part of the media generally in Australia.

In the interests of brevity, there are only two areas on which I want to briefly comment. First, the committee received evidence which suggests that, although the ABC is clearly a highly efficient and effective performer in many areas, it is poorly funded, especially when compared with other developed countries. The Friends of the ABC indicated that there has been a 30 per cent decline in revenue since 1985-86. Clearly, this decline in funding has had an effect on the quality and content of ABC broadcasting, and the committee made a recommendation to address this issue, which I believe is also responsible for putting pressure on another issue which I will address in a moment.

The second matter I wish to address is that the committee found there is a trend to centralise broadcasting events, particularly television functions, predominantly in states such as New South Wales. This has clearly had an effect on reducing the local content in South Australia. Local sports and TV news segments have been abandoned, and there is no daily South Australian current affairs television program. This centralisation tendency, which is no doubt also in response to funding pressures, has clearly been to the detriment of South Australian viewers. The report contains a number of recommendations for addressing this issue.

I would also like to put on the record my thanks to the witnesses who took the time to make submissions and to present evidence in person. I also thank the other members of the committee and the staff who assisted the committee. I commend the report and its recommendations to the council.

Motion carried.

DENTAL SERVICES

The Hon. CARMEL ZOLLO (Minister for Mental Health and Substance Abuse): I table a ministerial statement relating to South Australia's dental services made by the Minister for Health in another place.

SELECT COMMITTEE ON STAFFING, RESOURCING AND EFFICIENCY OF THE SOUTH AUSTRALIA POLICE

The Hon. R.K. SNEATH: By leave, I bring up the interim report of the committee and move:

That the report be noted.

The committee received a substantial body of evidence from the Commissioner of Police, the Police Association and other witnesses, and I indicate that the submissions received from the Commissioner of Police and the Police Association were very professional indeed. While this is an interim report and does not present any conclusions or recommendations, the committee offers it as a valuable reference and an account of the evidence received by the committee. The committee notes that since its formation a number of developments have occurred, some of which may have assisted in resolving the issues which were raised when the committee was first established. In this regard, the committee believes that its appointment has provided a forum in which issues could be raised, and the committee commends major stakeholders for their efforts to work together to resolve some of these major issues.

When evidence was being given, I noticed in particular the number of committees that have been set up within the police force to look at the ongoing issues that arise from day-to-day operations. I am certainly concerned that a lot of those committees that dealt with rank and file issues and issues to do with constables had a notable lack of representation from those rank file constables, in particular, those stationed in the country. I think that could be one of the issues when the committee ultimately makes its final report on the matter, and I will certainly be indicating that in the report. I also want to refer to the police force's recruitment of staff from Great Britain. It is my understanding that, since they have been here, these recruits have made wonderful South Australians and have quickly become part of the community and made many friends. As in any other industry, our efforts to recruit from overseas has worked out well. Currently, the police force seems to have a system of recruiting people older than was once the case, and I need to look at that issue further to see whether that should continue or whether more opportunity should be given to younger South Australians to become police men and women.

As I have said, this is an interim report. I understand that the Hon. Mr Lawson wants to make a contribution, but other honourable members will probably wait until parliament resumes. I take this opportunity to thank all the witnesses who have attended the committee so far and, once again, I congratulate the Police Association and the Police Commissioner on their professional submissions. I thank the committee's secretary and staff and other committee members for a job well done.

The Hon. IAN GILFILLAN: I acknowledge the contribution made by committee members and the Presiding Member (Hon. Bob Sneath). Perhaps even more importantly, I want to emphasise how valuable and extensive was the evidence given by the Police Commissioner and the Police Association, led by its President, Peter Alexander. I was most impressed by the fact that both parties, who quite clearly were going to be in some degree of dispute about issues, did so in a very good, proper and constructive manner. There was no vituperation or any viciousness implied, either overtly or covertly, in the presentation of evidence. As a result, I believe we now have a huge body of remarkable and significant evidence. From that evidence and from discussions has come the momentum to achieve some improvements already in the conduct and resourcing of police in South Australia.

I think it is appropriate to indicate in my contribution that this is an interim report. The committee was set up on a motion moved by me on behalf of the South Australian Democrats, in response to accumulating expressions of concern to me by serving police officers. It was rewarding to find that, although the government originally opposed it, government members on the committee were wholeheartedly and deeply involved in ensuring that the committee worked properly. I hope that in the fullness of time there will be a final report, and those recommendations may accurately reflect the situation at that time. I am quite confident that, because of the status and significance the committee and its work have achieved, both with the Commissioner and with the Police Association, the recommendations will be heeded by both those bodies and, I hope, by this parliament and the public at large.

The Hon. R.D. LAWSON: I am delighted to speak on the Interim Report of the Select Committee on the Staffing, Resourcing and Efficiency of the South Australia Police. The Liberal Party supported the Hon. Ian Gilfillan when he moved the motion for the establishment of this select committee, but I think it is worth placing on record that the government was strongly opposed to the motion, and so I am glad to hear the Hon. Bob Sneath acknowledge that the exercise has been a valuable one. It has been valuable for a couple of reasons, principally because both the South Australia Police and the Police Association gave very comprehensive submissions and evidence to the committee at a number of meetings.

I do not think I have ever seen a government department present as full a case as the Police Commissioner presented on behalf of the South Australia Police. When the Commissioner attended he was ably assisted by a large group of officers, and the material supplied by the police covered almost every aspect of their operations. Speaking for myself, I was greatly heartened (and should not have been surprised) by the professionalism with which the police put their case together, likewise, the association.

I think it is fair to say that there has been some friction between the association and the police, and the association was keen to put its point of view in relation to a number of industrial and other issues. The Police Association, with its president Mr Peter Alexander and other officers, gave a very good presentation of its case and showed not only a deep understanding of the industrial issues but also a deep understanding of the requirements of the force. I think the process of both sides of the argument putting their cases out

in great detail, and preparing those cases, has been of some benefit to them. I do not think that I should let it pass, of course, that a number of the issues that the Hon. Ian Gilfillan mentioned when he was seeking the support of the council for the establishment of this select committee did not emerge as major issues in the total scheme of things. I am not saying that they evaporated but, certainly, those individual concerns of former police, members of the public and the like which were received and considered by the committee tended to be overwhelmed by the systemic consideration the committee was giving the matters.

A large number of recommendations were made by the Police Association, and I am glad to see that they have been incorporated as Appendix C to the report. The Public Service Association also made a number of recommendations but (as already mentioned) the committee, in this interim report, has not resolved to make any specific recommendations on any of the terms of reference. I think that is understandable in view of the fact that the committee has not had an opportunity to consider all the evidence and undertake and finalise all the research necessary to produce a comprehensive set of recommendations.

In his remarks, the Hon. Bob Sneath mentioned that UK recruits to the police force have been well-received and are making a significant contribution to the police in this state, and we certainly agree with that. My colleague, the Hon. John Dawkins, and I did append a dissenting statement to the report, because we felt that certain facts ought be put on the record in relation to the UK recruiting. As I say, we certainly support the notion that the UK recruits have been very well received and are welcome citizens in this state; however, we believe that with better planning and foresight by the minister and the government it should have been possible to recruit police from the existing South Australian population. The committee heard evidence that there are many young South Australians who wish to join the police force and make it their career, and we believe that better work force planning would have enabled the South Australia Police to find suitable recruits without compromising the high standards that they insist upon. We were told that only one out of six local applicants is successfully recruited into the police force.

The force does have high standards, and we do not believe for a moment that they should be compromised. We see that the difficulty, having arisen, prompted a UK recruiting—and in that we are following what they are doing in New Zealand. In 2002, the government was resisting suggestions of the Liberal opposition that the police force be increased in size. Treasury was saying that it was not possible. The police minister at the time was saying that it was not necessary, but, as a result of political pressure and pressure from the community, ourselves and others, the government suddenly did a backflip and announced that 200 new officers would be recruited. That created an artificial situation whereby suddenly the government (to meet its political promise) needed to find 200 police recruits.

In the ordinary course of events, one would have picked them up over the years by keeping the academy open, advertising, recruiting in schools and using all the other mechanisms that are necessary to maintain a good work force plan. However, that sort of exercise could not be undertaken at the drop of a hat, and the Police Commissioner really had no alternative—if he wanted to meet the government's political objective of 200 additional officers—but to go to the United Kingdom where there was a large number of officers looking to come to this country. Of course, it was good from our point of view in that they are experienced officers and they come from a culture similar to that prevailing here. They can be easily integrated into the force. However, it does mean that those 200 positions are now occupied by good people from elsewhere. They brought their families here, which is all to the good, but there will be 200 young South Australians who might have thought that they would get into the police force and make a career of it but who will not now have that opportunity.

We believe that the community deserves better, and as a community we would have benefited from the exercise of greater forethought by this minister rather than merely reacting for political purposes to a crisis that occurred. My colleague and I note in our dissenting statement that we would be inclined to support recommendations 6 and 7 of the Police Association. We do not come to a final conclusion on that, but we certainly would be inclined to support them. Recommendation 6 is that the government and SAPOL commit to appropriate strategic recruitment strategies to ensure the organisation is well placed to maintain a skilled and experienced work force. Recommendation 7 is that SAPOL undertake a personnel review in order to determine the drivers of the revealed preference for resignation of sworn officers in order to develop strategies that provide incentives for experienced officers to remain within SAPOL rather than disengage.

The obvious point is that not only should we be recruiting experienced officers from overseas (which is all very well) but also a far better strategy would be to try to keep those whom we already have in the force and who have experience here and who still have something to offer. With those remarks I should conclude. Suffice to say also that I do hope that, in the new parliament, the work of this select committee, the evidence that it has gathered and the interim report which we are tabling today is taken up and final recommendations can emerge.

Motion carried.

SELECT COMMITTEE ON ELECTRICITY INDUSTRY IN SOUTH AUSTRALIA

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

That standing orders be so far suspended to enable me to move that the interim report of the Select Committee on Electricity Industry in South Australian be noted.

Motion carried.

The Hon. R.I. LUCAS: I move:

That the report be noted.

As with the interim report that has just been noted in relation to police resources, the electricity industry select committee (to use a shortened version of the title) has been working assiduously for a year or so now in looking at the critical issues relating to the electricity industry in South Australia. I do not want to traverse all the issues that have been raised by the electricity industry select committee, but as we head into the absolutely critical period of this coming summer and about which we have had serious warnings about potential blackouts in South Australia this summer, I will refer to some recent evidence that has been provided to that select committee. When the Electricity Supply Planning Council presented evidence to the select committee earlier this year, I asked a series of questions of the officers from the Supply Planning

Council, in particular Mr David Swift, who is the chief executive.

Only today have I been provided with a copy of some of the answers that the Supply Planning Council has provided. For the benefit of members, the Supply Planning Council is the pre-eminent planning body in South Australia, established by the former government and continued under this government to look at the critical issues of supply and demand and to provide independent advice to government and the community on the issue of electricity supply.

Mr President, as you will probably be aware, there has been considerable argument between the government and the opposition about what this government has or has not done in terms of preparing South Australia for the possibility of significant blackouts this coming summer. It has been the opposition's view that the minister in particular in this government has sat on his hands and done virtually nothing in relation to increasing the supply of electricity, whether it be through additional generation options or additional interconnection options into South Australia, compared to the very active work of the former government, working with the private sector, in encouraging a significant expansion of electricity supply in South Australia.

Certainly, I and a number of other members of the former government have indicated that in the three or four years prior to 2002 the former government, working with industry, had seen a 40 per cent increase in electricity supply options here in South Australia, which is, I am sure all members would acknowledge, a very significant increase in terms of electricity capacity in South Australia. Some of us had the view that relying solely on interconnection options into South Australia left us exposed to the militant industrial trade unionists in the other states—and we saw examples of that in 2000 and 2001, when a wildcat strike, not even authorised by the top leadership of the particular union, closed down the interconnector, and we saw widespread blackouts here in South Australia as a result of that action. And there are other people who have, for different reasons, strong arguments as to why we ought not be too dependent on the interconnection option. There needs to be a balance, and we have certainly supported the view that appropriate levels of interconnection, mixed with significant levels of in state generation, are the best means of ensuring security of supply in South Australia.

Those at the national level—those in the eastern states—will say that it would be better for the national economy if certain things were to occur. However, it is easy for them to say that the citizens of Adelaide and South Australia every now and again can put up with wildcat strikes from Victoria or eastern state unions that pull the plug on the interconnector and leave our residents, our constituents in South Australia, exposed to widespread blackouts. That is why we have always maintained the view that we need an appropriate balance. I seek leave to have incorporated in *Hansard* a table headed 'Scheduled summer capacity by station and year (in MW)'. It is purely of a statistical nature.

Leave granted.

Schedule summer capacity by station and year (in MW)

	05-06	04-05	03-04	02-03	01-02
AGL Hallett	155	153	153	180	-
Angaston	40	-	-	-	-
Dry Creek	117	117	117	135	135
Ladbroke Grove	70	70	69	76	72
Mintaro	68	70	70	76	76
Northern	520	520	520	520	520
Osborne	179	175	175	175	175
Pelican Point	450	450	450	450	450
Playford	240	240	120	120	210
Port Lincoln	38	38	38	38	40
Quarantine	76	76	90	95	-
Torens Island A	476	476	488	485	480
Torrens Island B	784	784	800	800	800
Total	3 2673	3 223	3 144	3 195	3 003

Non-scheduled summer capacity year (in MW)

	05-06	04-05	03-04	02-03	01-02
Non-scheduled	586	459	174	137	97

The Hon. R.I. LUCAS: This table has been provided to the committee by the Electricity Supply Industry Planning Council and it is headed 'The Hon. R. Lucas asked for a breakdown of the scheduled generation by summer rating for the last five years'. It shows that, in 2001-02, we had 3 003 megawatts of capacity, and I note that in the following year there are two additional increments to that capacity, which takes it to 3 195 megawatts, and that is the Quarantine peaking power station here in Adelaide and the AGL Hallett station, obviously, in the Mid North town of Hallett.

Some 180 megawatts comes on in 2002-03, and 95 megawatts for the Quarantine power station. That is an additional 275 megawatts of capacity, and, whilst it came on stream in 2002-03, all the planning and approvals had been done by the former government prior to the change of government in March 2002. I know that because in the latter stages of the former government I had responsibility for the electricity industry until, I think, three months before the end of the last government. If you add that 275 megawatts to the 3 003, that takes you to 3 278 megawatts of capacity that the former government saw installed and available in South Australia.

The table that is now in *Hansard* shows that this year—2005-06—the total available megawatts is 3 267. We have virtually stood still—we have actually gone back by a small number of megawatts in terms of total installed capacity. In addition, the former government saw the approval process for the MurrayLink interconnector and, whilst that is not interstate generation, it obviously adds to capacity in terms of South Australia. When one looks at this table, one will see that it is a stunning indictment on the ineptitude and inaction of the current minister for electricity and this government. The only new scheduled generation capacity that has been added is the Angaston peaking power station of 40 megawatts, which comes on stream this year. Everything else was already in existence or was brought on stream by the former Liberal government.

We may well confront significant blackouts in South Australia this summer. The chances of having a very hot summer are obviously increasing every year as each year goes by where we have mild or moderate temperatures in summer. The last very hot summer was about four years ago, in 2000-01, and a lot of these forecasts are done on the basis of one in 10 year forecasts in terms of hot temperatures. The fact that we have had four moderately hot summers since our last very hot summer increases the chances that we may well confront the sort of circumstances about which everyone is concerned. I seek leave to have incorporated in *Hansard* another table headed 'NEMMCO: Statement of Opportunities Reserve forecasts for South Australia/Victoria', which is solely statistical.

Leave granted.

NEMMCO SOO reserve forecasts for SA/Vic.

	05-06	04-05	03-04	02-03	01-02
Reserve surplus (deficit)	(-500)	(-152)	(-69)	309	(-81)

The Hon. R.I. LUCAS: This is from the NEMMCO Statement of Opportunities Reserved Forecasts which indicates the level of either deficit or surplus that we have in the combined markets of South Australia and Victoria. For 2005-06—the coming year—we are looking at a deficit on what we are meant to have available of 500 megawatts. Last year we had a deficit of 152 megawatts; in 2003-04 we had a deficit of 69 megawatts; and in 2002-3, in that first year after the change of government when all the generation options from the former government were locked in, we actually had a 309 megawatt surplus.

Through ineptitude and inaction, this current minister has taken a surplus of 309 megawatts to a deficit of 500 megawatts. That means that we do not have any reserve in the system should, for example, one of our major power units go down—for example, the Northern Power Station, which has 520 megawatts; the Pelican Point Power Station, which has a capacity of up to 450 megawatts; or one of the big units at Torrens Island. We face very significant widespread blackouts in South Australia during the coming summer, if we happen to be in a joint peak temperature period with Victoria at the same time. And that, of course, as we all know, is likely to happen more particularly in the months of January and February in the period leading up to the election.

We suspect that that is indeed one of the reasons that this government wants to close down the state parliament and various select committees. Certainly, as we will debate later this week, that is not a view the opposition shares. We believe that, if there was to be an impending crisis in the electricity industry as a result of the inaction and ineptitude of the current minister in government, the people of South Australia would demand that not only should the parliamentary committees continue to operate and take evidence but that parliament sits so that ministers can be called to account, to answer questions and to respond to the needs of South Australians in an urgent way.

The other issue raised in the letter from the Electricity Supply Industry Planning Council includes a list of the non-schedule summer capacity, which is essentially wind power. It shows that from 2001-02 there were 97 megawatts available; this year we are looking at 586 megawatts. I think that the select committee of this council should take some credit for getting into the public arena the whole debate in relation to the arguments for and against the wind energy industry. It was through this select committee that difficult questions were asked of the former head of ESCOSA, Mr Lew Owens, and other witnesses, about what the problems might be for this state in relying too much on wind energy as part of its generation options.

I invite members to a look at the evidence from Mr Lew Owens and others which indicated that, because of the non-schedule nature of wind plants in South Australia, they are likely to lead to an increase in the cost of electricity in South Australia. Without thinking, early in its term, this government was heading and continues to head down a path headlong into increasing and improving the number of wind farms in South Australia. It was only through the work of this committee and some sections of the media, who then pursued the issues, that we have now seen at least some sense coming into the debate. The Essential Services Commission, the planning council and other bodies are looking at what needs to be done and, indeed, they are cautioning governments and parliaments against heading too far down the path of wind energy until many of the difficult issues can be resolved.

Certainly, some of the state government's targets or goals in relation to wind farms and wind energy would lead to very significant increases in electricity if they were to come to fruition. I think that it is important that the people of South Australia know that this government is supporting policies which will lead to further significant increases in electricity costs in South Australia. We have already seen a 30 per cent, or so, increase in electricity costs for consumers before competition inevitably set in to at least reduce some of those increases for some consumers.

We need to be very cautious in relation to the wind energy industry. It certainly is a head-nod in terms of most in the community and it has been a difficult issue to get people to think about beyond the head-nod of 'Wind energy is good; therefore we should have more wind energy.' Another thing to note from the Supply Planning Council's response was that, last year when we had a deficit of 152 megawatts, NEMCCO tried to organise what it calls reserve trader contracting and that, put simply, is trying to get businesses and industries who, if they paid a price in January and February, are prepared, when asked by NEMCCO, to turn off their plant and to stop using electricity.

Whilst we had a reserve of 152 megawatts, all they were able to organise was contracts for 84 megawatts of reserve services. Certainly, the industry sources are telling me that there is no way that NEMCCO will get within a bull's roar of the 500 megawatts of capacity that would be required to offset the projected deficit in terms of electricity supply. I know there have been a few grumbles from some—and often opposition members—but I think the electricity select committee needs to continue to work through the coming break, because we need to have continuous updates from NEMCCO and from the planning council about whether or not we are able to see the results of the reserve trader contracting and whether or not they are going to be able to meet this 500 megawatt shortfall.

Finally, in the Supply Planning Council letter to the committee there is a long section on, in essence, the Rann government promise of building another interconnector. Mr President, you will be familiar with the Premier's pledge card where he promised to build another interconnector if he was elected and he promised cheaper power prices. I might say, Mr President, as you know, when he made that promise he certainly knew we were in a national electricity market and he certainly knew that the former government had privatised the electricity industry, and his solution to all of that, so he said, was to build a new interconnector which he had organised with his mate Bob Carr, and that would bring cheaper power prices.

Without going through all of that detail again, obviously we always had some significant concerns and a difference of opinion with the Hon. Mr Xenophon and others, but we always had the view that the Pelican Point power station was the most critical next increment of power and that we ought to do that first and then consider interconnectors after that. The Hon. Mr Xenophon and others took the view that, no, we should put off Pelican Point power station and do the interconnector first.

The evidence to the committee from the former essential services commissioner was quite damning in relation to some of the claims that the proponents of Riverlink made about the benefits. I think there were claims of benefits to South Australia of $1 billion to $2 billion over a number of years. The former essential services commissioner debunked that comprehensively in his evidence, and I will not go through

all of that evidence. In a letter to the committee the planning council also referred to a letter it had written to Mr Lou Owens in December 2001 back when all this debate was going on, and it too has debunked the claims made by the proponents of Riverlink of the benefits being $1 billion to $2 billion. I will quote one brief sentence, where it said that the maximum customer benefit to South Australia was of the order of $50 million net present value over 10 years.

I will not read the whole of the reply. It is not because I do not want to quote the whole lot, but I am happy to enter into a particular debate about it. It is nevertheless consistent with the evidence that the former essential services commissioner Lou Owens gave, where the key point was whether the claims made by the Hon. Mr Rann, the Hon. Mr Foley, the New South Wales government and others were correct, that if we built Riverlink we would see a $1 billion to $2 billion benefit to South Australia, and whether we would see reduced power prices. The answer from the former essential services commissioner was no and, clearly, the inference from the answers given by the Supply Planning Council too are no in relation to that critical issue.

So it is not possible for the committee to have arrived at any conclusions yet. We have a number of key witnesses still to come before the committee. AGL, for example, has not come, and International Power, the operators of the Pelican Point Power Station, are waiting to come to the committee. Certainly non-government members are very happy to continue to work, and work hard, over the December-January period. We are not frightened of hard work. We are prepared to put the interests of South Australians—

The Hon. R.K. Sneath: You haven't done a hard day's work in your life. Bend over a few hoggets and you'll see what hard work is about.

The Hon. R.I. LUCAS: I know why you were bending over a few hoggets, the Hon. Mr Sneath, and I will not go any further with that. I know the Premier of his party is a New Zealander, but I did not think that meant that the Hon. Mr Sneath had to follow him in everything.

The PRESIDENT: Order!

The Hon. R.K. SNEATH: I have a point of order. My point of order is that the Hon. Mr Lucas has never done hard work in his life or bent over to shear a hogget.

The PRESIDENT: There is no point of order. It was an attempt to enter into the debate, I believe.

The Hon. R.I. LUCAS: Mr President, there is no point of order and the *Hansard* will record that he did not say 'to shear a hogget'; he said 'bent over a hogget'. The *Hansard* will record that accurately and reveal that the Hon. Mr Sneath cannot change what he said by way of interjection. The only point I was making is that, in the interests of the people of South Australia, non-government members are prepared to work hard over December and January on some of these committees. We are prepared to put the interests of the people of South Australia before our own personal interests or going fishing or putting our feet up or whatever it might happen to be. We are prepared to put the people of South Australia first and continue to work on these committees.

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

STATUTORY AUTHORITIES REVIEW COMMITTEE: NURSES BOARD

The Hon. R.K. SNEATH: I move:

That the interim report of the committee on its inquiry into the Nurses Board of South Australia be noted.

The committee has decided to deliver its interim report to the Legislative Council because of its concern regarding the current complaints and disciplinary procedures of the Nurses Board. A further comprehensive report will be completed in 2006. The committee heard a considerable amount of evidence describing the current procedures. It believes the present situation has the potential to deny natural justice because of its lack of transparency. Lack of detailed information provided to nurses causes frustration and distress. Initial notification letters give no details of the complaint that is being investigated and tell them absolutely nothing. When there is no finding of unprofessional conduct, the details of the complaint are still not given, and the notification is vague. The committee finds this unacceptable. I understand that some negotiations have taken place between the union and the board to improve the wording of this letter, but up to the time of this interim report the committee has not received any indication of an improvement in the notification sent to nurses when complaints are issued against them.

The committee was also concerned about the lack of hospital training and how that might have an effect on the ability to recruit nurses with a country background, in particular. Most nurses do four years' study at university to get their degree; however, it is possible for one student to be trained in-house in a country hospital. The majority of the committee agreed that it would be ideal if that number could be increased so that country hospitals can provide an opportunity for local school leavers to be trained as a nurse without leaving their local region to go to university.

It is pleasing to see that country students can study nursing at the Whyalla campus, but if they live in any other region of the state they have to travel to Adelaide or to the West Coast to attend the Whyalla campus. Years ago, before it was necessary to attend university to study nursing, many nurses came from poorer families. Nursing is a wonderful profession, as I am sure the Hon. Gail Gago would agree. The Hon. Terry Stephens, whose wife is a nurse, and my wife, who has also been a nurse in this state, would agree. I understand that the Hon. Terry Stephens' wife did her training in a hospital, as did mine. In those days, there was a lot more in-hospital training. We are not saying that we should go back to the old days, but perhaps we could extend the number of vacancies in hospitals to allow for the hospital training of nurses and encourage more employment of regional school leavers in country hospitals.

The report contains a number of recommendations. I will let those who are interested read those recommendations. I take this opportunity to thank all those who gave evidence and put written submissions to the committee. I would also like to thank all the members of the committee and the committee staff. On behalf of the Statutory Authorities Review Committee, which has prepared a number of reports this year and had a very active and busy schedule, I wish everyone a merry Christmas.

The Hon. T.J. STEPHENS: I rise to speak to this interim report on the Nurses Board and, in particular, to make a point which I believe must be addressed urgently. As members would understand, despite the best efforts and intentions of nurses, occasionally complaints are made against them in the course of their duties. This is hardly surprising given the emotional and sometimes heartbreaking situations that arise in hospitals. I believe that the complaints procedure is badly

flawed and quite cruel. The committee found that the initial notification letters give no details of the complaint. The language is adversarial and the letter is couched in legal terms which lack explanation.

Further, when the accused are cleared, there is still no detail provided of the actual complaint, and the notification is quite vague. Sadly, the procedure for dealing with complaints is flawed, in my opinion, because nurses are simply advised that there has been a complaint made against them with no further details provided. They are not advised of the nature of the complaint, who made it, whom it concerns, or even when they may expect some resolution. Often the investigation can take months. In fact, we heard evidence that it could take even a couple of years. Furthermore, many of these complaints are dismissed because our nurses are highly competent and dedicated. Whilst it is important that these investigations be carried out and the facts of the individual cases determined, there is no reason why the process cannot be made more transparent and nurses kept better informed of the procedures involved.

The committee finds that the initial letter sent to nurses is totally unsatisfactory and is against the principles of natural justice. Details of the complaints should be included in the letter while, where possible, still protecting the anonymity of the complainant. The thought that someone could be informed that a complaint had been laid against them and their not being given any details and then have the matter hanging over their head for up to two years—and I have been informed and believe this to be the case—would be an extremely harrowing experience. It is a situation to which our highly valued nurses should not be subjected. It is just not good enough.

Even though this is an interim report, I would still like to take the opportunity to thank those who gave evidence and those who sat on the committee and worked in quite a diligent matter throughout this inquiry and, in particular, Gareth Hickery and Jenny Cassidy for their hard work and support throughout the life of this parliament.

Motion carried.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: UPPER SOUTH-EAST DRYLAND SALINITY AND FLOOD MANAGEMENT ACT

The Hon. G.E. GAGO: I move:

That the report of the committee, on the Upper South-East Dryland Salinity and Flood Management Act 2002, be noted.

The Upper South-East Dryland Salinity and Flood Management Act 2002 came into force on 19 December 2002 and provides the committee with an oversight function for the operation of the act. During this period (2003-04), the scheme commenced by employing staff and consulting with stakeholders in relation to the scheme.

A communication strategy of newsletters, fact sheets, on-site consultation and local forums was initiated to ensure that land-holders understood and appreciated the necessity and mechanisms of the program. It resulted in a high level of acceptance of the scheme by land-holders—at least at that time. This period also saw the initial tendering for construction works, with the commencement of drain construction towards the end of this period. The biodiversity offset scheme was introduced, and this allows land-holders to contribute in-kind towards a key goal, that is, the preservation of natural assets and the re-establishment of native vegetation.

The committee was briefed by departmental staff, and written quarterly reports were provided. The committee also undertook a site visit in September of that period, which included meeting and talking to landowners and a flight over some of the program area. There was general support for the scheme at that time, with no complaints or issues raised with the committee in that period. However, the committee recognises that since this time disquiet has emerged in some parts of the Upper South-East community. In more recent months, evidence has been provided to the committee regarding the potentially poor location of the drains which are soon to be constructed. The committee continues to take an interest in these developments and will be reporting further on this issue at a later date. In conclusion, I acknowledge the work of my fellow members on the committee and also that of the current committee staff.

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

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: EYRE PENINSULA BUSHFIRES

The Hon. G.E. GAGO: I move:

That the report of the committee, on its inquiry into the Eyre Peninsula bushfire and native vegetation, be noted.

The committee, by its own motion, commenced this inquiry in June 2005. As all honourable members are probably aware, the Wangary fire of 10 and 11 January 2005 devastated the lower Eyre Peninsula community, both with the loss of life and the loss of property and income. The committee was interested in determining the effect of the fire on native vegetation and the role native vegetation played in that fire. The committee was also interested in any precautionary action that could be undertaken to reduce the intensity and potential destruction from any future fire. The committee heard conflicting evidence, that is, that native vegetation assisted the fire and that native vegetation slowed the fire. It appears that fire burns faster in grassland but more intensely and therefore slower in native vegetation. This partly explains the difference in the evidence offered to the committee.

The Wangary fire was so fierce and intense that little could be done on the day to stop its progress. The member for Giles (the committee's Presiding Member, Ms Lyn Breuer) was in the area following the fire and observed first hand the destruction caused by the fire. There was little left but blackened earth and scorched trunks. However, as fire is a natural part of the Australian environment, in the days following the fire, the grass trees began sprouting and, on the committee's visit to the region in August, members noticed the regrowth of the vegetation. This highlights how native vegetation has adapted to fire and how resilient it can be. However, this native vegetation needs to be managed to reduce the impacts from future fire. In particular, the fuel load needs to be managed, as this is the main component of a fire that can be controlled. The community needs to actively manage their property, land and native vegetation to minimise the intensity of future fires, and the key is education. The community needs to know how to reduce fire risks by ongoing management of their property, as well as how to cope with the fire itself.

Prescribed burning is a useful and recognised technique that can be used to manage native vegetation and farmland. It is an effective means of reducing fuel loads on the ground

and one that the Department for Environment and Heritage has recently included as part of its management of national parks. However, the committee heard that a conflict exists between the Native Vegetation Act and prescribed burning. The act includes burning within its definition of clearance and it is therefore an offence under the act.

Exemptions can be obtained from the Native Vegetation Council to allow for prescribed burning, but the committee was informed that this is a long and difficult process for landowners to undertake. Therefore, the committee has recommended that the act be amended to allow for prescribed burning and that assistance be provided to landowners with their applications to undertake prescribed burning. Concern was raised with the committee that landowners are losing their skills with respect to burning and that training may be required; however, the committee is not advocating that landowners perform their own burning—only that they are trained to assist other professional fire attendants undertaking a prescribed burning (like a CFS member, for instance).

It is important for there to be a regional approach to native vegetation and fire management, and to this end the committee has recommended that a regional body be established consisting of the Native Vegetation Council, the CFS, local councils and relevant community groups (such as the local bushfire committee and NRM group). This body would be tasked with the preparation of, at a minimum, a five-year strategic regional management plan that incorporates prescribed burning and other native vegetation management. This should consider an ecological approach to burning to minimise the effect on native fauna and endangered species.

There is also a need to have a consistent approach to prescribed burning on both public and private property, and with an overall strategic and regional plan this should be more easily achieved. It is perceived that this group would approve prescribed burns in the area, taking into consideration the management plan for the region. There are also mechanisms that can be put in place to assist on the day of a fire. Strategically located firebreaks and access tracks can play a vital role in fire management, and hence the committee has recommended that current firebreaks and access track locations be identified, that it be determined whether they are wide enough, and whether they are strategically located. The committee further recommends that the regional strategic plan include these and identify where new breaks and access tracks should be located. All firebreaks and access tracks need to be maintained, and the responsibility for this needs to be identified.

The report discusses these and other issues, such as weed establishment and soil degradation, in greater detail, and I encourage members to read the report. The committee heard from 13 witnesses during the inquiry, including evidence from witnesses during the committee's visit to Cummins in August, and it received seven submissions. I would like to take this opportunity to thank all those people who contributed to the inquiry. As a result of the inquiry the committee has made 21 recommendations and looks forward to their consideration and implementation by the government.

I would like to acknowledge the work of my fellow members of the committee: the presiding member, the member for Giles, Ms Lyn Breuer; the member for West Torrens, Mr Tom Koutsantonis ; the member for Light, Mr Malcolm Buckby; the Hon. David Ridgway; and the Hon. Sandra Kanck. I would also like to thank current committee staff, Mr Philip Frensham and Ms Alison Meeks, for their work in preparing this report and for the support they provided to the committee.

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

VICTOR HARBOR, LAND

The Hon. SANDRA KANCK: I move:

That this council calls on the government to place a moratorium on the sale, transfer or disposal of land at Victor Harbor, folio numbers—

City of Victor Harbor—
CT 5756536;
CT 5297742;
CT 5567833;
CT 5563830;
CT 5793293;
CT 5563829;

SA Water Corporation—
CT 5905531;
CT 5905556;
CT 539146

Department for Education and Children's Services—
CT 5467599,

to allow a full community consultation process to take place regarding the appropriate development proposals for the site.

I move this motion as a way of making a statement that the land in question should remain in the public domain. In October I received a letter from Mr John Ruciak, the chair of the Victor Harbor Botanic Gardens Group, regarding their proposal for the land I have designated in my motion. That group's idea (and it is not surprising, given the name of the group) is that it wants a botanic garden set up on the site specialising in the world's endangered plants. Additionally, it is proposing a performing arts centre, and it believes that having these attractions would iron out the troughs of wintertime that occur in Victor Harbor's tourism business. It argues that the problem of treated sewerage in the nearby area can be solved—and it has been a long-term problem in Victor Harbor—by pumping that water for use in these proposed botanic gardens.

I have not yet visited Victor Harbor to speak with the locals about this, so I am not in a position to judge whether the group's proposal is the best use of the land, but I am clear that it should not be used for housing. I understand that there was a public meeting to discuss this and that there was a lot of opposition to the proposal to sell the land to a private developer for that purpose. I have to say, with its closeness to the river, I find it surprising that council or anyone else would consider using this land for housing.

This motion lets the government know that it needs to look at this issue because there are a considerable number of people in Victor Harbor who care about it. Whether or not the proposal of the Victor Harbor Botanic Gardens Group is ultimately the final use of this land, it is to be commended for taking the initiative in making it clear that this land needs to be kept for the community. This is just a first step in ensuring that this land is retained for the people of Victor Harbor and for the state at large.

The Hon. J.S.L. DAWKINS secured the adjournment of the debate.

CENTRAL WEST PRECINCT STRATEGIC URBAN RENEWAL

The Hon. G.E. GAGO: I move:

That the amendment to the Development Plan entitled City of Adelaide—Central West Precinct Strategic Urban Renewal, gazetted on 17 November 2005 under the Development Act 1993 and laid on the table of this council on 29 November 2005 be disallowed.

It is a grim day, indeed, that the ERD committee is forced to take the most unusual and extreme step of having to move this disallowance motion in the council. However, the circumstances surrounding this PAR are certainly extreme in themselves and are quite simply outrageous. One of the Environment, Resources and Development Committee's functions is to scrutinise the amendment of development plans. Each council has a development plan that can be amended to allow for such things as rezoning of land for commercial or residential use. The committee ensures that these amendments (known as PARs) are consistent with the State's Strategic Plan; that the process detailed in the Development Act has been completed; and generally that there is no misuse of the process.

The committee believes that the PAR before us provides one party with a grossly disproportionate advantage over another. It is truly a David and Goliath battle. It is the role of the committee (as parliament's agent) to ensure that the planning system does not produce such unfair outcomes. The PAR in question relates to land associated with the former Balfours bakery and the Franklin Street Bus Station. The committee's interest is in the Balfours site bounded by Waymouth, Morphett, Franklin and Elizabeth streets. The PAR rezones this area as residential. It is owned by the Adelaide City Council which is also the planning authority and which is also planning a high density residential development in conjunction with a joint venturer. The development provides for building heights of 52 metres, which, for those not spatially inclined, is about 17 storeys.

One corner (Franklin and Elizabeth streets) is owned by a third generation crash repair shop, Sitter and Fisher, established in 1944. Even though the PAR has rezoned the area to residential, the crash repairer can continue under existing use provisions. However, the owner is concerned that his right to continue his business will be thwarted by conflict between his business and new residents. He understands the council's strategic plan and its wish to have more people living in the city. He has indicated quite clearly that he does not want to stand in the way of progress, but he does not want to be unfairly disadvantaged. His concern is that it is likely that residents will complain about the noise and fumes from the crash repair shop. I think that is probably a fair and accurate concern, given that that residential block is on the same block as the crash repair shop—in fact, they are side by side.

The EPA will require the crash repairer to exhaust his fumes 'three metres above the highest structure within the radius of 30 metres'. This would mean an exhaust pipe extension of 55 metres. In practical terms, it is obviously quite impossible. It would need authorisation from the federal aviation department. Quite clearly, the crash repairer would be forced out. Adelaide City Council told the committee that 'the minister is the reviewer and approver of this PAR', but the minister was not provided with all facts by the council. It did not highlight the issues raised by the crash repairer. The EPA's initial consultation did not include the fact that the crash repair shop was operating adjacent to the proposed development, and when the EPA was made aware by the crash repairer, it advised against the PAR.

Planning SA informed the committee that the initial advice they provided to the minister did not include the EPA's concerns and recommendation against the PAR. Quite clearly, the council's omission to mention the crash repairer's concerns have influenced its decision. Council argued that it followed due process and made comments such as: 'I guess it relies on the EPA informing itself as to how it wishes to comment.' The committee was not satisfied with these responses. Given the possible perception that the council has a conflict of interest, the committee is clearly of the opinion that this PAR should have been given independent review by the Development Policy Advisory Committee (DPAC). The proposed development before us would be complying development within the new PAR. This means that the crash repairer is given no appeal rights.

The committee initially considered that this matter was a commercial dispute and that we should not be involved. It considered it probable that the developer would want the whole block and would buy out the corner allotment. The committee heard that the only offer for the crash repair business was based on land value and did not include any component for relocation or value for the business (developed over three generations) or, for that matter, compensation for loss of business upon relocation, which would have to be much further out of the city region. It seemed unfair that the proponents of a $400 million redevelopment should not adequately compensate or allow an opportunity to put a case in any jurisdiction. This is not an outcome for good planning, hence the matter is put before the parliament.

In summary, Adelaide City Council—the 'Goliath'—is the owner of the site, is the planning authority, is promoting high density development, has the potential profit share with the joint venturer, and does not have to answer to any appeal process. Sitters and Fisher Crash Repairs—the 'David'—was offered only land value for the business, has no appeal rights and, in all likelihood, will have to relocate due to conflict with new residents. The committee has laid this PAR before both houses and was unanimous in its recommendation that it be disallowed. This will have the effect of the PAR's not being gazetted on 17 November, and the area will revert from residential only to mixed use. I commend this motion to the council.

The Hon. SANDRA KANCK: As the Hon. Gail Gago has pointed out, this is an unprecedented move by the Environment, Resources and Development Committee. The committee has the power to disallow a plan amendment report or we can make suggestions to the minister as to how we think it could be amended. However, in the 13 years of the existence of this committee, this is the first time that the committee has recommended disallowance of a complete plan. It has occurred because this plan for the urban renewal of the Balfours site is one of the most blatant examples I have ever come across of big bureaucracy squashing a small business.

Sitters and Fisher Crash Repairs is located next door to the old Balfours site, and this includes, for instance, a large industrial compressor that is located right up against the adjoining wall. So, there is a huge potential for noise. After I read this material, I went for a walk on Friday and had a look at this area. Because it is a crash repair business, it works with spray paints. It has a spray booth where paint and fumes can be contained but, obviously, when they are mixing paint they get the smell of acetone, and you could smell acetone coming out of the doorways before you even saw the crash repair business. So, it is very clear that there is a huge

potential for conflict between people living in flash units and Sitters and Fisher Crash Repairs.

Sitters and Fisher began the process of communicating its concerns to the Adelaide City Council on 27 January, and was very clear about it. It is hard to understand how Adelaide City Council has ignored it. It mentions that the EPA has buffer separation guidelines for activities involving surface coating, including spray painting. Nolan Rumsby Planners mentions another of its clients (Nolan Rumsby Planners is speaking on behalf of Sitters and Fisher) who had attempted to get a spray booth adjacent to a vacant residential zone and who received a refusal to establish these operations in what was an industrial zone. When one compares it, this was a safer place, in this particular decision, than what the ERD Committee was looking at on Monday. The following is what the EPA said to that client:

> Based on the information provided and information gathered from aerial photography, digital cadastral databases and the relevant development plan, the proposal site does not meet the EPA recommended separation distance of 50 metres between a spray-painting booth and the nearest residential (or other sensitive) premises (that is, the site shares a boundary with a Residential Zone immediately to the south). There is a risk of unacceptable air quality and noise impact on future occupants of the adjoining property in the Residential Zone.
>
> The planning authority is advised to refuse the application or alternatively to consider changing the zoning of the adjoining land so that future development on it does not result in interface impact problems.

One would have thought that, with a letter like that, the Adelaide City Council might have taken this into account. But it did not. Clearly, it chose to ignore this advice. When the council advised the EPA of this plan amendment report, it failed to advise that the business there was, indeed, a crash repairer with the potential for a lot of conflict next to a residence. On Monday when we were questioning representatives from the Adelaide City Council they said that they were aware of the 50 metre buffer zone required by the EPA: nevertheless, they chose to go ahead and basically ignore it.

Another matter that is of some importance is that, in relation to an industry such as this, the EPA guidelines require that the exhaust stack be three metres higher than the adjoining buildings. At the moment, they comply with that quite easily next to Balfours. However, with the Balfours residential development going ahead at a height of 52 metres, Sitters and Fisher will need to have a stack 55 metres in height. The cost for a structural engineer to design something like that would be prohibitive, let alone the cost of building a 55 metre exhaust stack. As I said to Mr Fisher: 'Where would you attach the guy ropes?' If you look at the location of it, you would have to attach the guy ropes in the middle of the road in Franklin Street.

Somewhere along the line, the EPA became aware of the nature of the conflict and it wrote to Planning SA. With respect to the policies of Adelaide City Council and the EPA policies, it said: 'The onus on mitigating air pollution is entirely on industry commerce.' It went on to say:

> This would likely result in the lawfully operating crash repair business being pressured to adopt onerous impact mitigation measures.

The Nolan Rumsby letter to Adelaide City Council also quotes the decision of the ERD Court in relation to proposed housing next to the Grace Emily Hotel. The ERD Court concluded:

> Thus we have come to the conclusion that the construction of the proposed dwellings, by placing a 'sensitive receptor' within six metres of the Grace Emily Hotel, would severely constrain its current operations. In planning terms, and given the provisions of the F2 Western Services Precinct of the Development Plan, this is significant. As we have said, those provisions provide that the precinct 'will continue as the primary location for the city's service and manufacturing industries, as well as wholesaling and other commercial activities that may benefit from a central metropolitan location'. That is the purpose of the precinct. Other users, such as residential, are only acceptable within the precinct if they can be soundproofed to the extent that their existence will not constrain adjacent commercial activities. The evidence satisfies us that, in practical terms, the proposed dwellings cannot be so soundproofed that their very existence is likely to constrain the activities within adjacent commercial premises, namely, the Grace Emily Hotel.

That was pointed out. The whole thing was put in the letter that Nolan Rumsby Planners sent to Adelaide City Council. And yet, with guidelines from the EPA and the ERD Court decision, Adelaide City Council still chose to go ahead and put the plan forward in this way.

When we had Planning SA on Monday, I questioned Ms Simone Fogarty, who is the director of planning policy, about the decision. I asked her whether Planning SA was aware at all times of the guidelines from the EPA. She pointed out that they were draft guidelines. I asked her whether that meant that you do not have to pay attention to them, and she said, 'We tend not to ignore them'. I also reminded her of the ERD Court ruling and asked her whether Planning SA was aware of that; she said, 'Yes'. I said:

> So, despite the fact that there are draft guidelines from the EPA about location of residences as against crash repair businesses and despite the ERD Court decision, planning SA signed off.

Ms Fogarty responded:

> That is not entirely true. The specific issues that were raised by the EPA had actually come in after we had sent the PAR to the minister for consideration. We delayed the minister's signing off on that PAR. He was ready to do that so that we could get this information—this additional information—up to him to be able to consider the matter. So, we did not ignore all this. The extent of the issues were not brought to our attention early enough.

So, okay, it was not early enough for Planning SA to stop it signing off on this particular PAR, but it did have the opportunity to say to the minister (once it got this extra information) to not sign off on it. Mr Zafiropoulos, who was accompanying Ms Fogarty, said, 'Our recommendation to the minister was to support the PAR.' It told the minister to hold off signing, and then it told him to support the PAR.

I am at a loss to understand how it is that Planning SA and the minister have made what is to me a major mistake. In looking at this particular site, you have to consider that it has locational advantage. We were told that there is no other suitable land in the CBD; anywhere else that they try to relocate would have a similar problem. The locational advantage that Sitters & Fisher has is that, if you have had a small bingle in your car, you could come in, drop the car off in Franklin Street in the morning, walk to work, return in the afternoon, pick up your car and drive home. That must be worth hundreds of thousands of dollars in itself. Because there is no land in the CBD, this will mean that either Sitters & Fisher will be closed down as a result of complaints from residents at the Balfour site, or it will be squeezed out of the CBD and have to go out to the suburban area and start again.

As the Hon. Gail Gago said, Adelaide City Council says that the land is worth only $650 000, and it has taken no account of things like those locational advantages and the cost of relocating. It is truly an amazing decision. I am amazed that, under the circumstances, Planning SA did not ask the minister to at least make this a category 3 development so that Sitters & Fisher can, if it needs to, take Adelaide

City Council to court. But it has been made a category 1 development, and here we have a small business that is being totally squashed by the bureaucrats of Adelaide City Council and Planning SA and even the minister. As does the Hon. Gail Gago, I support this motion; it was unanimous. We are appalled at what is being done to this very small company.

The Hon. D.W. RIDGWAY: I rise to support the disallowance of this PAR. As the Hon. Sandra Kanck just said, this was a unanimous decision of the Environment Resources and Development Committee of the parliament. Given that tonight we have a great deal of private member's business to get through, I will not go into much detail. Given that it was a unanimous decision, I think the two previous speakers have canvassed all the relevant points.

It just appeared to me that it seemed quite bizarre that this process was going to disadvantage a small business operator in the city, the Sitters & Fisher crash repair business situated at 190 Franklin Street. The business has been in the Fisher family since about 1955 in those premises, although I think the business started in the 1940s. It did seem somewhat strange and bizarre and not appropriate that the council had bought this old Balfours site and yet had gone into a joint venture to develop it with a high-density residential development, I think in the vicinity of a $400 million development.

As the Hon. Sandra Kanck indicated, for the premises and business to continue to operate and to comply with the guidelines for fume extraction from its spray booth, it would need a flue or a chimney of some 55 metres in height. It seemed quite strange and bizarre to allow that to happen or that it would want that to happen. When I spoke to Adelaide City Council yesterday, I was advised that it could take the developers to court and sue them for the extra cost that would be incurred. That again seems totally inappropriate. I accept that this development concurs with Adelaide City Council's strategic plan of having more people living in the city, and I think we all agree that that is something that the city of Adelaide needs. I refer to the whole process that has been undertaken with this PAR, because some of the evidence we were given was as follows:

> The EPA was initially consulted but not told about the crash repair facility so put in a submission saying there were no real problems.

The fact that the EPA was not told about it in the first place seems as though this was being not 'kept under wraps', but certainly Adelaide City Council did not fully disclose to the EPA the existing land use on the site. I am sure there would be issues with fumes, noise, smell and odour with the premises operating next door to this new residential development. Sitters & Fisher, and the owner, Mr Fisher, as the Hon. Sandra Kanck and I think the Hon. Gail Gago have said, do not wish to stand in the way of progress. We felt as a committee that this was the only mechanism available to us at this point in time to, hopefully, get some sensible resolution to this situation. With those few words, I support the motion to disallow.

The Hon. R.D. LAWSON: I wish to make some brief remarks about this motion and speak strongly in support of it. I do so as a customer of Sitters & Fisher, but not, I assure you Mr President, as a regular customer. However, I have had occasion to use the excellent services of that family business and I think it is an exemplary type of South Australian family business run by conscientious operators, conscientious people, providing an excellent service to the community. They have been located alongside Balfours in what is essentially an industrial quarter of Adelaide, a quarter that is occupied by motor repairers, plumbing merchants and tile and bathroom suppliers, and they have been carrying on a business there for a considerable number of years, yet now the city council decides that it can make more money from a particular development.

I am not against development and neither are the proprietors of this business, but here we see, once again, by the device of a plan amendment report, a small business being screwed. Frankly, this parliament ought to stand up and be counted on issues of this kind. I am happy to declare my interest. I wish to see this business prosper. I do not wish to stand in the way of progress, but I think there ought to be some fairness in the process and, if this parliament is not prepared to stand for that sort of fairness, nobody will.

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

[Sitting suspended from 6 to 7.48 p.m.]

ATTORNEY-GENERAL

The Hon. SANDRA KANCK: I move:

> That the council notes comments made by the Attorney-General to a member of the Let's Get Equal campaign on the night of 21 November 2005.

The genesis of this motion was the passage of the same sex bill on 21 November, a little over a week ago. As it became clear to me that the bill was on the verge of passing, I suggested to my colleague the Hon. Kate Reynolds that we invite the members of the Let's Get Equal Campaign, who were sitting in the gallery behind us, to join us in the members' lounge afterwards for a celebratory drink. The Hon. Kate Reynolds and I then asked a number of other MPs to join us. Shortly after, people started moving into the lounge. At that stage, there were probably about a dozen people in the lounge and a very angry looking Attorney-General strode through the lounge, did not acknowledge me, and just went from one end to the other.

As everyone arrived and settled in, we cracked open the champagne and talked with a great deal of joy about the passage of the same sex bill. Matthew Loader from the Let's Get Equal Campaign proposed a toast—and I think these are the words: 'A toast to all our friends in parliament and to the speedy passage of the bill through the lower house.' After that, Matthew and I continued chatting and he said that as soon as he could he wanted to collar the Attorney-General to talk to him about the passage of the bill through the lower house.

About five minutes after that I was still chatting with Matthew Loader and others when a very grim, ashen-faced Attorney-General came into the lounge. As he did, I welcomed him. I turned around and smiled, and I said to Matthew, 'Well, you wanted to collar the Attorney-General; here he is now.' The Attorney-General ignored me and put himself almost between Matthew Loader and me—although his body was side on to me—and he said something along the lines of, 'I suppose you are congratulating that criminal defamer. You should remember that this bill still has to get through the House of Assembly.'

I took it that the Attorney-General was speaking about me as the next nearest person to me was the Hon. Michelle Lensink, and I was not aware that he had any axe to grind

with her. I also took the second part of his comments to be a threat to the further passage of the bill. I could see that Matthew Loader was visibly shaken by what had occurred. The Attorney-General then stormed out of the room and muttered a comment which was something along the lines of that he knew what some people were up to.

The Hon. R.I. Lucas: What did that mean?

The Hon. SANDRA KANCK: I have no idea.

The Hon. R.K. Sneath: You'll make something up.

The Hon. SANDRA KANCK: Oh don't be stupid, Mr Sneath.

The Hon. R.K. Sneath: You'll make something up. You always do.

The Hon. SANDRA KANCK: I am not making anything up.

Members interjecting:

The Hon. SANDRA KANCK: This was not a discreet conversation between the Attorney-General and Matthew Loader. The Attorney-General has alleged that I was eavesdropping, but it was not a private conversation; everybody in the room stopped talking and heard it and were utterly amazed by it. If he had wanted to have a confidential discussion, this was clearly not the way to do it.

The Hon. R.I. Lucas: If he'd wanted that, he would have rung you at home. He's already done that.

The Hon. SANDRA KANCK: That's right; he has done that before. As the Attorney-General had already walked through the lounge once and seen the gathering of people, he knew who was there. It was a highly deliberate move to come into the lounge in those circumstances and make those comments. I suppose, given the Attorney-General's increasingly erratic behaviour, this latest indiscretion should not have surprised me, but by calling me a criminal defamer the Attorney-General has slandered me. It is quite clear that he has not learnt from past mistakes. Much of the grief that the Attorney is currently suffering stems from his penchant for making defamatory comments. The whole Ashbourne-Atkinson saga began with the Attorney slandering his colleague the erstwhile member for Enfield on radio.

I want to put on record—in case the Attorney-General is worried—that it would be only in the most extraordinary circumstances that I would seek legal redress for an attack on my reputation. I think that politicians generally should be hardy enough to cope with the attacks and the verbal argy-bargy that comes with this job even when it occasionally slides into defamation as it did in this case. We should set an example and use the courts only as a last resort. However, this motion is not about the Attorney's slander of me: rather it is the result of his deliberately misleading the House of Assembly when questioned on the matter, which is a very serious matter. In the Westminster system, deliberately misleading the parliament is metaphorically a hanging offence.

The evidence against the Attorney is damning. On 22 November, the Leader of the Opposition asked the Attorney-General, 'What is the basis for the Attorney-General saying that the Leader of the Democrats in another place is a criminal defamer?' The Attorney's response was, 'I did not speak to Sandra Kanck, and I did not speak of Sandra Kanck.' As I indicated above, I have no doubt the Attorney was referring to me when he made the comment. I have spoken to numerous people who were in the members' lounge at that time and who heard the comment, and each of them has confirmed that they believe the Attorney was speaking about me.

The following day (23 November), the member for Bragg asked the Attorney, if not the Hon. Sandra Kanck, which MP he was referring to when he spoke of a criminal defamer. The Attorney avoided the substance of the question, claiming that he was having a private conversation. I believe both answers are transparent fabrications and deliberately misled the house. Obviously, the Attorney was mindful of the legal implications of his defamatory comments and, when confronted with a choice between either admitting the truth and exposing himself to potential legal action or misleading the house, the Attorney chose to deceive the parliament.

The Hon. P. HOLLOWAY: On a point of order, Mr President.

An honourable member: It is a substantive motion.

The Hon. P. HOLLOWAY: No; it says, 'this council notes comments made'. It does not give the Hon. Sandra Kanck the right to make allegations against a member of another house. It is clearly in breach of standing orders; honourable members are not allowed to malign members of the other house.

Members interjecting:

The PRESIDENT: Order! By and large, it is not acceptable for members to malign members of another house. The matters to which the Hon. Ms Kanck refers are about the statements made and the Attorney-General, and it is a close run thing. I will allow the Hon. Ms Kanck to continue. Whilst honourable members are entitled to put their point of view, they should be as temperate as they can. There is a very proud tradition of dignity in the Legislative Council, which I am sure we all want to protect. However, by the same token, the Hon. Ms Kanck has a substantive motion before the council about issues concerning the Attorney-General, and I will allow her to continue in that vein. However, I ask the Hon. Ms Kanck to be a bit circumspect in the way in which she phrases her comments.

The Hon. SANDRA KANCK: Thank you, sir; I promise to be dignified. The conventions of the Westminster parliamentary system are settled on this point: if the Attorney has deliberately misled the house, he should resign. The only conceivable escape hatch here for the Attorney is to prove that he did not mislead the house, but to use that hatch the Attorney will need to identify exactly whom he accused of being a criminal defamer. So, I challenge the Attorney to respond to this motion by way of a personal explanation in his house and name the person who was in the members' lounge and who he was alleging was a criminal defamer. Failing that, the Premier should sack his Attorney-General.

The Hon. R.D. LAWSON: I rise to speak in support of the motion of the Hon. Sandra Kanck; however, I do have an amendment to that motion in a slightly amended form, to accommodate the suggestion made by the Hon. Sandra Kanck. I move:

Delete all words after 'the night of', and insert, '21 November 2005 and condemns him for recent acts of bullying and intimidation and other behaviour which has brought discredit to the office of the Attorney-General.'

The catalogue of the dereliction of duty of this Attorney-General, of his acts of intimidation and bullying, is so ably demonstrated by the Hon. Sandra Kanck in relation to the particular matter which she wishes to agitate this evening. The very same member spoke to this chamber on 14 September this year in relation to her motion that the special report of the Atkinson/Ashbourne/Clarke Affair select committee be noted. She divulged to the council that on

30 August this year she had a conversation with the Attorney-General and that on that occasion he accused her of corruption and vindictiveness because she had been supporting a select committee duly established by resolution of this council. She went on to say:

> He then proceeded to make the very adolescent threat that: 'What goes around comes around.' He rounded out this unsavoury conversation by defaming another member of the committee.

One's imagination turns to whom the Attorney-General might be referring. The Hon. Sandra Kanck went on to say:

> In short, the chief law officer of this state attempted to bully me, a member of a parliamentary committee investigating the circumstances surrounding this state's first criminal trial for corruption, a trial that involved allegations concerning the Attorney.

The honourable member went on to say:

> Today I am taking a stand. I am saying it is totally unacceptable to attempt to bully or abuse or intimidate people. It should not happen in the schoolyard, it should not happen in the workplace and it should not happen in the parliament. I must say I found it ironic that the Attorney's tirade included defamatory comments about another parliamentarian.

Unfortunately, the member did not indicate which particular member of parliament was the subject of those defamatory comments; perhaps in the fullness of time we will learn.

Here we have an Attorney-General with form. We have heard tonight from the Hon. Sandra Kanck about the outrageous conduct of the Attorney-General after a bill had passed through this place within the very precincts of this parliament, and here we have another distinguished member of this chamber being the subject of a schoolyard bullying attempt by the Attorney-General. His explanation for his unparliamentary and improper behaviour was entirely unsatisfactory. Usually he dissembles and invents excuses, feeble as they are; he avoids confessing that he was wrong, that he has acted inappropriately and improperly. This is not any member of parliament: this is the Attorney-General of South Australia, the first law officer of this state, who is duty bound to uphold the highest standards of probity and integrity.

This man has form. The member for MacKillop, in another place, revealed to parliament yesterday that a citizen—a pensioner, in fact—had been on the Leon Byner show (a well-known show on Radio 5AA), to which the Attorney-General is a frequent listener and contributor. This caller made a call to Leon Byner and then was heavied by the Attorney-General to withdraw or he would sue the pants off him. This gentleman, with neither the assets nor the resources to resist someone holding this high office, promptly had to apologise abjectly because the Attorney-General bullied and intimidated him into having to withdraw.

We have seen the same thing happen in relation to another late night radio caller, who revealed the activities of the Attorney-General at mass at St Francis Xavier Cathedral and who commented on the fact that he regarded certain conduct of the Attorney-General as inappropriate. This was at 1 o'clock in the morning. The Attorney-General was quickly on to him and threatened to sue him. He told this citizen that the full force of the law would come down on his head for making this comment on late night radio.

The Hon. R.K. Sneath interjecting:

The PRESIDENT: Order!

The Hon. R.D. LAWSON: Another frequent caller to late night radio is a gentleman called Fred from the northern suburbs of Adelaide. Unfortunately, he happens to call himself 'Liberal Fred'. He is not a member of the Liberal Party, but he certainly puts from time to time—

An honourable member: How do you know?

The Hon. R.D. LAWSON: He has said on radio many times that he is not a member of the Liberal Party, but he does not like the Attorney-General calling in all the time spinning on how tough this government is on law and order, because Fred is sharp enough to know that what comes out of the mouth of the Premier and the Attorney-General is more often than not just hot air and rhetoric. Now Fred—

The PRESIDENT: Order! This motion concerns the Attorney-General: it does not concern the Premier. The honourable member needs to confine his remarks, otherwise he is out of order.

The Hon. R.D. LAWSON: There is so much to say about the Attorney-General, I do not need to divert into the derelictions of others.

Members interjecting:

The PRESIDENT: Order! This is not pick-a-box. It is not ask a question and give the answer.

The Hon. R.D. LAWSON: The Attorney-General scurried around and found out information about Fred—where he lives, what his name is. The Attorney-General then went on late night radio and said,'I know who you are', and he then named the man and mentioned where he comes from to indicate that he is using his resources to ascertain who some of the people who are calling talkback radio happen to be. He has the ability to find out their identity, and he lets them know that he has the resources of the state and that he is able to intimidate and bully them into shutting up.

The Hon. P. Holloway interjecting:

The Hon. R.D. LAWSON: I do not mind the Attorney-General, similar to any member of this parliament, standing up saying, 'I have been wronged.' What I object to and what is beneath the dignity of the Attorney-General is heavying and bullying people, intimidating them, forcing them to back down under the threat of legal action, using his own economic and other power—

The Hon. J. Gazzola interjecting:

The Hon. R.D. LAWSON: The Hon. John Gazzola says, 'That is what you lot are about.' The Attorney-General does exactly the same thing. Let us take the case of Gary Lockwood, a fine upstanding citizen. He may be a little misguided perhaps in the fact that he has been a member of the Labor Party for 25 years—a little misguided politically—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.D. LAWSON: The Hon. Bob Sneath clearly has not read the statement that Edith Pringle has made, belling the cat on your defamation.

Members interjecting:

The PRESIDENT: All members will come to order. The Hon. Mr Lawson should be aware that any of the deliberations or the evidence before the select committee is not to be referred to.

The Hon. R.D. LAWSON: Indeed, I will not mention the exemplary evidence given by Gary Lockwood, but what I will mention is the outrageous behaviour of the Attorney-General of this state in response to Mr Lockwood's evidence. I heard Mr Lockwood, and anyone who heard him and saw him would know that Mr Lockwood is a patently honest person—a man of great integrity and a man of great courage.

The Hon. R.K. Sneath interjecting:

The Hon. R.D. LAWSON: I must confide in you, Mr President—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.D. LAWSON: —that the cross-examination of Gary Lockwood was undertaken by Bob Sneath 'QC'. Gary Lockwood was far too much for the honourable member. What did we find with the Attorney-General? He came out and defamed the man, condemned him, bullied and intimidated him. The idea was to try to frighten Gary Lockwood off—'Don't you tell the truth. Don't you go out repeating this information, because I will use my parliamentary privilege and the power of my office to silence Gary Lockwood.'

Members interjecting:

The Hon. R.I. Lucas: He never called him a pathological liar, which your mate did.

The Hon. R.D. LAWSON: A pathological liar; I am indebted to the honourable leader.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.D. LAWSON: The behaviour of the Attorney-General in relation to his vicious unprovoked, unwarranted and undignified attack on a witness to a parliamentary committee was something that I have certainly not experienced since I have been in this place, and I doubt that the parliamentary history of this state would have seen such a disgraceful performance by an Attorney-General. And, of course, the form continues. Ms Edith Pringle gave evidence to a committee, which—

The PRESIDENT: You will not refer to.

The Hon. R.D. LAWSON: —which I will not refer to, but which the Attorney-General considered was contrary to his interests. So, what did he do? Did he put the record straight? No. He attacked her personally and said, in effect, that she was a fantasist; that she was someone who was seeking to put herself on the stage. He tried to belittle and denigrate—

The Hon. P. HOLLOWAY: Sir, I rise on a point of order. I seem to recall that the other day members opposite refused to allow me to read out the statement by the Attorney-General. How is it that, if it is not fit to be in here, the deputy leader can refer to it here?

The Hon. R.K. Sneath interjecting:

The PRESIDENT: Order, the Hon. Mr Sneath! The Leader of the Government makes a fair point, but I will allow the Hon. Mr Lawson to proceed with his contribution. However, I am asking him to be extremely careful about how he refers to evidence that is presented to the select committee. He is, indeed, correct to talk about things that the Attorney-General has done outside of the committee, but he is starting to refer to some matters and suggest what the witness has said. He needs to confine his remarks to those areas to conform with the standing orders. I take the point that the Leader of the Government made. However, I do not think it is entirely applicable in this instance.

The Hon. R.D. LAWSON: Thank you for your guidance, Mr President. Indeed, I would like to be talking about evidence given by the Attorney-General to the select committee. However, he has decided that he will not subject himself to scrutiny—

The PRESIDENT: Order, the Hon. Mr Lawson! You are referring to the considerations and the operations of the committee.

The Hon. R.D. LAWSON: If I am, I certainly withdraw that. What I am referring to is the fact that this Attorney-General has publicly denigrated this committee of the Legislative Council as a three-ring circus, and the like, and declined to accept the invitation of the committee to attend before it and put his side of the story. This Attorney-General would prefer to stand outside in the lounge intimidating members such as the Hon. Sandra Kanck—

An honourable member: Female members of parliament.

The Hon. R.D. LAWSON: Female members of parliament. We see in relation to that—

The Hon. T.G. Cameron: I don't believe he intimidated Sandra Kanck.

The Hon. R.D. LAWSON: He tried to—just as he very clearly intimidated Ms Frances Bedford.

The Hon. P. HOLLOWAY: Sir, I rise on a point of order. I have to draw your attention—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Yes, I will.

The PRESIDENT: Order, the Leader of the Opposition!

The Hon. P. HOLLOWAY: Mr President, I draw your attention to standing order 193, which provides:

> The use of objectionable or offensive words shall be considered highly disorderly; and no injurious reflections shall be permitted upon. . . any member thereof, nor upon any of the Judges. . . unless it be upon a specific charge on a substantive Motion after Notice.

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: I put it to you, Mr President, that there is no specific charge in this motion that the honourable member has put, and he certainly cannot do this. It is also reflecting on another member of parliament, namely, the member for Florey—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: But he has not referred to the member for Florey.

The PRESIDENT: I understand what the leader is saying; that the charge is by way of a motion, and I will read it again.

The Hon. R.D. Lawson: Recent acts of bullying and intimidation.

The PRESIDENT: That is what the Attorney is being charged with, minister. Whether he is right or wrong is not for me to decide. However, there is a substantive motion. On the question of the—

The Hon. P. Holloway: It is a specific charge—

The PRESIDENT: They are saying that the specific charge is that it was bullying and intimidation.

The Hon. P. HOLLOWAY: Mr President, I rise on a point of order. The member has referred to a particular accusation against the Attorney-General involving another member of parliament. There is no specific charge, I put it to you, in relation to that matter.

The PRESIDENT: The member has moved his amendment, which incorporates it. On the question of what is being said about the member for Florey, he is not denigrating; he is saying that she is being attacked. So, it is not denigrating the member for Florey—

Members interjecting:

The PRESIDENT: Order! My recollection of what the Hon. Mr Lawson said is that he believes that the Attorney-General, who he is charging with bullying, has intimidated the member for Florey, and he has expressed the fact that he is appalled by that. I cannot interpret from that that he is denigrating the member for Florey.

The Hon. T.G. Cameron: Where is his evidence?

The PRESIDENT: Whose evidence?

The Hon. Carmel Zollo: It's called standing in the Legislative Council. That is his evidence.

The PRESIDENT: Truth has never been an absolute requirement in a parliamentary contribution.

The Hon. R.D. LAWSON: Silence is often the very best evidence, and the silence of the member for Florey in relation to this matter has absolutely proved beyond doubt the accuracy of the charges that have been made against the Attorney-General on this score. He has once again dissembled and said that he has had only one or two conversations and that he would not have intimidated or bullied any member of the Australian Labor Party or any other woman. We know, from the Hon. Sandra Kanck, that he has form in bullying women, and it would be no surprise to anyone to know that he would be bullying members of his own party, especially in the particular circumstances described.

The PRESIDENT: I believe 'allegations of bullying' is probably a more appropriate term. 'Bullying' is quite conclusive. The Attorney-General is alleged to have bullied these people. I am sure that the Hon. Mr Lawson, with his word craft and great experience, is able to express himself in a manner that fits within those guidelines.

The Hon. J. Gazzola interjecting:

The Hon. R.D. LAWSON: The Hon. Mr Gazzola suggests that none of these charges have been proved. In the court of public opinion each and every one of these charges has been proved against the Attorney-General. It is not only in the court of public opinion—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.D. LAWSON: Anybody who happens to know the Attorney-General and his modus operandi, and hearing—

The Hon. T.G. Cameron: I know him better than anybody in this room.

The Hon. R.D. LAWSON: The honourable member says that he knows him better than anyone in this room. Perhaps he has tried to heavy the member who knows him better than anyone else; perhaps he has not. Perhaps he is not game to intimidate the Hon. Terry Cameron. Perhaps he saves his bullying tactics for the women and people whom he feels he can intimidate. Pensioner and talkback radio callers are the sort of people—

The Hon. R.I. Lucas: You've got a few things on him, though; that's why he will not bully you.

The Hon. R.D. LAWSON: Yes; indeed—

The PRESIDENT: I will be invoking rule No. 303 before much longer.

The Hon. R.D. LAWSON: There are not many people who are prepared to attack the Hon. Terry Cameron.

The Hon. J. GAZZOLA: On a point of order, Mr President: the honourable member has made the accusation that the Attorney-General reserves his bullying for women only. I find that highly offensive, and I am sure the Attorney-General will find that offensive. It is an absolute disgrace, and I ask him to withdraw.

The Hon. R.D. LAWSON: I am very happy to withdraw that, because many of the people whom I have indicated tonight and who have been the subject of the bullying and intimidation of the Attorney-General have been males. The pensioners who call in to 5AA and are heavied by the Attorney-General and are bullied by him—

Members interjecting:

The PRESIDENT: I appreciate the member's withdrawal.

The Hon. R.D. LAWSON: So, I do apologise for suggesting that the Attorney-General limits his bullying only to women. He is quite prepared to do it to anybody who stands in his way. We know from—

The Hon. R.K. SNEATH: I rise on a point of order. The Attorney-General has not been found guilty of bullying anybody, yet the honourable member said that he bullies both men and women when it has not been proven that he has bullied anybody. I ask the honourable member to withdraw those comments.

Members interjecting:

The PRESIDENT: Order!

The Hon. T.G. Cameron: Your loyalty surprises me.

The PRESIDENT: Order! The Hon. Mr Cameron will cease to enjoy himself. I have drawn the council's attention to the fact that no proof has been presented that these alleged bullying incidents have occurred. The Hon. Ms Kanck is firm in her conviction and allegations, but there has been no determination—

The Hon. T.G. Cameron: When has the truth been a necessary requirement for passing a resolution in this place?

The PRESIDENT: Since they wrote the standing orders. The Hon. Mr Lawson will proceed with his customarily cautious remarks.

The Hon. R.D. LAWSON: Another indication of the fact that the Attorney-General is guilty as charged is that it is only the Hon. Bob Sneath who is prepared to jump to his defence. The office of Attorney-General is unique in our constitutional system.

The Hon. P. Holloway: Look at their new president; Chris Moriarty will be gone before Christmas.

The Hon. R.D. LAWSON: Talk about new presidents! We know whom you have in mind. Talk about trying to stab presidents in the back. Talk about presidents!

The Hon. R.K. Sneath interjecting:

The Hon. R.D. LAWSON: Yes; we know about you and the presidents, and what you have been doing, Bob. The office of Attorney-General is a unique office in our constitutional structure. Although the Attorney-General is a member of parliament and the executive, he has wider duties to the public to uphold truth, integrity and the highest standards of probity and behaviour. This Attorney-General has failed lamentably in the performance of his duties. His behaviour is bringing discredit not only to the office of Attorney-General but also to this parliament and certainly to this government. He is an absolute disgrace.

Honourable members: Hear, hear!

The Hon. J.M.A. LENSINK: I rise in support of this motion as a witness to the incident which is referred to in the original motion. The incident as outlined by the Hon. Sandra Kanck took place in the Legislative Council members' lounge on the evening of 21 November. Clearly, there were a number of people in the lounge at the time. As somebody who had voted in favour of the bill I had been invited to join the group, and I must say that I had observed the presence of the Attorney-General throughout the debate at various times in the public gallery. I understand that the House of Assembly rose early that evening, so the Attorney-General must have taken particular interest in this bill and was around to follow the debate and its final outcome. I had seen him a couple of times in the lobby area and, at the time of the incident to which this motion refers, I was standing in very close proximity to both the Hon. Sandra Kanck and Matthew Loader of Let's Get Equal. In addition to what the Hon. Sandra Kanck said (in which I concur), the Attorney-General burst into the room and, without making eye contact with anybody (which, for a politician, I find unusual), made those remarks, then made some other remarks which were inaudible

to me, and then left the room very suddenly. I would have to say that the rest of the conversations in that room went very quiet as we all looked at one another and made comments of the kind, 'What the hell was that about?'

The Hon. R.I. Lucas: Why did the Attorney call the Hon. Sandra Kanck a criminal defamer?

The Hon. J.M.A. LENSINK: Yes, indeed; why did the Attorney-General call the Hon. Sandra Kanck a criminal defamer? Having been a witness to that event, I found the Attorney-General's response of 22 November, the following day, where he said, in reply to a question from the Leader of the Opposition, 'I did not speak to Sandra Kanck and I did not speak of Sandra Kanck', in particular the second half of that, 'I did not speak of Sandra Kanck', does not accord with the understanding of people in that room. Further in another question the next day where he says that she was eavesdropping, if that is the case I must confess that everybody in the room was also eavesdropping. It was not the sort of remark made in a private conversation. It was a remark which was made quite loudly, which was intended to convey a particular view and which was not the sort of temperate comment that one would expect of someone if they were trying to have any sort of conciliatory conversation.

In respect of the Relationships Bill, I think it is fair to say, and it is probably well known among many members in this parliament, that I have had somewhat of a difficult time in the passage of that bill because some of my intentions and, indeed, the amendments that I moved to that bill were misrepresented by a group that is outside of this parliament. I would also have to say that comments were reported back to me in relation to this particular bill which have been attributed to the Attorney-General. I understand—and he may like to comment on this personally—that the Attorney-General spoke to the Hon. Andrew Evans and told him that he was irrelevant, because the government had done a deal with Michelle Lensink to pass the bill. As I stated in the third reading—

The Hon. CARMEL ZOLLO: On a point of order, Mr President, how does this go to relevance of the substantive motion?

An honourable member interjecting:

The Hon. CARMEL ZOLLO: He was not even speaking to her.

The PRESIDENT: I think relevance is starting to become an issue.

The Hon. CARMEL ZOLLO: A very big issue.

The Hon. J.M.A. LENSINK: I would argue that it cuts to some of the issues that are being debated in the context of this motion. I stated that night and I will state again that I did no such deal, that I sought in good faith to find some amendments which would realistically encompass the needs of the domestic co-dependants, so I found that those comments of his gave me some distress. I have had to reassure people outside and within this parliament that I have done no such deal but that I have sought very honestly to accommodate domestic co-dependants.

I also have referred in the context of that relationships debate to comments that the Attorney-General made about me before I had even entered this parliament. I am no shrinking violet. If I were a shrinking violet I would not even bother entering this place but, being an endorsed member facing an internal preselection with the Liberal Party and finding that the Attorney-General had made remarks to me in a public meeting on the steps of parliament to a number of members of the public and, potentially, members of my preselection college—

The Hon. R.K. SNEATH: I rise on a point of order. What does that have to do with the motion whatsoever? Is this an opportunity to get up and sling at the Attorney-General on any personal matter that might be worrying those thin-skinned people over the other side?

The PRESIDENT: Order! You have raised the question of relevance. The relevance is that this motion is about bullying and intimidation. The Hon. Ms Lensink is making the connection, and it is her allegation that it has happened on more than one occasion.

The Hon. J.M.A. LENSINK: Indeed. It is not an issue I had ever intended to raise in this parliament, but some people have the expression, 'I will not forget these things' and in the context of more recent behaviours I think it is perfectly relevant to raise these issues.

I also find it interesting that members opposite who have been denigrating the federal coalition government's industrial relations reforms and who would cite with hand on heart using fine words the differential in power relationship suddenly find that in the context of this motion it does not matter. A number of members have said that there is a bit of a pattern here, that there are women and there are talkback callers who are pensioners and there are other people as well who do not have the same social standing as the Attorney-General. I ask members to honestly examine all of the matters and decide for themselves whether this issue is worth considering and this motion worth passing. I would stand here as a witness and somebody who has been here for some 2½ years, who has had quite a bit of experience in politics and who is no shrinking violet, but I have found that this also has been my experience. I think it is a disgrace and it brings us all into disrepute.

The Hon. P. HOLLOWAY (Minister for Industry and Trade): Mr President, there is something that is putting the Legislative Council very much in disrepute and that is the fact that, on the second-last day scheduled on the 50th parliament, when this parliament has bills on it about terrorism and a number of other government bills, we have spent nearly an hour talking about gossip that has gone around the chambers. We have had an attack on the Attorney-General of this state, because the Attorney-General has dared to defend himself against defamatory comments. What we have had is the absurd proposition from the would-be Attorney-General of this state saying, 'How dare the Attorney-General, if he is maliciously defamed on a radio station, ask that person to retract those defamatory comments.' What have we got to? Where are we going? We have a motion that is going to do it. This is absurd. If members of the public want a good reason for abolishing the Legislative Council, they have got it tonight. Let us get on with some government business and end this rubbish.

Members interjecting:

The PRESIDENT: Order! I know that the Leader of the Government is frustrated, but repeated remarks about abolishing the Legislative Council because of the actions of its members in the pursuit of their duties comes very close to breaching standing orders. Without commenting too much on it, it is disturbing that we are talking about a motion which refers to a conversation that took place in the members' lounge, which has always been an area that we have tended to avoid. However, the motion is before the chair and it is in order.

The Hon. KATE REYNOLDS: I also rise to support the motion. I was one of the members of parliament who hosted that sedate but nonetheless gay celebration in the members' lounge on that night. I was in the room when the Attorney burst through the doors, I would have said white-faced with rage. My colleague described him as ashen-faced, but clearly this person was very angry. Based on my understanding of his feelings about the passage of the bill, it was quite plain that he had come to make his views known, whether verbally or non-verbally.

I quickly returned to the other end of the room to rejoin a conversation there. As members know, this is not a very large room. I did not hear precisely what the Attorney said, but I was there to witness the immediate reactions of everybody in the room as he turned on his heel and left with a very vigorous opening and closing of the doors behind him. Nobody in that room could be left in any doubt that this person, who happened to be the Attorney, was very angry and did not care who knew it.

I endorse the accounts given by the Hon. Michelle Lensink and my state leader the Hon. Sandra Kanck and say that I am incredibly ashamed that members of parliament cannot host a gathering of citizens of this state in the members' lounge without the fear that another member of parliament who is not getting his own way will come in and behave in that way. I fully support the motion.

The Hon. R.K. SNEATH: I move:

That the debate be adjourned.

The council divided on the motion:

AYES (5)

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

NOES (14)

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

PAIR

Roberts, T. G.	Redford, A. J.

Majority of 9 for the noes.

Motion thus negatived.

The Hon. A.L. EVANS: I do not have a major amount to add to this debate, but I do want to say that the Attorney-General did not say to me that he had made a deal. What he did say was that I was irrelevant and that he had the support of the upper house, but he never mentioned the word 'deal'—I said that.

In order to bring my perspective to the matter, the second thing I want to say is that, probably after what happened in that room, the Attorney came down to see me. Either the Attorney is a brilliant actor or he is able to change quickly, because when he came to see me he was not angry. We sat and talked for about half an hour and, although we took opposite views on this subject, there were was no raised voice or anger. The Attorney was quite calm—and that was almost straight after this other incident. I just wanted to throw that into the debate.

The Hon. T.G. CAMERON: I know honourable members would be disappointed if I did not have something to say about this matter. I will first turn my attention to the resolution moved by the Hon. Sandra Kanck, which states:

That this council notes comments made by the Attorney-General to a member of the 'Let's Get Equal' campaign on the night of 22 November 2005.

It is always difficult for people who were not there to know exactly who said what and what replies were made, etc.; I think lawyers call it hearsay. I am surprised the Hon. Robert Lawson did not use that term when he was making his contribution to this council. I have very fond memories of the night of 22 November 2005. I was leaving about half an hour early, and I proceeded to walk through the Legislative Council lobby, as I usually do. I was in a daydream, as I often am, and I got to the door, looked up and there were crates of champagne—at least two dozen bottles of champagne—

The Hon. Sandra Kanck interjecting:

The Hon. T.G. CAMERON: I thought it was great; I am not being critical. Everyone was invited into the room. The Democrats, under Sandra Kanck's leadership, had been after this bill for 15 years, so I am not blaming the honourable member in any way whatsoever for having a big celebration. I do not know what transpired during the incident with Michael Atkinson, and I do not know for how long they had been celebrating. However, I looked up and I thought, 'Oh my God, what am I walking into here!'. However, I had already taken the first step into the room, at which point a number of the invited guests came over to me and shook my hand and thanked me for all the support I had given them in getting the legislation through, and I told them that it was my pleasure. At that point, the Hon. Sandra Kanck walked up and, on hearing her invited guests thanking me profusely for all my support in getting the bill passed, I thought for a moment or two she was going to throw up. I think we exchanged a few pleasantries, and I said hello to a few other people. I then proceeded on my way. I would have loved to stay, but I was not offered a drink, so I kept going. I am not sure what transpired after that.

I am always reluctant, as a matter of principle, particularly when it involves politicians, to support resolutions which talk about who commented on a matter, who said this and who said that. Whilst I note that Sandra Kanck's resolution is akin to being flogged with a wet lettuce, I am very concerned about the amendment moved by the Hon. Robert Lawson, which completely transforms the resolution moved by the Hon. Sandra Kanck. We need only look at some of the wording, such as 'condemn', 'recent acts of bullying', 'intimidation' and 'other behaviour'. I am not quite sure what other behaviour he is referring to; he may have referred to that in his contribution and I was not in the chamber. These are very serious charges, and one cannot help wondering why the Hon. Robert Lawson, as gifted as he is with the English language, should resort to what I would call a pretty base resolution, using language such as 'bullying', 'intimidation' and 'other behaviour'.

I listened very carefully to some of the examples that the Hon. Mr Lawson outlined and, quite frankly, whilst I am not a QC, I am not sure whether most of the comments made would stand up in a court of law. Based on the evidence I have heard here tonight, I cannot believe that, on a reasonable doubt finding, a jury would find Mr Atkinson guilty of bullying or intimidation—and, of course, we do not know what is meant by 'other behaviour'. He may well have been complimenting someone, I do not know.

I have been reading, listening to and watching the stories that have revolved around Michael Atkinson for some time now. I have probably known him for longer than anyone in this parliament (I think Michael and I go back some 30 years), and I am sure he will not mind me saying that I was instrumental in securing his preselection to come here—I hope the Hon. Robert Lawson is not going to move a resolution condemning me for that!

An honourable member interjecting:

The Hon. T.G. CAMERON: No; it was just a factional deal between the centre left and Labor unity, but Mick had his detractors and there was a concerted campaign by the left to prevent him from coming into this place. The world has changed, and the ALP has changed a bit along with it, but back in those days the right wing faction (led by Don Farrell) and the centre left faction (led by myself) were belting the crap out of the left, and Michael Atkinson subsequently won his preselection very easily.

I want to make a couple of comments, and I do this with the full knowledge that I am not going to influence the outcome of the vote; everyone seems to have made up their mind with what I would call a politically charged resolution. I have known Michael Atkinson for some 30 years, and I will go a lot further than the Hon. Andrew Evans did and say that in all the time I have known him I have never known Michael Atkinson to bully or intimidate a woman—unlike many of my ex-Labor colleagues (and I am not looking at anyone in particular). I would refer to Michael Atkinson as a gentleman, a man who conducts himself with dignity and grace—in particular, amongst women. I am surprised and flabbergasted to hear this. I cannot imagine, for example, that Michael Atkinson would swear in front of a woman—I am not even sure I can recall ever having heard him swear or use profane language, unlike myself and some of my former colleagues. He does not swear, and I have never heard him use abusive language in front of a woman.

The Hon. R.D. Lawson: I have not heard Frances Bedford coming to his defence.

The Hon. T.G. CAMERON: Again, I have probably known Fran Bedford longer than anyone in this place and she has not complained to me. I sit next to her on the Social Development Committee and I raised the subject with her. Maybe she is being a loyal Labor Party supporter and has closed ranks; I do not know and it is not for me to judge. However, if she is, it is nothing less than anyone I am looking at now would do in the same situation.

The Hon. R.D. Lawson interjecting:

The Hon. T.G. CAMERON: No; I am just making the observation that, if she is, she is probably doing no more or less than anyone else in this place would do in a similar situation. I have always known Michael Atkinson to be a gentleman; he has never tried to intimidate or bully me. I have probably been present at hundreds of meetings with Michael Atkinson over a 25-year period—

The Hon. R.D. Lawson interjecting:

The Hon. T.G. CAMERON: No; he has never called me a criminal defamer—in fact, as I have indicated, he has never intimidated, bullied or insulted me. He has always been most cordial. In fact (and I will say something that will damn him in front of his own colleagues), since my departure from the Australian Labor Party Michael Atkinson has treated me exactly the same way that he has for the previous 20-odd years; that is, he has treated me with respect—again, unlike one of his colleagues who has now left the chamber. Be that as it may, I will listen to the debate a little further in relation to what the Hon. Sandra Kanck says. She is only noting what happened, but my reservation in supporting even the Hon. Sandra Kanck's resolution is that we are accepting, without a right of reply, that Michael Atkinson is guilty. I believe we are acting like judge,jury and executioner here.

The Hon. Robert Lawson referred to the fact that the Attorney has declined an invitation to appear before various select committees. Well, I am sure that the Hon. Robert Lawson does not need reminding (and the Hon. Robert Lucas would know exactly) that the Hon. Michael Atkinson has done nothing more or less than his predecessors from both political parties have been doing for decades. In other words, members of the lower house do not appear before our committees and—

The Hon. R.D. Lawson interjecting:

The Hon. T.G. CAMERON: I have just been corrected, but I am afraid Lyn Arnold was always a bit of a soft touch. I do not know how you got him there. I can tell members that, if I was in Michael Atkinson's shoes, I would not come before your committee, either. I do not place much store on that at all. I will not take up any more time. I am very reluctant to support a resolution which is inherently political. It is about damaging Michael Atkinson. Something I have always wondered about Michael Atkinson is that he always seems to draw the crabs. I do not know whether it is his style, his manner, or what have you, but he has always had his detractors and it has never deterred him. I indicate that I do not intend to support the amendment moved by the Hon. Robert Lawson and, unless the Hon. Sandra Kanck can pull some rabbit out of the hat, I will not be supporting her motion, either. It is probably time we dealt with this and moved on to more important business.

The Hon. R.I. LUCAS (Leader of the Opposition): I rise to support the motion and also to support the amendment that has been moved by my colleague (Hon. Robert Lawson). It is with some sadness that I rise to speak to the motion because I would have to say that the experience of this Attorney-General over the past four years leads me to the conclusion inevitably that he is without doubt the worst Attorney-General this state has ever had in terms of his overall performance, but in particular his performance in relation to the sorts of issues that the Hon. Sandra Kanck has raised this evening. Whilst I acknowledge the views that the Hons Mr Evans and Mr Cameron have just put, the issue of bullying and intimidation of women is one that I think male members of parliament need to at least endeavour to see through the eyes of a woman.

It may well be to the male of the species that such behaviour is not seen to be bullying or intimidation. However, what we have had over a consistent period now of some weeks is a number of women, in particular female members of parliament, who have indicated that they have felt bullied or intimidated in terms of the behaviour of the Attorney-General; or, in relation to one other member of parliament, where evidence has been given that is the response of that member, and that member so far (for almost a month) has chosen not to respond to a series of allegations that have been made about that member's behaviour, even to the extent that we understand that questions were asked in another place about whether or not that member felt so bullied and intimidated that that member had taken action to bar telephone calls from the Attorney-General.

I think it is important (and the Hon. Michelle Lensink has referred to this indirectly in her references to federal

industrial relations legislation) to indicate that the whole issue of bullying and intimidation from the female perspective is something which it is difficult for the male of the species to understand. I can understand the Hon. Terry Cameron saying that the Attorney-General would not endeavour to bully or intimidate the Hon. Mr Cameron. The Hon. Mr Cameron has too much on the Attorney-General going back over 20 years for the Attorney-General of this state to try to put one over the former state secretary of the Australian Labor Party who organised his preselection, as he indicated this evening. He knows (if I can use the phrase) where the skeletons lie within his party and his side of the political fence. It is interesting that we are not hearing stories of the Attorney-General's confronting the Hon. Robert Lawson or me in the forums of parliament and accusing either of us of being a criminal defamer—accusing a member of parliament of a criminal act. He has reserved those accusations for the Hon. Sandra Kanck, the Leader of the Australian Democrats.

As the Hon. Sandra Kanck will know, over the years we have enjoyed (if I can use that phrase) vigorous disagreement on a number of issues. I can certainly say that I have never called her a criminal defamer, or, I believe, personally accused her of criminal action in any way in relation to her approach to politics and to the issues that we might have debated in this chamber. I think it is beneath contempt, if I might say, to have members of this government, in essence, suggesting that the Hon. Sandra Kanck is telling porky pies (as they interjected) and that she has just made up this accusation in an endeavour to cause trouble for the Attorney-General. As I said, whilst I have enjoyed vigorous disagreement with the Hon. Sandra Kanck over the years, I have never known her to stand up in this place and deliberately tell an untruth or concoct a story for her benefit or a political issue.

I have vigorously disagreed with her approach or her views on issues. I might have vigorously disagreed with how she has arrived at conclusions, but in my time I have never experienced a situation where she has come into this chamber and deliberately made up a story, as government members have suggested this evening, for the sake of trying to cause grief for the Attorney-General of this state. That is what government members—the leader and the backbenchers—have been suggesting; that is, in some way that is what the Hon. Sandra Kanck has done and, indeed, what my colleague the Hon. Michelle Lensink has done when she said that she was there and overheard the same conversation. They have been suggesting that she, too, in some way has been part of this conspiracy to concoct a story to cause grief for the Attorney-General. The reality is that you do not have to concoct stories to cause grief for this Attorney-General, because he is quite capable of doing that himself, as we have seen over the past few months.

The Hon. Michelle Lensink has recounted her own experience in relation to an earlier issue, which is entirely within the construct of the amendment that the Hon. Robert Lawson has moved. It may not appear obvious to the Attorney-General or, indeed, government members, including the leader. The Hon. Bob Sneath said that they are just thin-skinned or they are telling porky pies and making up stories. However, there are too many female members of parliament—Labor, Liberal and Democrat, evidently—who are publicly adding testimony and evidence to this accusation against the Attorney-General and, in another case, through that member's silence for almost a month and the fact that that member has taken out a Telstra bar, evidently, to try to prevent the Attorney-General from ringing her, such is the feeling that that member—

The Hon. P. Holloway: How do you know?

The Hon. R.I. LUCAS: It certainly has not been denied.

The Hon. P. Holloway: It has not been denied, so it's true?

The Hon. R.I. LUCAS: It has not been denied.

The Hon. P. Holloway: It has not been denied, so it's true—

The Hon. R.I. LUCAS: Why does the leader not ask her?

The Hon. P. Holloway: I might do that.

The Hon. R.I. LUCAS: Yes, exactly. It has been a month. The Premier, supposedly, has not asked the member. Here we have a very serious accusation being made against the Attorney-General and, supposedly, the Premier of this state and the Leader of the Government in this chamber have not even taken the action of discussing the issue with the member, who, if the allegation is true—

The Hon. P. Holloway: I've got better things to do with my time.

The Hon. R.I. LUCAS: Exactly. The leader is not concerned about the feelings of a female member of his caucus. He has better things to do with his time. Let it be on the *Hansard* record that that is the attitude of the Leader of the Government in this chamber; that he has better things to do than be worried about the concerns—

The Hon. R.K. Sneath: We haven't got any female members who are that thin-skinned.

The Hon. R.I. LUCAS: Thin-skinned? So, now there is another accusation against a female member of your own caucus.

The Hon. R.K. SNEATH: I rise on a point of order, Mr President. What I said was, 'We haven't got any female members of parliament—

The PRESIDENT: Order!

The Hon. R.K. SNEATH: —who are that thin-skinned.'

The PRESIDENT: Order! Dissent is not a point of order. It never has been, and it never will be.

The Hon. R.I. LUCAS: You have a female member of your caucus is who is so concerned that she has taken action to bar telephone calls from the Attorney-General to that member. You may well say that she is thin-skinned or you may well say that she is telling porky pies—

The Hon. R.K. SNEATH: On a point of order, Mr President, I did not say that she was thin-skinned—

The PRESIDENT: Order!

The Hon. R.K. SNEATH: —I said that we haven't got any—

The PRESIDENT: Order!

The Hon. R.K. SNEATH: —female members of the Labor caucus who are thin-skinned.

The PRESIDENT: Order! The Hon. Mr Sneath may dissent, but if he is going to call a point of order he will have to refer to the standing order—

The Hon. R.K. Sneath interjecting:

The PRESIDENT: Order! The member cannot debate it. Dissent is not a point of order. The Hon. Mr Sneath will have the opportunity to make a contribution if he likes, and then he can correct the record.

The Hon. P. HOLLOWAY: Mr President, I have a point of order. The Leader of the Opposition should not be referring to my colleague as 'you'. He should be referring to him by his proper title.

Members interjecting:

The PRESIDENT: Order! The leader will cease his intimidation by referring to the member as 'you' and refer to him as 'the honourable'.

The Hon. R.I. LUCAS: I have been beaten to death by the Leader of the Government with that very powerful point of order. We on this side of the chamber are more concerned about the perception of female members of parliament regarding their interactions with the Attorney-General than the Leader of the Government or the Premier or, indeed, the Hon. Mr Sneath. We do not mind being labelled as such. If a number of different people express concerns about the behaviour and the actions of the Attorney-General toward them, they ought to be listened to, and some heed should be given to the issues that they raise rather than just accusing them of telling lies, as some government members have done.

This is the same Attorney-General who, on a weekend, rings the Hon. Sandra Kanck at home—and I will not go through all the detail again; it is on the public record. He is not game enough to ring me at home or, indeed, the Hon. Rob Lawson, or some of the other male members of parliament, to abuse us on a weekend. However, obviously, he is quite happy to ring the Hon. Sandra Kanck at home to abuse her for what he believes was wrong about her behaviour at the time. As I said, it is with some sadness that these issues have to be placed on the record because of their continuing use by this Attorney-General. It is not just one incident: we now have a series of incidents—

The Hon. P. Holloway: There is no hard evidence you have, and you are frustrated. That is what it is all about.

The Hon. R.I. LUCAS: No hard evidence? The Hon. Sandra Kanck was there; the Leader of the Government was not. If he wants to talk about hearsay, the Leader of the Government has no idea of what occurred that evening, because he was not a party to the conversation—indeed, I was not there, either. However, we have three members who were there. Those members—the Hon. Sandra Kanck, the Hon. Kate Reynolds and the Hon. Michelle Lensink—have given their versions of the story, which the Leader of the Government is not in a position to dispute. He was not there, so he does not know.

The Hon. P. Holloway: So what?

The Hon. R.I. LUCAS: 'So what', he says. The Leader of the Government now says, 'I was not there. So what?' We have people who were there, and he is contesting their version of the events and now, once he is caught, he then says—

The Hon. P. Holloway: What is your charge?

The Hon. R.I. LUCAS: Bullying and intimidation. Cannot the leader read the amendment? Does he want me to read it to him? The Leader of the Government knows what the charge is against the Attorney-General. As the deputy leader of the opposition has outlined (and I will not go through the detail again), he has extended that beyond female members of parliament to pensioners and people in poor health and others who ring up talk-back radio stations. The Leader of the Government—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: Here we go; the Leader of the Government asks how dare I. It is all right for the Attorney-General to defame people on talkback radio—

The Hon. P. Holloway: No; it is not all right.

The Hon. R.I. LUCAS: Well, thank you. The Attorney-General defamed me on talkback radio on 5AA—

The Hon. P. Holloway: Why don't you take action against him?

The Hon. R.I. LUCAS: Because I am not going to do that, because that is the behaviour of the Attorney-General. He made a series of allegations about me in relation to what he claimed I had said in the parliament about the Hon. Chris Sumner, which was untrue, and which he knew to be untrue. When talkback callers complain about having been bullied and intimidated by the Attorney-General, the Leader of the Government, of course, is quite happy to defend him after the Attorney-General defamed me and, indeed, defamed others through his behaviour and actions on talkback radio. As the Hon. Sandra Kanck said, part of all of this has come about—and we cannot refer to the evidence before select committees—as a result of defamation action taken against him regarding an issue on a talkback radio call that he had.

The Hon. P. Holloway: You know that the legal advice is that there is no case.

The Hon. R.I. LUCAS: I do not know what the legal advice was. I have not heard the legal advice. I have heard claims about what it was, but I have not heard any legal advice at all. The deputy leader of the opposition has expanded the group of people who believe that they have been bullied or intimidated—indeed, they have signed statutory declarations to that effect—and those issues have been raised in another place in the past week. Again, we have the Attorney-General saying to the house, after the first one, when he was asked whether or not there were others whom he had contacted in the same way, 'No'. Then, of course, he was asked the question, and he had to concede that his first answer was wrong and that, indeed, there had been others, because there was another statutory declaration about him.

In conclusion, when I first met the Attorney-General as he was then, the shadow attorney general, I thought he was an amiable, well-meaning buffoon. I did not think that he would ever be the Attorney-General, the chief law officer of the state, and I consoled myself with the thought that he could not do too much harm. I must say that it has come to the situation where, frankly, I do not believe any of the things that the Attorney-General says either to the parliament or publicly. In relation to the issue of bullying and intimidation, we have seen a number of examples where he has not told the truth. The charge that we make—a very serious charge—is in relation to bullying and intimidation and that, in relation to them, he has not told the truth about the issues. Indeed, in terms of evidence in other areas to which we cannot refer, it is clearly my view that he has not told the truth to the parliament or to the community.

It saddens me because, as I said, when I first met him I thought he was a well-meaning buffoon who could not do too much harm. But, as the chief law officer, he is doing great harm, and I believe that there are many people like me who do not believe that the Attorney-General tells the truth about these sorts of issues. It saddens me that we have reached the stage where the office of the Attorney-General has been demeaned to the extent that it has by this Attorney-General. It is for those reasons that I support not only the motion but also the amendment that has been moved by my colleague.

The Hon. CARMEL ZOLLO (Minister for Mental Health and Substance Abuse): I rise to make some brief comments against the motion. I have been here just over eight years now, and I have sometimes been very disappointed at the level of debate, especially when it deals with personal abuse. We have just had a good example where the Hon. Rob Lucas called the Attorney-General a buffoon. Nonetheless, I recognise that it is part of the job; it seems to go with being

a member of parliament in this place. We learn to deal with it, and we move on.

I place on record that a motion such as this where we have spent nearly two hours debating it is even more disappointing. It is really nothing but self-indulgence. We have been debating hearsay, involving passing comments when people are walking past, and conversations on the steps of Parliament House. It is political opportunism because the opposition and the Democrats have the numbers to do it. It is the kind of self-indulgence and opportunism that brings this chamber into disrepute.

The Hon. D.W. RIDGWAY secured the adjournment of the debate.

INTERNATIONAL POKIES IMPACT CONFERENCE

The Hon. R.I. LUCAS: On behalf of the Hon. Mr Nick Xenophon, I move:

That the proceedings of the International Pokies Impact Conference held in Adelaide on 14 and 15 November 2005, be noted.

I am very pleased to move this motion on behalf of the Hon. Mr Xenophon. It might surprise you, Mr President, that the spirit of camaraderie in this chamber is such that I would be moving a motion supporting the Hon. Mr Xenophon, but it is indeed an indication of the willingness of the opposition to work with other members of this chamber in the important pursuit of the motions they have before them. As members will know, the Hon. Mr Xenophon's views are slightly different from mine on the issue of gaming machines and the impact of gaming machines, but he has a passion for this particular area, as you will be well aware, and he organised an international conference, I understand, on 14 and 15 November. I had a number of very worthwhile discussions with the Hon. Mr Xenophon in the corridors of Parliament House about this conference. I wished him well with his conference, even though of course I had a diametrically opposed view. With that, I am very happy to have moved the motion on behalf of the Hon. Mr Xenophon and indicate that, whilst I am diametrically opposed to everything he stands for in relation to gaming machines, I am happy to have noted the proceedings of his international conference.

The Hon. NICK XENOPHON: Mr President, I am deeply moved by the Hon. Mr Lucas's contribution. Never in the eight years I have been in this place have I been so moved as by his contribution this evening. There would be more than a touch of irony in the Hon. Mr Lucas moving this motion, but he has made it very clear where he stands on this. I will speak for a few moments in relation to this, because I want to acknowledge the contribution of the organiser of this conference. I was not the organiser of this conference, but I did assist in some small way the people behind this conference. This is a conference organised by Duty of Care Inc., a community group that is based in three states. Three women who had problems with poker machines in the past and who lost significant amounts of money got together and formed this group, and they have been a very strong community voice about the impact of poker machines in the community. Those three people are Lana O'Shanassy from New South Wales, Libby Mitchell from Victoria and Sue Pinkerton here in South Australia, who has been quite outspoken about the impact of poker machines.

This conference took place at the Unley Town Hall over 14 and 15 November, and I congratulate the organisers for the work that they did, particularly Sue Pinkerton who worked tirelessly to make this conference the success that it was. It included speakers from a number of states and also from Canada and New Zealand. In the next few minutes I will refer to some of the speakers to give you some idea of the depth of the presentations that were made. From South Australia, Dr Paul Delfabbro from the Department of Psychology, University of Adelaide, presented a paper on Gambling in South Australia, Trends and Research Priorities. Dr Delfabbro is well known for the work that he has done under the auspices of both the Independent Gambling Authority and the Department for Human Services when the Hon. Dean Brown was minister. So he is someone who is respected, I believe on both sides of the fence of the poker machine debate, for his impartial, reasoned research. He gave a presentation about the growth in electronic gaming machines, and he explained that EGM expenditure, as he puts it, is increasing by approximately 8 to 10 per cent per year and comprises 70 per cent of total gambling expenditure.

He discussed the predictors of general involvement in poker machines and the demographics of problem gambling. He indicated that those who were affected tend to live in areas that had a higher percentage of Housing Trust accommodation. Indigenous populations had a high density of electronic gaming machines, as he put it, and also there appeared to be a direct correlation in that areas where individuals were not as affluent as in other parts of the community were where the concentration of the impact was most deeply felt. He discussed pathways into problem gambling and also gave some disturbing figures on adolescent gambling in South Australia. He said that a 2003 study found that 37.5 per cent adolescents had not gambled in the period of the survey but that close to 50 per cent gambled at least once but often more than once per week, and 14.7 per cent gambled on a weekly basis. He gave comparative figures in relation to the gambling history of problem gamblers and said that, based on the figures from the ACT, predictors of this behaviour included that they started younger, an early big win was a factor, someone close to them had a gambling problem and parents had gambled.

Another paper was delivered by Associate Professor Linda Hancock from Deakin University. Since 2004, Associate Professor Hancock has been the Chair of the Independent Gambling Research Panel. In her paper entitled 'Risk, regulation and gambling—why governments fail and "good public policy and regulation"', she gives a very strong overview of the impact of gambling in Victoria and (in an overall context) within Australia. She says that in Australia there are approximately 199 000 poker machines and she gives a history of Victoria and New South Wales and the way in which policy approaches ought to be tackled in relation to dealing with the problems that have arisen.

It should be noted that Associate Professor Hancock, in a sense, was too successful in her work as the Chair of the Independent Gambling Research Panel, because the Bracks Labor government closed that panel down. I think it was very much a case of the Bracks Labor government shooting the messenger in relation to the information that she provided with respect to the impacts of gambling and the need to have a public interest test for the carrying out of research. She indicated in terms of attitudes and perceptions of gambling in the Victorian survey that was carried out that 85 per cent agreed that gambling is a serious social problem in Victoria

have; 75.6 per cent said that gambling is too widely accessible in Victoria; 73.6 per cent said that the number of poker machines in Victoria should be reduced; and 56.4 per cent said that there is more gambling in the local community than there was three years ago.

I think that can be reflected in South Australian views as well. In terms of this survey, Associate Professor Hancock also indicated that 90.8 per cent agreed that there should be more clubs and hotels without poker machines, and nearly 90 per cent of Victorians said that the Victorian government should reduce the number of both machines. She also pleaded for policy coherence and to look at issues of good governance and the ethics of policy matters.

Roger Horbay, one of the overseas speakers, is an expert on gaming machine design. He is the President of the Game Planit Interactive Corporation and he assesses the design of poker machines. He gave a presentation about some design features which could well apply to machines in Australia, particularly in South Australia. He conceded that some machines could be inherently misleading and deceptive in the way that they are operated. That is something that ought to be the subject of further investigation.

Dr Malcolm Battersby, who heads the Flinders Medical Centre's Anxiety and Related Disorders Unit (the only inpatient unit for problem gamblers in this state) gave a presentation on specific treatment programs, particularly the program at the Anxiety and Related Disorders Unit, which has received significant accolades for its effectiveness and for the assistance it has given to so many people.

John Stansfield is the CEO of the Problem Gambling Foundation in New Zealand. According to Mr Stansfield, this is the largest such organisation in the world covering the whole of New Zealand. Mr Stansfield pleaded that there needs to be a real focus on the impact that problem gambling has on communities. He said that communities are simply not being heard at a local level in terms of having a say about the level of gambling that they should have in their community, and he also discussed the public health context.

Dr James Doughney, an eminent academic from Victoria, is the author of *The Poker Machine State*. He is a senior researcher in the Work and Economic Policy Research Unit at the School of Applied Economics of the Victoria University of Technology in Melbourne. He raised the issue of the ethical dilemmas for a state that relies so heavily on gambling revenue. South Australia relies on poker machine revenue to the tune of almost $1 million a day. Dr Doughney raised the ethical dimensions of a state relying so heavily on gambling taxes and the implications of that. He said in what he describes as 'an ethical description of an unethical state of affairs' that the poker machine industry depends necessarily for 60 per cent of its revenue on heavy users who lose on average $7 500 per year. He said that we know intuitively that such losses are in themselves harmful and cause more harm. He made the statement that the poker machine state is predatory and voracious and unjustly exploits the most vulnerable and least well off in our society.

Other speakers included Tracy Schrans, the Principal and President of the Focal Research Consultants in Nova Scotia. She has undertaken extensive research in Nova Scotia on the impact of poker machines and moves to restrict the number of machines and access to them, and I understand that consideration is being given to even further restrictions. Her research in some way mirrors what is occurring in Australia, but she consults nationally in Canada and she believes that more should be done to reduce the level of problem gambling in the community. Her presentation was particularly valuable to give the perspective of what is happening in Canada where they have what are referred to as slot machines which I understand are not quite as sophisticated as what we have in Australia in terms of design features where there are real issues of addiction.

They are just some of the speakers at the conference. The conference was an outstanding success, and I pay tribute to Sue Pinkerton in particular, and I congratulate her for the work she has done in relation to this first-class conference. I have been to a number of gambling conferences over the years, and I believe the line up at this conference was outstanding. I welcome the fact that industry representatives were also there to participate in the conference. This conference had a very strong community perspective from a group of people, namely, Duty of Care, which believes that poker machines cause an unacceptable level of harm in the community and are something we as a society would be much better off without. I commend the motion.

The Hon. KATE REYNOLDS: I rise to speak in support of the motion and also to place on the record the South Australian Democrats' thanks to the Duty of Care organisation and, in particular, Sue Pinkerton.

Motion carried.

SELECT COMMITTEE ON STAFFING, RESOURCING AND EFFICIENCY OF THE SOUTH AUSTRALIA POLICE

The Hon. R.K. SNEATH: I move:

That the time for bringing up the report of the committee be extended to Wednesday 1 February 2006.

Motion carried.

SELECT COMMITTEE ON MOUNT GAMBIER DISTRICT HEALTH SERVICE

The Hon. P. HOLLOWAY (Minister for Industry and Trade): On behalf of my colleague the Minister for Aboriginal Affairs and Reconciliation, I move:

That the time for bringing up the report of the committee be extended to Wednesday 1 February 2006.

Motion carried.

SELECT COMMITTEE ON ELECTRICITY INDUSTRY IN SOUTH AUSTRALIA

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

That the time for bringing up the report of the committee be extended to Wednesday 1 February 2006.

Motion carried.

SELECT COMMITTEE ON THE OFFICES OF THE DIRECTOR OF PUBLIC PROSECUTIONS AND THE CORONER

The Hon. IAN GILFILLAN: I move:

That the time for bringing up the report of the committee be extended to Wednesday 1 February 2006.

Motion carried.

SELECT COMMITTEE ON ALLEGEDLY UNLAWFUL PRACTICES RAISED IN THE AUDITOR-GENERAL'S REPORT, 2003-04

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

That the time for bringing up the report of the committee be extended to Wednesday 1 February 2006.

Motion carried.

SELECT COMMITTEE ON ASSESSMENT AND TREATMENT SERVICES FOR PEOPLE WITH MENTAL HEALTH DISORDERS

The Hon. CARMEL ZOLLO (Minister for Mental Health and Substance Abuse): I move:

That the time for bringing up the report of the committee be extended to Wednesday 1 February 2006.

Motion carried.

SELECT COMMITTEE ON COLLECTION OF PROPERTY TAXES BY STATE AND LOCAL GOVERNMENT, INCLUDING SEWERAGE CHARGES BY SA WATER

The Hon. J. GAZZOLA: I move:

That the time for bringing up the report of the committee be extended to Wednesday 1 February 2006.

Motion carried.

SELECT COMMITTEE ON THE ATKINSON/ASHBOURNE/CLARKE AFFAIR

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

That the time for bringing up the report of the committee be extended to Wednesday 1 February 2006.

Motion carried.

SELECT COMMITTEE ON REFINING, STORAGE AND SUPPLY OF FUEL IN SOUTH AUSTRALIA

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

That the time for bringing up the report of the committee be extended to Wednesday 1 February 2006.

Motion carried.

PUBLIC SECTOR MANAGEMENT ACT

Order of the Day, Private Business, No. 10: Hon. J.M. Gazzola to move:

That the regulations under the Public Sector Management Act 1985, concerning exemptions, made on 28 July 2005 and laid on the table of this council on 13 September 2005, be disallowed.

The Hon. J. GAZZOLA: I move:

That this order of the day be discharged.

Motion carried.

SOUTH AUSTRALIAN HOUSING TRUST ACT

Order of the Day, Private Business, No. 11: Hon. J.M. Gazzola to move:

That the regulations under the South Australian Housing Trust Act 1995, concerning disclosure of interest, made on 28 July 2005 and laid on the table of this council on 13 September 2005, be disallowed.

The Hon. J. GAZZOLA: I move:

That this order of the day be discharged.

Motion carried.

PUBLIC CORPORATIONS MANAGEMENT ACT

Order of the Day, Private Business, No. 12: Hon. J.M. Gazzola to move:

That the regulations under the Public Corporations Management Act 1993, concerning South Australian Health Commission, made on 28 July 2005 and laid on the table of this council on 13 September 2005, be disallowed.

The Hon. J. GAZZOLA: I move:

That this order of the day be discharged.

Motion carried.

FISHERIES ACT

Order of the Day, Private Business, No. 13: Hon. J.M. Gazzola to move:

That the regulations under the Fisheries Act 1982, concerning management committees, made on 28 July 2005 and laid on the table of this council on 13 September 2005, be disallowed.

The Hon. J. GAZZOLA: I move:

That this order of the day be discharged.

Motion carried.

Order of the Day, Private Business, No. 14: Hon. J.M. Gazzola to move:

That the regulations under the Fisheries Act 1982, concerning commercial netting closures, made on 11 August 2005 and laid on the table of this council on 13 September 2005, be disallowed.

The Hon. J. GAZZOLA: I move:

That this order of the day be discharged.

Motion carried.

SOCIAL DEVELOPMENT COMMITTEE: NHMRC ETHICAL GUIDELINES ON THE USE OF ASSISTED REPRODUCTIVE TECHNOLOGY IN CLINICAL PRACTICE AND RESEARCH

Adjourned debate on motion of Hon. G.E. Gago:

That the report of the Social Development Committee on NHMRC on Ethical Guidelines on the use of Assisted Reproductive Technology in Clinical Practice and Research, 2004, be noted.

(Continued from 23 November. Page 3189.)

Motion carried.

TOXIC WASTE

Adjourned debate on motion of Hon. J.S.L. Dawkins:

That this Council:

1. Expresses strong concern about the lack of action by the state government, particularly the Minister for the River Murray, to oppose the establishment of a toxic waste dump at Nowingi in north western Victoria; and
2. Strongly urges the state government to inform the Victorian state Labor government that the siting of a toxic waste dump 14 kilometres from the Murray River and 11 metres above ground water is unacceptable and will threaten the international reputation of the Riverland and Sunraysia horticultural regions.

(Continued from 9 November. Page 3009.)

The Hon. SANDRA KANCK: The Democrats will be supporting this motion. I noted the comments made by the Hon. Mr Dawkins in relation to this when he moved the motion and, in particular, the statement he made that 'minister Maywald failed to put the toxic dump issue on the agenda when she and the Hon. John Hill attended the Murray-Darling Ministerial Council in late September'. I find that extraordinary, the Minister for the River Murray and the Minister for Environment and Conservation not raising an issue like that in such a forum. I know that there is going to

be a question of consistency of the Liberal Party on this issue, and in fact the Hon. Mr Dawkins says in his speech:

> The site of this proposed toxic waste dump is 140 kilometres from Renmark, but I think it is more important to describe it as being 200 kilometres closer to Adelaide than the proposed low level radioactive repository previously proposed for Woomera.

I certainly find that inconsistent. The Liberals have supported the siting of a nuclear waste dump here in South Australia, but they are opposing a toxic waste dump in Victoria. However, equally I note hypocrisy in the ALP which opposed the nuclear waste dump in South Australia but which is now strongly supporting the further expansion of the Roxby Downs uranium mine. The Democrats are not going to be making our decision based on who is showing the most hypocrisy.

I think there is a very good argument that one should not locate anything industrial near rivers. A week or so ago we saw what happened in Russia, where a whole city of millions of people now has no water to drink because of, basically, the destruction of the river which is the source of water for that city by industrial pollution. Last year we saw pollution of the River Torrens because of the leak of fuel from the Transport SA dump which was, very stupidly, located next to the river. Locating any sort of industry or industrial-related site near a river is always fraught with difficulty, and in this case we are talking about the waste industry. On checking the *Hansard* I note that a few months ago the Leader of the Opposition, the Hon. Rob Kerin, asked Premier Rann whether he had actually spoken to Victorian Labor Premier Steve Bracks, and the Premier declined to answer. However, on a number of occasions the Premier has stood up in parliament and said that the government vigorously opposes the dump location. Now, standing up and saying that you vigorously oppose something is hardly action.

I recognise that this motion has a political basis, because the Liberals want to see Karlene Maywald defeated and the seat of Chaffey restored to them but, again, I cannot make my decision based on the Liberal Party's motives in moving this motion. The ALP's opposition to the location of a nuclear waste dump in South Australia was clearly blatantly political and was aimed at getting an advantage over the federal Liberal government as we drew closer to a federal election; however, again, its motivation was not part of the Democrats' decision to oppose a nuclear waste dump in South Australia.

The issue we are looking at here is that of toxic and hazardous waste and, obviously, like all states, we have a problem in dealing with that. A lot of the waste we have here that falls into that category can be treated and made non-hazardous, but there is some that is trucked up to Brisbane whenever we can get a place in the queue—which takes something like two to five years—because we do not have the facilities to deal with it in Australia. So if, despite everyone's protests, the Nowingi dump does get up in Victoria I would be interested to know from both government and opposition whether a Labor or Liberal government would consider using that dump for any of South Australia's toxic waste. In other words, would they consider trucking it through the Riverland and disposing of South Australian waste near Mildura? I would like to hear a categorical denial from both Labor and Liberal parties, as we are leading towards an election, that they would not be trucking South Australian waste up to the Nowingi dump.

The South Australian Democrats will not support or oppose this motion because of who is or was inconsistent, or because of what their motives might be. We will support this motion because of its content and because we are concerned, as every South Australian politician should be, about the potential for further damage to the River Murray if the experts in Victoria have got it wrong.

The Hon. J.F. STEFANI: I too believe that, rather than the political issues in relation to nuclear dumps, we have a situation where a Labor government in Victoria is proposing to site a toxic repository near the River Murray which, obviously, supplies water to South Australia. I think every member of this parliament, particularly the government of South Australia, should ensure that this does not happen. The government was very vocal and succeeded in its effort to stop the federal government pursuing a nuclear repository in the north of South Australia. I think it is incumbent upon the state government to ensure that every effort is now made to stop this site from being chosen as a toxic waste dump. I also challenge the state Labor government to tell the people of South Australia what it will do in relation to the toxic waste that we have and where it intends to build a repository to hold that waste in the future. These are the issues about which we are all concerned. The government has been very vocal about its position and I believe that it is time it showed its true colours.

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I am disappointed that either through ignorance or otherwise the opposition is seeking to turn into a pathetic political point scoring effort an issue that should see South Australians united. The facts are that the South Australian government is vigorously opposing the proposed establishment of a toxic waste containment facility at Nowingi. The South Australian Minister for the River Murray (Hon. Karlene Maywald) has spoken with her federal counterpart, the Chairman of the Murray-Darling Basin Council, the Minister for Agriculture, Forestry and Fisheries (Hon. Peter McGauran) expressing South Australia's concern about the proposed dump site and, in particular, its proximity to the Hattah Lakes system, one of the six significant ecological assets along the River Murray and identified in the Living Murray initiative. As someone who has visited that area on a couple of occasions in the past, I can certainly understand why they are some of the six significant ecological assets along the Murray.

Furthermore, in September, the Premier (Hon. Mike Rann) spoke in the other place unequivocally opposing the dump. He said, 'The South Australian government is not prepared to consider any risk to the river.' I think that is a fairly clear statement and, in case the message was not received by the opposition, he said again:

> We will vigorously oppose any development at Nowingi, or anywhere else, that poses any risk to the River Murray. South Australia will not accept any risk, no matter how minuscule to the river and I welcome the opposition's support in this.

The Premier has backed up that statement by writing to Premier Bracks opposing the Nowingi dump again in quite clear language.

The Victorian government released its environmental effects statement in late October. The South Australian government is currently reviewing the hundreds of pages of documents prior to submitting its response to the statement in December. May I ask what the opposition is doing? I understand from a press release that it is collecting signatures opposing the dump and planning to present it to the South Australian House of Assembly. That is what it is doing. It is

putting a petition to present to this parliament, which is not the authority doing it. Why are they not doing something in Victoria where it might matter? One does not have to think about that for very long to realise just how empty the gesture is and how political it is.

Is the opposition going to do something more substantial than that? Will our colleagues in opposition be calling on their federal colleagues to intervene, as they could do? What are they planning to do? I suggest that, while the government is taking real action, all the opposition is doing is simply going through the motions—literally. I note that in moving this motion, the Hon. John Dawkins said that the South Australian government and the Minister for the River Murray had changed their tune. In fact, we have been very consistent. The Hon. John Dawkins quoted the Minister for the River Murray describing the efforts of the Liberal candidate for Chaffey as silly and petty in an article published in *The Murray Pioneer* on 23 September. The Hon. Mr Dawkins said that the minister had now changed her tune and was now suggesting that South Australian representatives work together.

However, if the Hon. Mr Dawkins had read the article of 23 September properly, he would have noted the quote: 'It is petty political point scoring which is getting in the way of a bipartisan approach to the opposition of the toxic waste dump.' I think the minister was right and that this motion is simply petty and not worthy of support. The Minister for the River Murray, as the member for Chaffey, is joining with the three Riverland councils, the Riverland Development Corporation and the Riverland Horticultural Council to develop a joint submission in response to the EES on behalf of the Riverland community. The minister, in true bipartisan fashion, invited the opposition to be part of the submission, but it appears that the opposition is much more interested in a political point scoring exercise rather than participating in a constructive response to this issue.

I note the criticism from the Democrats as well. It is so easy to stand up in parliament and make a speech criticising everyone else. This will only be stopped by doing the hard yards. This will only be stopped by taking action where it counts, which means addressing the environmental effects statement (as they call them in Victoria), or raising the issue through the federal government, which might have some opportunity of doing it through the EPBC. That is where it can be stopped. It will not be stopped by political grandstanding in South Australia. It has to be done in that area. The government, as I said, believes this motion should be rejected. It is petty and not worthy of support.

The Hon. T.G. CAMERON: I thank the Hon. John Dawkins for letting me make a very brief contribution. I have come from the bar to make this contribution. I had a very careful look at this resolution and I want to place on record my strong support and to congratulate the Hon. John Dawkins for taking up the battle on behalf of local constituents who basically had been forgotten and the fight given away. If the cudgels had not been taken up by the Hon. John Dawkins on this issue, the matter probably would have been dead long ago. I do not intend to debate the merits of the issue. I think that was clearly enunciated by the Hon. John Dawkins when he spoke to the resolution. It is my intention to support it, and I have pleasure in doing so.

The Hon. J.S.L. DAWKINS: I rise to briefly conclude the debate on this motion, and I thank those members who have risen to make contributions to the debate. I commence my concluding remarks by assuring the Hon. Sandra Kanck that the Liberal Party would not in any circumstances shift any South Australian toxic waste to a toxic waste dump, if it ever eventuated, at Nowingi. The minister in his remarks made some comments about the efforts of the Rann government to oppose this so-called dump at Nowingi. I wish to make a few points about that. As we all know, the Rann government made a huge issue of the proposed low level radioactive repository at Woomera, but it has made few or no complaints about the Nowingi dump, which is much closer to Adelaide and our vital Riverland region.

The Rann government issued well over 20 media releases in relation to the Woomera proposal, but not one opposing Nowingi. The Rann government made dozens of references in parliament to the proposed Woomera repository but very little reference to the Nowingi dump. We heard earlier from the Hon. Sandra Kanck about the Premier's unwillingness to answer a question from the Leader of the Opposition in another place about whether he had ever contacted the Premier of Victoria (Hon. Steve Bracks). Certainly, the minister now tells us that he has written to the Hon. Mr Bracks, but it is a little late, I would think.

In relation to the Minister for the River Murray, the Hon. Karlene Maywald has not issued any ministerial media releases on this issue, despite the Nowingi dump's being only 14 kilometres from the River Murray. In comparison, the Hon. Mrs Maywald's Victorian National Party counterparts have issued dozens of media releases and countless statements to the Victorian parliament condemning the Nowingi dump site. Indeed, the minister also failed to place the Nowingi dump issue on the agenda for the September meeting of the Murray-Darling Basin Ministerial Council.

I acknowledge that the minister is now joining with local government and industry bodies in Chaffey to put forward a submission to the Victorian government's panel of experts in relation to the proposed Nowingi dump. However, this only occurred following the efforts of Anna Baric, the Liberal candidate for Chaffey, and the Renmark branch of the Liberal Party, in highlighting the community concern in the Riverland about the proposed dump site. This community concern is growing, and it is exemplified by the following item in the South Australian Murray-Darling Basin Natural Resource Management Board November communique:

> Hattah Toxic Dump Proposal:
>
> The Board moved that a letter be written to the Minister for the River Murray, Karlene Maywald, to pass on community concerns about the Victorian Government's proposal to develop a long term containment facility for Category B industrial waste at Nowingi. The Crown Land site selected as the deposit site is located approximately nine kilometres south-east of Nowingi and 55 kilometres south of Mildura. The Board's major concerns were with the environmental effects, potential social and economic impacts and risks along with endangering the Mallee Emu-Wren.

The efforts of Anna Baric culminated in a public meeting at Renmark attended by more than 90 people on the night that the world cup football was on television. In addition, I understand that more than 1 200 signatures on petitions opposing the dump site will be presented to the other place tomorrow by the Hon. Rob Kerin. Mrs Baric and many Riverlanders are expected to put forward submissions to the panel of experts, as will the Liberal opposition.

The Hon. Rob Kerin directly appealed to the Victorian Premier to reject the Nowingi dump site many months ago. Now is the time for both the Premier and minister Maywald to deliver a blunt message to the Hon. Steve Bracks that the

siting of a toxic waste dump at Nowingi, 14 kilometres from the River Murray, is unacceptable. I thank members for their indications of support and commend the motion to the council.

The council divided on the motion:

AYES (12)

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

NOES (6)

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

PAIR

Redford, A. J.	Roberts, T. G.

Majority of 6 for the ayes.

Motion thus carried.

STATUTES AMENDMENT (CRIMINAL PROCEDURE) BILL

In committee.

Clause 1.

The Hon. R.D. LAWSON: My colleague in another place, the member for Bragg, who is the Liberal spokesperson with the carriage of this bill, asked the Attorney-General for the attitude expressed by the Law Society in relation to this bill and we finally received, sent today from the Attorney-General's office, a copy of the letter.

The Hon. Ian Gilfillan interjecting:

The Hon. R.D. LAWSON: Some of us. I gather from his interjections the Hon. Ian Gilfillan, who has expressed a strong interest in this very matter, was not the recipient of such a letter. It appears that as early as 14 October the government had received a copy of the comments of the Law Society, and they are fairly stringent comments. We would have put them on the record during the second reading debate, but they ought be put on the record for the benefit of the committee and I propose doing that at clause 1 rather than doing it clause by clause, because the Law Society has commented on the various clauses.

The letter is dated 14 October. It is signed by the then President of the Law Society, Alexander Ward, and it is addressed to the Attorney-General. It states:

> Thank you for the opportunity to comment on the bill introduced to parliament on 20 September [that being the date of this bill's introduction]. Some members of the Criminal Law Committee of the Law Society have been provided with a brief opportunity to consider it. We have been kindly provided with information by Ms Durant and other employees of your office, and we thank you for that cooperation. We have concerns with regard to the bill, as has been flagged with employees in your office. We note that the bill purports to enact reforms recommended by the Standing Committee of Attorneys-General, the Martin Committee, the Duggan Committee and the Kapunda Road Royal Commission. It also takes into account matters raised by the New South Wales Law Reform Commission and inquiries conducted in the United Kingdom.
>
> At the outset we notice the reliance the government has placed on these various inquiries and used this as an opportunity to again propose a body that provides input on legislative reforms. If Law Reform Commission is a tainted name, then any suitable label could be applied to a body that would provide the services that you noted to parliament.

No doubt that paragraph is music to the ears of the Hon. Ian Gilfillan, who has been championing the establishment of a law reform institute against the resistance of the government. The Law Society continues:

> We are mindful of your views that any amendment should improve the criminal justice system in relation to the needs of victims, witnesses and jurors within the system but also to respect the rights of defendants and treat them fairly. We are concerned that there has not been formal consultation with the Law Society until earlier this week or, as we understand it, the Bar Association about some of the proposals contained in the legislation. There has not been a great deal of time for detailed analysis. We feel that greater input might lead to a better result which would encompass the concerns raised by the various inquiries and the conditions that you have noted, and not have unworkable side effects. One, as we understand it, is that the provisions, if enacted, will place a higher workload on the Director of Public Prosecutions. If that is a result of this legislation, then serious consideration would have to be given to the provision of additional funding to that office. Our Criminal Law Committee has identified the following concerns in the limited time available to it: Section 285BA(3).

This is the section dealing with the matter of the power to serve notice to admit facts on the defendant in a criminal trial. The Law Society says:

> Increasing the severity of a defendant's sentence because of a failure to meet specified facts is quite unprincipled. It is unprecedented. It is unnecessary. It is an interference with the judicial process. It is interfering with the sentencing process. It is not an appropriate sanction. Section 285BB.

This is the proposed section which gives power to require a defendant to give a notice of intention to adduce certain kinds of evidence. The Law Society states:

> This provision makes it clear that the processes contemplated here do not accord with the reality of criminal litigation. The DPP will never be in a position to satisfy its obligations for disclosure. To suggest that the statutory obligation is in section 104 of the Summary Procedure Act 1921 is not an accurate reflection of the prosecution obligation as to disclosure. Prosecution will make disclosure of evidential material as and when it becomes available. That will often happen right up to and during a trial. That is part of the swings and roundabouts.
>
> However, more particularly the defence will not know what is going to be introduced in evidence until the close of the prosecution case. It may often be that it is during the presentation of the prosecution evidence at trial that evidence of these various kinds might become available for the first time. The sanction referred to in subsection (3) is not appropriate or necessary.

Subsection (3) provides:

> Non-compliance with a requirement. . . does not render evidence inadmissible but the prosecutor or the judge (or both) may comment on the non-compliance to the jury.

The Law Society says that that sanction is not appropriate or necessary. The letter continues:

> Furthermore, it is difficult to know why this should be thought necessary as there have not been any or sufficient injustices, controversies or difficulties that have been brought to the attention of any inquiry to establish the need for such a radical change in criminal practice and procedure. Certainly the Kapunda Road Royal Commission did not inquire into the administration of justice in criminal proceedings to determine the need for such legislative change. If there is any such issue, there ought to be a full and proper inquiry into the administration of criminal justice in this State. It may be quite unlikely that the DPP will want to dispense with the calling of witnesses. The sanction in subsection (5) for failure to comply with a notice to consent with dispensing of calling prosecution witnesses is unsatisfactory and will be productive of injustice.

Regarding section 285BC, which is the section dealing with expert evidence, the Law Society states:

> This is another provision which reflects a fundamental misunderstanding of the difference between civil litigation and the accused notarial criminal process.

I think they meant to say 'the accused adversarial criminal process'. It continues:

> It also fails to reflect that it is the DPP that is in a similar position; that it just simply does not get such expert evidential material until just before trial. The sanctions in subsection (7) are unnecessary, unprecedented and an interference with the independence of the judiciary.

Those sanctions are that the judge may report any breach of the section to the appropriate regulator of the legal profession for unprofessional conduct. The Law Society continues:

> The question needs to be asked as to why the same sanction does not apply to a legal practitioner from the prosecution. The same considerations would and should apply.

Section 288A(1) is a proposed section which provides that the defence is to be invited to outline issues in dispute at the conclusion of the opening address for the prosecution. The Law Society states:

> This is presumably to occur in the absence of the jury.

That is a matter on which I will ask the minister to comment in committee. It continues:

> As you will see from these comments, concerns are raised in relation to the fairness to both parties in sanctions, especially those contemplated in section 285BC.

That is the sanction of reporting to the professional conduct board. The Law Society concludes:

> Whilst we appreciate that the Government has its legislative agenda and that parliamentary time is precious, given the significant radical changes that you have noted to Parliament that this Bill would introduce, we would prefer an opportunity to undertake a more detailed analysis and have discussions with the Government as to the consequences, intended or otherwise, of the amendments.

My first question to the minister is: did the Attorney-General's office have further discussions with the Law Society about its concerns; what was the result of those discussions; who took part in them; and have any amendments been made to the legislation in consequence of those discussions or suggestions?

The Hon. P. HOLLOWAY: The letter which the Hon. Robert Lawson read is dated 14 October 2005. The government has given careful consideration to the matters raised in that letter, and some of those matters have been addressed through amendments which I will subsequently move. After consideration of some of the other matters raised by the Law Society, we do not believe those matters need to be addressed. I should also point out that we have been awaiting a further submission from the Law Society, but that has not arrived.

The Hon. R.D. LAWSON: Was the Law Society specifically asked to submit a further response or was it left with the impression, clearly reflected in this letter, that unless invited by the government any further submission would have fallen on deaf ears?

The Hon. P. HOLLOWAY: I do not know about deaf ears, because we have addressed some of the matters raised by the Law Society in our amendments, so one would think that is more than adequate proof that the government has acted with bona fides in relation to treating the comments of the Law Society fairly.

Clause passed.

Clause 2.

The Hon. R.D. LAWSON: When does the government intend to bring this legislation into operation? Is there any reason for it to be delayed, and will it be necessary to make any regulations and, if so, what regulations, to support this legislation?

The Hon. P. HOLLOWAY: I am advised that the key factor in determining the date of proclamation of this bill is the development of regulations referring to the relationship between SAPOL and the DPP about disclosure of the information that is referred to in clause 11. I am advised that that will require complex and serious negotiations, so that will be the determining factor in determining when we can get this bill into operation.

The Hon. R.D. LAWSON: Can the minister inform the committee of the substance of those regulations setting out the protocols to which he has referred?

The Hon. P. HOLLOWAY: I am advised that it will take some considerable time, given its complexity. It is likely to be some time well into the new year.

Clause passed.

Clause 3 passed.

Clause 4.

The Hon. P. HOLLOWAY: I move:

(New section 285BA), page 3, lines 14 to 17—Delete subsection (3) and insert:

(3) The notice must contain a warning, in the prescribed form, to the effect that, if the defendant is convicted, the court is required to take an unreasonable failure to make an admission in response to the notice into account in fixing sentence.

The amendments moved by the government come as a result of very extensive consultation with a range of participants in the criminal justice system. This amendment is directed at the question of the sanction for failure to cooperate with a court order to comply with a notice to admit facts. The bill as it stands provides that an unreasonable failure may result in an increase in the severity of the sentence. Objection was taken to this notion as a matter of principle. The government is not convinced by these objections; the objections seem to be playing games. It is a common and fiercely defended practice for an offender to be given a reduced sentence for pleas of guilty and cooperation. There is no real difference. The defender who fights all the way gets, in effect, an enhanced penalty, but the proprieties must be observed. So, the government suggests a compromise amendment. It does not speak of sentence discounts, because it is absurd to say that the offender gets an extra benefit if he does the court the favour of obeying a court order.

The Hon. IAN GILFILLAN: I want to make an observation which I think is relevant to the way in which this legislation is being dealt with. I was very pleased to hear the contribution from the Law Society read into *Hansard* by the Hon. Robert Lawson. I take this example as a classic and emphatic argument that we should have a law reform commission in this state so that legislation of this complexity can be looked at objectively, away from the cut and thrust of parliamentary debate, although I believe this chamber, given enough time, does some very constructive work in the committee stage.

It appears to me that this amendment would penalise the defendant, if convicted, in that they would be punished for two offences; the second offence is not actually identified. The actual offence for which he or she was charged and found guilty has a certain penalty, but this amendment would impose an additional penalty because the person conducting the defence commits this hidden, camouflaged offence of being a bother. I believe that this goes very close to threatening what I regard as a basic anticipation of the proper administration of our law.

Maybe there is a second offence there that could be identified, and that person should be charged with that as a

separate offence. The logic of this is that, if a person's defence exercises what is called unreasonable failure 'to make an admission in response to the notice' that has to be taken into account in fixing a sentence. Obviously, it will not be taken into account in reducing a sentence: it will be taken into account in increasing the sentence. That increase is not related to the original offence but is related to the second offence. I find this confusion and rushing to get this sort of legislation into the statute book embarrassing in dealing with what is probably one of the most important matters we deal with in this place.

The Hon. R.D. LAWSON: They are very sensible points made by the honourable member. The second offence for which the person is being punished is not cooperating with the prosecution authority seeking to have them prosecuted.

The Hon. P. HOLLOWAY: The only comment I would make is that this enactment reform has been recommended by the deliberative forum of the Standing Committee of Attorneys-General, the Martin committee, the Duggan committee and the Kapunda Road Royal Commission. So, it has been very well considered, I would have thought.

The Hon. R.D. LAWSON: Just on that point, will the minister confirm that the sanction has also been recommended by those bodies? I am certainly aware that those bodies recommended that a procedure be put into the criminal justice system to enable a notice to admit facts. I was not sure that the sanction (which, of course, is what we are talking about at the moment) was recommended by all those authorities.

The Hon. P. HOLLOWAY: I am advised that all of them have sanctions. There is a variety of sanctions, but we cannot provide the honourable member with more specific information at this stage.

The Hon. R.D. LAWSON: It is with some reluctance that we will be supporting this clause. We appreciate the force of what the Hon. Ian Gilfillan has put; however, we agree that, given the way in which criminal trials are now blowing out and the time now being taken to run relatively simple and minor criminal cases, it is something which must be addressed. That is acknowledged by law reform authorities all around the country and by the Australian Institute of Judicial Studies. The question is: if you have such a procedure, what is the sanction for non-compliance? A fine would seem inappropriate, and to deny the person an opportunity to run whatever defence they may choose to run would seem to be too great a sanction. We are really driven to the conclusion that unless there is a capacity in the ultimate sentence, if the person is indeed found guilty, one will find that provisions of this kind are simply a dead letter and we will not have addressed the particular issue at all.

We are also mindful of the fact that this process is subject to judicial oversight. The DPP does not have the unilateral capacity to demand that facts be admitted; it is not a power that can be used oppressively in that way. The court will have a keen eye for any oppressive use of this power and, of course, the defendant can and no doubt will be heard on the application for an authorisation—and I am sure that if the defence considers that the notice to admit facts is oppressive it will be able to advance that argument and have it ruled upon. There is a feeling, certainly by some of my colleagues at the defence bar, that the prosecution is too often favoured by judges in the criminal court. I think a more balanced view is that the prosecution does not get it all its own way in our criminal courts and that the judges doing their job strike a fair balance between the right of an accused to a fair trial and any possible oppressive use of power by prosecutorial authorities.

Amendment carried.

The Hon. P. HOLLOWAY: I move:

Clause 4 (New section 285BB), page 4, line 3—
After 'may' insert:
, on application by the prosecutor,

The purpose of this amendment is to make clear what was always intended and what the bill always said—that the notice to disclose defence procedure is discretionary and not mandatory, and is activated on application.

Amendment carried.

The Hon. R.D. LAWSON: Can the minister outline the meaning of the note in subsection (2)—that is, page 4, line 26—concerning the statutory obligation contained in section 104 of the Summary Procedure Act? I think I am right in saying that the Law Society was sceptical of that provision.

The Hon. P. HOLLOWAY: I am advised that this will be dealt with by amendment Nos 3 and 4, which actually delete the note.

The Hon. R.D. LAWSON: I ask this question really in relation to section 285BB, arising out of the matters raised by the Law Society, where it says that the DPP will never be in a position to satisfy its obligations for disclosure. That is the view expressed by the Law Society. Presumably the minister will say that he does not agree with it, but how can he satisfy the committee that there is no substance to the suggestion made by the Law Society that the DPP will never be in a position to satisfy these disclosure obligations?

The Hon. P. HOLLOWAY: I am advised that the issues raised by the Law Society will all be dealt with by the amendments that we are about to debate. I understand that, after the Law Society raised these matters, it was discussed with the DPP and, as a consequence, the reference to the Summary Procedures Act goes and a more realistic time line has been provided.

The Hon. R.D. LAWSON: Is it intended to repeal or in any way alter the provision of the Summary Procedures Act?

The Hon. P. HOLLOWAY: Yes, that is the case.

The Hon. R.D. LAWSON: Is it done under clauses 13 and 14 of this bill?

The Hon. P. HOLLOWAY: I am advised that it will be dealt with in amendment No. 8. Yes, clause 13 will be amended. I move:

(New section 285BB), page 4, lines 19 to 28—
Delete subsection (2) and substitute:
(2) Before making an order under this section, the court must satisfy itself that—
(a) the prosecution has provided the defence with an outline of the prosecution case, so far as it has been developed on the basis of material currently available to the prosecution; and
(b) the prosecution has no existing, but unfulfilled, obligations of disclosure to the defence.

This is a slight redraft of the obligations of the prosecution disclosure to make it clear that the obligation relates only to what the prosecution has available at the time it is made.

Amendment carried.

The Hon. P. HOLLOWAY: I move:

(New section 285BC), page 5, lines 5 to 12—
Delete subsection (1) and substitute:
(1) If a defendant is to be tried or sentenced for an indictable offence, and expert evidence is to be introduced for the defence, written notice of intention to introduce the evidence must be given to the Director of Public Prosecutions—
(a) in the case of trial, on or before the date of the first directions hearing, and, in the case of sentence, at lest 28 days before the date appointed for submissions on sentence; or

(b) if the evidence does not become available to the defence until later—as soon as practicable after it becomes available to the defence.

This amendment is at the request of the DPP. The amendment does two things. It applies to the expert evidence to disclosure regime to sentence as well as trial. That should be unremarkable to members because it should be recalled that in the McGee case itself the expert evidence given at trial was used in sentence. It also puts a specific time of 28 days on the disclosure requirement for the sentencing hearing.

Amendment carried.

The Hon. P. HOLLOWAY: I move:

(New section 285BC), page 5, lines 33 to 38 and page 6, lines 1 to 7—

Delete subsections (6) and (7) and substitute:

(6) If the Director of Public Prosecutions receives notice under this section of an intention to introduce expert evidence less than 28 days before the day appointed for the commencement of the trial or submissions on sentence, the court may, on application by the prosecutor, adjourn the case to allow the prosecution a reasonable opportunity to obtain expert advice on the proposed evidence and, if a jury has been empanelled and the adjournment would, in the court's opinion, adversely affect the course of the trial, the court may discharge the jury and order that the trial be recommenced.

(7) The court should grant an application for an adjournment under subsection (6) unless there are good reasons to the contrary.

(8) If it appears to the judge, from evidence or submissions before the court, that a legal practitioner has advised the defendant not to comply, or has expressly agreed to the defendant's non-compliance, with a requirement of this section, the judge may report the matter to the appropriate professional disciplinary authority.

(9) Before the judge makes a report under subsection (8), the judge will invite the legal practitioner to make submissions to the court showing why the matter should not be reported.

These new subsections deal with the sanctions for failure to comply with the requirement of defence disclosure about expert evidence. The first sanction deals with the seeking of an adjournment. The bill provides that, if the prosecution is ambushed by expert evidence, the adjournment must be given and the prosecution controls the period of adjournment.

All those consulted thought it too extreme to remove all discretion from the judge, so an amendment is suggested as a compromise. It gives the court a discretion to order an adjournment or a mistrial. There is a presumption in favour of the granting of the adjournment. So, it is not a free for all. The prosecution will get the adjournment, unless there are very good reasons to the contrary. The second sanction for failure to comply with the requirements of defence disclosure about expert evidence concerns the rules of professional conduct. The government makes no bones about the fact that it will not brook attempts to sabotage its policies recommended by the Kapunda Road royal commissioner and embodied in this procedure. The bill makes advised non-compliance professional misconduct in respect of a legal practitioner.

The advice on consultation received from all quarters was that this went too far. The government's position is that it maintains that a severe view should be taken of deliberate non-compliance with a regime mandated by the bill, and that it lies in the realm of professional misconduct. It does not result in that position. The bill places that judgment in the realm of the disciplinary tribunal. As a compromise, this amendment is designed to mandate a hearing on the question of referral for a disciplinary hearing before the judge in question. The judge retains a discretion, but the onus is on the practitioner to make a submission on why referral for disciplinary action should not occur.

The Hon. R.D. LAWSON: I am aware that existing subsection (7) provides that, if it appears to the judge that non-compliance with the requirement amounted in effect to unprofessional conduct, the judge must report the legal practitioner to the appropriate authority to be dealt with for that conduct. I see that the new sanction in proposed subsection (8) is not mandatory. The judge is given a discretion to report the matter to the appropriate professional disciplinary authority. We think that is entirely appropriate. We also believe that it is appropriate that the legislation requires the judge to invite the legal practitioner to make submissions to the court showing why the matter should not be reported. That is actually a very important provision.

In my experience in the past, when a judge takes the view that a practitioner in a criminal trial has acted in an unprofessional manner, the judge calls all counsel before the judge. However, some judges have not done that. They have taken the view, without hearing from the practitioner, that the matter should be investigated by the professional conduct people. We think it is a distinct improvement in this bill to require the judge to hear from the practitioner, because very often judges jump to the wrong conclusion about the professional conduct of those appearing before them. We will be supporting the amendment.

Amendment carried; clause as amended passed.

Progress reported; committee to sit again.

ADELAIDE PARK LANDS BILL

The House of Assembly agreed to the bill without any amendment.

CHILDREN'S PROTECTION (MISCELLANEOUS) AMENDMENT BILL

The House of Assembly agreed to amendments Nos 1 to 17, 20 to 21 and 23 to 34 made by the Legislative Council without any amendment; disagreed to amendments Nos 18, 19 and 22; and made alternative amendments as indicated in the following schedule in lieu thereof:

No. 18—New clause, after clause 10—

Insert:

10B—Amendment of section 19—Investigations

Section 19(1)—delete subsection (1) and substitute:

(1) If the Chief Executive—

(a) suspects on reasonable grounds that a child is at risk; and

(b) believes that the matters causing the child to be at risk are not being adequately addressed,

the Chief Executive must cause an investigation into the circumstances of the child to be carried out or must effect an alternative response which more appropriately addresses the risk to the child.

No. 19—New clause, after clause 10—

Insert:

10C—Amendment of section 20—Application for order

Section 20—after its present contents (now to be designated as subsection (1)) insert:

(2) If the Chief Executive suspects on reasonable grounds that a child is at risk as a result of the abuse of an illicit drug by a parent, guardian or other person, the Chief Executive must apply for an order under this Division directing the parent, guardian or other person to undergo a drug assessment (unless the Chief Executive is satisfied that an appropriate drug assessment of the parent, guardian or other person has already occurred, or is to occur, and that a report of the assessment has been, or will be, furnished to the Chief Executive).

No. 22—New clause, after clause 11—

Insert:

11A—Amendment of section 37—Application for care and protection order

Section 37—after subsection (1) insert:

(1a) If the Minister is of the opinion that a child is at risk as a result of the abuse of an illicit drug by a parent, guardian or other person who has the care of the child, the Minister must apply to the Youth Court for an order under this Division requiring the parent, guardian or other person to enter into a written undertaking for a specified period (not exceeding 12 months)—

(a) to undergo treatment for the drug abuse; and

(b) to submit to periodic testing for drug use; and

(c) to authorise the release of information regarding the treatment, and the results of the tests, to the Chief Executive,

(unless the Minister is satisfied that the parent, guardian or other person is undergoing, or is to undergo, such treatment, is submitting, or is to submit, to such testing and has authorised the release of such information and the results of such testing to the Chief Executive).

[Schedule of the Alternative amendments made by the House of Assembly in lieu thereof]

No. 18—New clause, after clause 10—

Insert:

10B—Amendment of section 19—Investigations

Section 19(1)—delete subsection (1) and substitute:

If the Chief Executive—

suspects on reasonable grounds that a child is at risk: and

(a) believes that the matter causing the child to be at risk are not being adequately addressed: and

(b) believes that an investigation is the most appropriate response,

the Chief Executive must cause an investigation into the circumstances of the child to be carried out.

No. 19—New clause, after clause 10—

Insert:

10C—Amendment of section 20—Application for order

Section 20—after its present contents (now to be designated as subsection (1)) insert:

(2) If the Chief Executive—

(a) Knows or suspects on reasonable grounds—

i. that a child is at risk as a result of drug abuse by a parent, guardian or other person; and

ii. that the cause of the child being at risk is not being adequately addressed; and

(b) is of the opinion that an assessment (including a drug assessment), in pursuance of an order under the Division, to determine the capacity of the parent, guardian or other person to care for and protect the child is the most appropriate response,

the Chief Executive must apply to the Youth Court for an order under this Division for such an assessment.

No. 22—New clause, after clause 11—

Insert:

11A—Amendment of section 37—Application for care and protection order

Section 37—after subsection (1) insert:

(1a) If the Minister—

(a) knows or suspects on reasonable grounds—

i. that a child is at risk as a result of drug abuse by a parent , guardian or other person; and

ii. that the cause of the child being at risk is not being adequately addressed; and

(b) is of the opinion that the most appropriate response is an order under this Division for one or more of the following purposes:

i. to ensure that the parent, guardian or other person undergoes appropriate treatment for drug abuse;

ii. to ensure that the parent, guardian or other person submits to periodic testing for drug abuse:

iii. to authorise or require the release of information regarding the treatment or the results of the tests to the Chief Executive,

the Minister must apply to the Youth Court for such an order.

Consideration in committee.

The Hon. P. HOLLOWAY: I wish to make some general comments. The House of Assembly has agreed with most of the amendments passed by this chamber, but there are just a couple of areas of disagreement. It would appear unlikely that we will reach immediate agreement on them here, and if a conference between the houses is to be established it would be desirable that it be done as soon as possible. To enable that to happen, I do not intend to delay the committee by going into any detail in relation to those matters, which have been well debated. I move:

That the Legislative Council do not insist on its amendment No. 18 and agree to the alternative amendment made by the House of Assembly.

The Hon. R.D. LAWSON: I will certainly be opposing that motion. I believe that the amendment made by the Legislative Council was a reasonable and appropriate one, and we should stick with it.

The Hon. NICK XENOPHON: I share the sentiments of the Hon. Robert Lawson.

The Hon. KATE REYNOLDS: While we have slightly divergent views on some of the amendments, in relation to amendment No. 18 I oppose the motion.

Motion negatived.

The Hon. P. HOLLOWAY: I move:

That the Legislative Council do not insist on its amendment No. 19 and agree to the alternative amendment made by the House of Assembly.

The Hon. R.D. LAWSON: I believe that this amendment made by the Legislative Council was entirely appropriate. It was, I think, made on the motion of the Hon. Nick Xenophon. This is a key amendment, which requires that the chief executive, when he or she suspects on reasonable grounds that a child is at risk as a result of the abuse of an illicit drug, must apply for an order that an appropriate drug assessment shall be undertaken. I am opposing the minister and proposing that we insist on this amendment.

The Hon. NICK XENOPHON: I also propose that the amendment be insisted upon. We have already canvassed the reasons for that during the committee stage of this debate.

Motion negatived.

The Hon. P. HOLLOWAY: I move:

That the Legislative Council do not insist on its amendment No. 22 and agree to the alternative amendment made by the House of Assembly.

The Hon. R.D. LAWSON: This amendment follows sequentially upon the previous one, and I believe that the council should insist upon its amendment.

Motion negatived.

STATUTES AMENDMENT (CRIMINAL PROCEDURE) BILL

In committee (resumed on motion).

(Continued from page 3385.)

Clause 5.

The Hon. P. HOLLOWAY: I move:

Page 6, line 18—After 'jury,' insert 'the invitation to exercise a right under this section must be made in the absence of the jury and'.

The purpose of this amendment is to ensure that the invitation offered to the defence to address the court on the issues in the case should be made in the absence of the jury. The point should be made clear because the offer is only an offer and if the defence does not wish to address the jury the jury will

otherwise be left wondering why this is so. That will place an unnecessary burden on counsel and the judge. All of this will be obviated if the invitation is made in the absence of the jury.

The Hon. R.D. LAWSON: We support this amendment, which is a considerable improvement on the draft. I should have asked the minister in connection with the last clause to indicate why the government did not accept the recommendation of the Law Society that sanctions be placed upon prosecution counsel and not just on counsel for the defendant. The committee will recall that this was dealt with in the last clause, but the letter from the Law Society which I read posed the question which has not yet been answered by the minister. It states:

> The question needs to be asked as to why the same sanction does not apply to a legal practitioner from the prosecution. The same considerations would and should apply.

The Hon. P. HOLLOWAY: This section deals with the obligation of the defence to disclose, and therefore the sanction refers to the defence. It is as simple as that.

The Hon. R.D. LAWSON: I appreciate that, because section 285BC refers to 'expert evidence is to be introduced for the defence.' However, there is a similar obligation on the prosecutor to divulge evidence. It may not be contained in this particular bill, but there is an obligation. Why does the government not consider it appropriate to impose the same sanction on a prosecutor who does not divulge (as he or she is obliged to) evidence to be adduced by the prosecution?

The Hon. P. HOLLOWAY: If the prosecution fails to disclose, in accordance with its obligations, it risks having the prosecution struck out as an abuse of the process of the court. That does not hold true for the defence. In addition, the prosecution requirement for disclosure is set out publicly in prosecution guidelines. In relation to the defence obligations, that has not applied until now.

Amendment carried; clause as amended passed.

Clauses 6 to 10 passed.

Clause 11.

The Hon. P. HOLLOWAY: I move:

(New section 10A), page 8, after line 30—Insert:

(6a) A police officer must not, without good and sufficient cause, fail to carry out a duty under this section promptly and diligently.

(6b) The police officer in charge of the investigation of an indictable offence will, for the purposes of this section, be the police officer appointed by the Commissioner for that purpose.

There are two amendments here. The first amendment was requested by the Police Association. The association wanted to make explicit the standard to which police officers would be held in undertaking this new duty. Failure to do so could be a disciplinary offence, so a standard is set. It reflects word for word the standards set for the performance of duties under the police regulations. The second amendment is designed to remove any doubt about who is the chief investigator for the purpose of these amendments: it is the person appointed to be that person by the Commissioner.

The Hon. R.D. LAWSON: The opposition supports this amendment.

The Hon. IAN GILFILLAN: Will the minister advise what sanction would apply were a police officer not to comply with this direction?

The Hon. P. HOLLOWAY: That would be the appropriate sanction under the police regulations.

Amendment carried; clause as amended passed.

Clause 12 passed.

Clause 13.

The Hon. P. HOLLOWAY: I move:

Page 9, lines 23 to 39—Delete subclause (2)

The bill puts the formal disclosure procedure at the time of committal; this was done by amendment to section 104 of the Summary Procedure Act. All those consulted thought that this was far too early in the process and would not allow for the procedure to have any real value to the participants. That was, of course, the last thing wanted, so the operative amendment in this clause is no longer necessary and can be removed. That is what this amendment does.

The Hon. R.D. LAWSON: Will the minister indicate what prompted the government to include in the bill in the first place this clause that it is now so keen to abandon? Is this a recommendation of the Duggan committee?

The Hon. P. HOLLOWAY: I am advised that the Duggan committee recommendations were ambiguous and could be read either way, and the government read them in the way as originally proposed in the bill. However, as I have just indicated, as a result of the consultation process, the government has now changed its mind.

The Hon. R.D. LAWSON: On that point, will the minister indicate whether the Duggan committee itself was consulted on the bill, as prepared by the government?

The Hon. P. HOLLOWAY: My advice is that the Chief Justice was consulted on the bill, and he referred it to Mr Duggan, who responded.

Amendment carried; clause as amended passed.

Clause 14.

The Hon. P. HOLLOWAY: I move:

Page 10, lines 14 to 18—Delete subparagraphs (i) and (ii) and substitute:

(i) setting out the more important statutory obligations of the defendant to be fulfilled in anticipation of trial; and

(ii) explaining that noncompliance with those obligations may have serious consequences; and

The bill sets out the duty of the court, when committing for trial, to give the defendant a written notice in a prescribed form, setting out his or her obligations in relation to, in particular, alibi evidence and expert evidence. This amendment is simply a redraft to make the obligation more precise.

The Hon. R.D. LAWSON: There is presently an obligation in relation to alibi evidence. Is the regime that is now to be adopted in relation to other defences the same as that which applies to alibis, or will different rules apply to alibis?

The Hon. P. HOLLOWAY: My advice is that the notice will be in the prescribed form; therefore, it will come into effect by regulation. It is intended to include the present alibi rules and all other rules of disclosure that are proposed within those regulations.

Amendment carried.

The Hon. R.D. LAWSON: Regarding proposed subsection (6), which creates a rebuttal presumption that a defendant has been provided with certain material, could the minister indicate where the suggestion for that particular provision came from and why it is considered necessary for such a draconian presumption (which is sometimes found in legislation) to be included in this provision?

The Hon. P. HOLLOWAY: The government does not consider this to be a particularly draconian provision. It should not be particularly difficult for the defendant to prove that he has not been provided with a statement.

The Hon. R.D. LAWSON: With great respect, it is easy to prove what you have been provided with but rather difficult to provide evidence that you have not been provided with something if, in fact, you have not been provided with it. What material could a defendant produce to prove that he had not been provided with the explanations? Would it not be easier to put the onus on the prosecution to prove that it has actually delivered it to the defendant?

The Hon. P. HOLLOWAY: I am advised that it is the court that is providing the form, not the prosecution.

The Hon. IAN GILFILLAN: I share the concern that has just been expressed. I did ask the shadow attorney earlier whether this was an expected clause, and he indicated that he was not surprised to see it there. However, it seems to me that we are relying on bureaucracy, which everyone realises can at times be unreliable. I want that put into the record. It appears to me to be a relatively unfair imposition on the defendant under the circumstances.

Clause as amended passed.

Title passed.

Bill reported with amendments; committee's report adopted.

Bill read a third time and passed.

TERRORISM (PREVENTATIVE DETENTION) BILL

Adjourned debate on second reading.

(Continued from 28 November. Page 3295.)

The Hon. KATE REYNOLDS: This bill is about human rights. In my view it is also about two major parties acting in a very hairy-chested kind of way to steal those rights from us. This bill opens the door—in fact, some people would say the cell door—so that the Rann Labor government or any future government can legally abuse human rights. This bill's opponents, people such as me and all decent South Australians, say that it is not good enough to just blame George Bush, as some people have done. It is not good enough to blame Donald Rumsfeld, George Bush's minister for war, who, to our disgust, was in Adelaide exactly two weeks ago disrupting the lives of ordinary citizens going about their ordinary business and causing community outrage and costing the South Australian taxpayer hundreds of thousands of dollars.

For this bill we blame our Premier. We say that George Bush speaks for America; John Howard speaks for George Bush; and Mike Rann speaks for John Howard. It is Premier Rann's detention legislation which condemns innocent people to gaol without charge. When this bill passes, as it appears inevitably it shall, innocent South Australians—even you, Mr President, or your family—can be gaoled just because someone has suspicions about what you may be thinking. Some people have even questioned what might happen to free speech in parliament, whereby even voicing our opinion in a parliament in Australia, in time, could be labelled seditious and we could go to gaol for it—and for speaking openly to your own family or neighbour. Here is what the President of the Human Rights and Equal Opportunity Commission, John von Doussa QC, says about the federal legislation which this bill complements. He says:

> What concerns me most about the current version of the anti-terrorism bill is what happens after a person is first detained or served with a control order and their liberty is restricted. International human rights law requires that a person who is detained must have the right to challenge this detention in a court without delay. Review before the court needs to include: consideration of whether the order is based on a correct understanding of the facts; whether the detention is fair; whether it is reasonably necessary in the circumstances; and whether it is proportionate to the goal of protecting national security. The current form of the bill simply fails to meet these basic guarantees. . . You or I, or your 16-year old daughter or son, could fall under the 'reasonable suspicion' provisions of the new bill relatively easily. Consider this—a member of your family innocently calls the mobile phone number of a person who runs a dog-walking business regularly for a number of months—a person who happens to be suspected by authorities of being a terrorist. That family member is then locked up for two weeks due to 'reasonable suspicion' arising from regular contact with a suspected terrorist. There would be no realistic opportunity to challenge the detention. This must be a scenario that Australians would find unacceptable.
>
> On top of this, the current bill would place significant restrictions on a detained person's ability to contact other people. While detained, all that a person's family or employer might receive is a simple fax stating 'I am safe, but unable to be contacted at the moment.' What would one's spouse or employer think if a message like this was received?

Let us now look at the difference between South Australian Labor Premier Mike Rann and the ACT's Labor Chief Minister John Stanhope—

The Hon. Sandra Kanck: Lots of differences.

The Hon. KATE REYNOLDS: As my colleague and state leader says, there are lots of differences—and not just on this particular bill. John Stanhope's brave decision to put John Howard's draft terror bills on the ACT government's web site earned him the scorn of many state Labor leaders, but the South Australian Democrats say that he showed courage and initiative. If this legislation passes, this will mean that in our view the terrorists have won, because any laws which lead to racial profiling, which force citizens to wear tracking devices on their ankles or wrists and which put people in gaol for two weeks without being charged are anti-Australian and anti-democratic. These are the very freedoms we need to protect. If we take them away, Australia loses and the terrorists win.

The South Australian Democrats are urging both Liberal and Labor MPs in this place to vote with their conscience on this draconian bill. I understand that the Labor government will not allow that, but would it not be nice if a conscience could still be exercised in this place by people other than the South Australian Democrats? John von Doussa QC says that he is disappointed that the eight state and territory leaders agree to so-called preventive detention measures which allow terrorism suspects to be detained for up to two weeks without charge in order to prevent a terrorist act or the destruction of evidence. He says:

> It must be a matter of serious concern that the leaders have agreed to assist the commonwealth to circumvent one of the fundamental human rights protections contained in the Australian Constitution which is understood to prevent the commonwealth parliament from passing such a law.

Yet our South Australian Labor Premier and his party is supporting this repulsive federal legislation. It took four other premiers to speak out first against the shoot to kill laws before Mr Rann whispered a reluctant and mooted protest.

What is it about this timid Premier that he needs to be shown the way by his other state colleagues? Could it be cowardice or is it that Premier Rann is closer to John Howard on the draconian terror laws than even some hard right Liberals? This Premier has always been the last to criticise the terror laws and, as a number of people have said to me in the past few weeks, he is fast becoming the least relevant Labor premier. We had another example when Mr Stanhope and Queensland Premier Peter Beattie released legal advice

that there are constitutional problems with the proposed preventive detention and control orders. The South Australian Democrats want to know whether South Australia has received similar advice challenging the legality of this bill. No-one in this place, except the South Australian Democrats, attended a particular Amnesty event.

Two weeks ago tomorrow, the ACT minister, Jon Stanhope, said right here in Adelaide at an Amnesty event (which was attended by, I think, about 300 people), at which I also spoke, that every piece of expert advice he commissioned in relation to the federal terror bill raised serious concerns in relation to the observance of human rights. He said at that Amnesty event (which was attended by not one member of this parliament other than the South Australian Democrats and Kris Hanna, who spoke very briefly and then had to leave) that he is adamant that a bill such as this one we are debating tonight needs to be countered with a bill of rights such as the United Kingdom has. He spoke loudly and forcefully and put the case for a national bill of rights in this country.

Mr Stanhope speaks up for his constituents, but not our Premier, Mr Rann. Mr Rann, in our view, has a duty to speak out on behalf of more than 1 million South Australians, any of whom could be locked up in future without charges or trial under his proposed laws. Just as an aside, I happened to mention to Jon Stanhope that the day before, I think, the government had indicated that it would not be supporting the bill for a human rights act that had been introduced to this place by the Hon. Sandra Kanck. Mr Stanhope very politely tried to conceal his shock but, very clearly, he was disappointed that the Labor Party was taking such a regressive approach to human rights. I hope that he has taken up my urging, and that was to get on the telephone to Mr Rann and have a word or two about the real world and where things are heading.

The South Australian Democrats have strong support for our opposition to this bill, and I would like to put on the record a few short quotes, starting with Terry O'Gorman of the Australian Council for Civil Liberties, who said:

> I think it just shows what a sorry state civil liberties have reached in this country that someone will now be able to be held for 14 days without charge on the basis that the premiers have been secretly briefed by ASIO.

Patrick Emerton, an assistant law lecturer at Monash University, said:

> If someone sent money to Aceh to help with tsunami relief and that money ended up in the hands of the rebels in Aceh who control significant parts of Aceh, the person who sent the money could be a terrorist. . . If someone went there and taught those rebels how to rebuild houses that person would be training with terrorists and so are criminals under Australian law.

Australian Lawyers Alliance President, Richard Faulks, said:

> The laws are totalitarian and un-Australian. Depending on what the final version is, I think it is a retrograde step and one that we didn't need. . . Australians value their freedom and even though everyone is concerned about terrorism and rightly so, there are steps that can be taken that are still consistent with proper safeguards which are part of our every day life.

So, maybe Mike Rann is right—sorry: Premier Mike Rann—

The Hon. R.K. SNEATH: I rise on a point of order, Mr President. On a number of occasions the honourable member has referred to the Hon. Mr Rann as 'Mike Rann' or 'Mr Rann'. Let the honourable member show some respect for the Premier.

The PRESIDENT: I uphold the point of order. All honourable members should address other members of the council by their correct title.

The Hon. KATE REYNOLDS: Thank you, Mr President. Perhaps our Premier, Mike Rann, is right and Peter Webb from the Law Council of Australia is wrong when he says:

> The plans are offensive to the legal tradition. They're certainly draconian. . . Plans to detain people for up to 14 days without charge fall outside the principles of criminal law. . . We have no reason to believe they're necessary. . . You won't have to have any motive that suggests the commission of a criminal offence in order to detain a person.

Perhaps Premier Mike Rann is right and Robyn Banks from the Public Interest Advocacy Centre is wrong when she says:

> State leaders have settled for too little. They seem to have left their concerns at the door and really given in to the Commonwealth Government's push.

So, to all honourable members I say: join the experts. Be on the side of Australia and Australians. Vote for democracy and vote against this bill.

The Hon. SANDRA KANCK: As my colleague the Hon. Kate Reynolds has indicated, the South Australian Democrats oppose this bill. We do not ignore the threat of terrorism, but we want a proportional response to the threat, and this bill lacks that essential quality. Before examining the substance of the bill, I want to discuss the reckless speed at which it is passing through parliament. This bill was introduced into the House of Assembly on 9 November and only reached this house on 24 November, yet the government is determined to pass this into law before we rise tomorrow (or, in fact, as it is now nearly five past 12 on Thursday, today), just three weeks after it was first introduced to the House of Assembly. That is a ludicrously short period of time for legislation that strips South Australian citizens of the presumption of innocence. It is also in stark contrast to the approach of the Victorian government. The Victorian parliament has adjourned its debate (and the Hon. Mr Lawson might be interested in this) on the provisions of the Terrorism (Community Protection) Amendment Bill 2005 until it resumes in February 2006.

The Hon. J.S.L. Dawkins: And they are going to sit in February!

The Hon. SANDRA KANCK: It would appear that they are, and it is perfectly possible that we could delay the committee stage here and have a select committee and then look at this again with proper timing. The Victorian parliament did so, and I quote Premier Bracks, 'to allow the Victorian community time to examine the provisions'. Premier Bracks has advised that, because of the Senate inquiry, whatever consideration the Senate gives to that report, the final form of the commonwealth legislation and any issues that arise out of the public consultation process, any further changes that may be required to the Victorian bill will be made in February next year. If Victoria can do that, what is the extraordinary haste in South Australia? The fact is that the Rann government does not want to be exposed to parliamentary scrutiny in the lead up to the 18 March election.

This bill will become law without the benefit of adequate analysis because to do so would undermine this government's predetermined election strategy. What a disgrace. The extent of this unsatisfactory state of affairs is further highlighted by the fact that the Senate committee into the federal Anti-

Terrorism Bill No. 2 has only just reported. That committee issued a bipartisan report of 52 recommendations, some that directly related to the legislation before us. For example, recommendation No. 2 states:

> . . . a new provision to be inserted in the bill to provide a detainee with an express statutory right to present information to the independent issuing authority for a continued preventative detention order to be legally represented and to obtain the published reasons for the issuing authority's decision.

Recommendation No. 3 states:

> . . . the bill to be amended to expressly require that young people between the ages of 16 and 18 must not be detained with adults while in police custody and be segregated from adults when in state or territory facilities, and be treated in a manner that is consistent with their status as minors who are not arrested on a criminal charge.

The deal before us is silent on these crucial safeguards. Does that not matter to the Rann government or to the Kerin opposition? The Senate committee also recommends that any questioning which takes place during the period of the preventive detention order be videotaped and generally occur in the presence of the detainee's lawyer. Again, the bill before us lacks this sensible safeguard. We do not know whether those recommendations will be adopted by the federal government, yet a majority of the members of the South Australian parliament is racing forward regardless. Is it just the speed of the bill that causes real concern?

The bill itself threatens our basic civil liberties, and that is not just a private view. There are many organisations such as the Bar Association and the Law Society which are strongly arguing the case against this legislation. My colleague, Ian Gilfillan, will deal with more of that in his speech. Like many members, I assume, I have received a lot of emails opposing this legislation. I think that I have had one supporting it.

The Hon. Caroline Schaefer: I have not had even one email.

The Hon. SANDRA KANCK: Okay; well, that is very sad. I am sorry that people have not sent emails to the Hon. Caroline Schaefer. One of the emails that I received was an open letter to victims both past and future. This was written by a man named Matthew, who describes himself simply as 'an Australian citizen', and I want to read what he has us to say, as follows:

> I am writing to you to apologise in advance or in hindsight for your appalling treatment and the infringement on your human rights as administered by my government. It was and will always be an injustice that is not forgivable. You have been, and will be, detained, persecuted and possibly even killed for no more reason than your appearance, a statement that you made or just a hunch made by a jumpy police officer. This is entirely unacceptable.
>
> I could attempt to excuse my part in all this by stating that I didn't vote for any of the degenerates mistreating you. However, whilst this is true, it does not change the fact that it is still happening and will continue to happen until I, and all of us, put a stop to it. I also concede the point that it is incredibly hypocritical to allow my government to invade another country without reason and claim to be bringing democracy to that country whilst whittling away democracy at home.
>
> I realise that allowing you to be detained without having committed a crime and with tenuous evidence at best cannot be undone and that not allowing you to notify family and friends of your whereabouts goes against most people's idea of basic human rights. I understand completely if you see this as a direct attack on you and your family. I would not be surprised if you were to tell me that this had led you to consider extremism as your only defence or last act. I sincerely hope that there is something that can be done to prevent this. Please accept my apologies for this injustice and rest assured that I will do all I can to ensure that this changes before this happens to others.

This bill will enable the South Australian police to detain Australian citizens who the police suspect on reasonable grounds will engage in an imminent terrorist attack, or that the person possesses a thing or has done an act that is connected with the preparation of an imminent terrorist attack, or to preserve evidence of a terrorist attack that has occurred within the past 28 days.

This bill means that on a mere suspicion a person can be detained for up to 14 days. Based on that suspicion, the person will be incarcerated in a prison or a detention centre. Once in prison, they will not be able to tell friends or family why they have been detained. At best, they will be able to communicate that they are safe, but they will not be able to contact them for the time being. Secretly detaining people on the suspicion that they may be connected with a terrorist attack looks more at home in the old Soviet Union than in Australia.

I want to refer to another person who rang the Democrats officer. I am sure that he will not mind me using his name. An email states:

> Mr Colin Butler called. . . to offer his congratulations and support to our [the Democrats] stance against the anti terrorism bill. He was particularly taken by Ian's [Gilfillan] reference to our government acting like a fascist state, while other parties tend to skirt around the issue in a dangerous manner. Mr Butler offered us the following comparison. He grew up in South Africa, and his blood runs cold now as he hears our government moving down the track that he experienced there. In 1948, the apartheid government gained power in the Senate by increasing the number of seats for the German South West. They gave police new powers of detention etc. similar to what is being discussed now.
>
> A friend's daughter who was the Secretary of the Anti-Conscription League was imprisoned for six months in solitary confinement purely on the say-so of a police sergeant. At the end of the first six months, she was detained in solitary for another six months, again at the whim of this single police officer. He feels that it is reckless to give governments and agencies this kind of power when we have examples like South Africa and the cruelties that are synonymous with the apartheid regime.

The other point I want to make about the laws that this government is rushing through is that they are in breach of the International Covenant on Civil and Political Rights. Of equal concern to the South Australian Democrats is: where to next? I remind members that Australia has not had a fatality from a terrorist incident on Australian soil since the Hilton bombing in 1979. Terrorism exists where massive injustice has occurred. The so-called war on terror as a consequence will go on for many decades. Having passed legislation of this nature, where do we go next if we really are attacked? How do we up the anti? I have no doubt that in the wake of a successful terrorist attack the next wave of legislation will be substantially more draconian, making us look more and more like apartheid South Africa or Nazi Germany. There will be a stampede of tougher than tungsten political leaders to announce the next round of attacks upon our basic rights. We are being led down a very dangerous path.

This prompted me to look at the detention regimes in respect of terrorist related offences of various liberal democracies around the world. It was highly instructive. Canada grants those accused of terrorist related offences the same substantive and procedural rights as any other accused criminal. In regard to terrorist related offences, France enables the normal period of 48 hours custody to be extended twice. Each time the extension is for only 24 hours, and each time it must be authorised by a judge. Germany requires an arrested person to be brought before a judge by the termination of the day following the arrest. Greece requires people

arrested to be brought before a public prosecutor within 24 hours of their arrest. Italy allows suspects to be held for up to 24 hours without access to a lawyer to enable identification to be verified.

So, the longest period of detention is four days; in most cases, one day. Each of these countries has faced significant domestic terrorist threats in the past 30 years, yet here in Australia where there has been no terrorist attack on our soil for more than 25 years it will be 14 days' detention. None of those countries mentioned have adopted a regime as punitive as the one we are about to impose. Neither for that matter, despite September 11, has the United States. Unless one happens to be a non-citizen, the US Constitution and the Bill of Rights—a bill of rights that we do not have here in Australia—prevent detention on mere suspicion.

It is absurd that Australia with virtually no history of domestic terrorism adopts far more extreme laws that these countries that have been exposed to it. I wonder about some of my own activities and whether I could find myself locked up under these laws. I have twice visited the US base at Nurranger near Woomera and participated in weekend long events to protest the US presence and have the place closed down. I supported the end of apartheid in South Africa and dared to meet with the outlawed African National Congress. I have addressed rallies calling for the independence of East Timor when our federal government was supporting the Indonesians. I understand that that is now called sedition under federal law. I have been involved in fundraising and given donations to support the cause of independence. Will these laws see me being prevented from indulging in similar activities or if I undertake them, which I am determined to continue to do when I see human rights being abused, will I be detained as a consequence?

We are following the British model with these laws. We are following a country that has created a dangerously alienated class of immigrant children, a country that recently was attacked by domestic suicide bombers, a country that I think by more than coincidence also foolishly went to war in Iraq. Britain is out of step with other liberal democracies and so will South Australia be when this bill passes. The laws that ours will be based on are the British ones. Those laws were responsible for the famed Guildford Four and the Birmingham Six who between them served more than a century in prison before it was determined that the whole thing had been a mistake.

Those same laws, however, were not able to stop the recent London bombings. Does that mean that our laws have to be tougher than the British laws? Was the incarceration of those 10 innocent and people a justifiable cost for the safety of society? The Democrats do not believe it was. The Hon. Kate Reynolds has talked about some of the organisations that have contacted her and quoted what they have said. As well as a couple of ordinary citizens that I have already quoted, I would like to quote a couple of others. Jill Whittaker, a member of Campbelltown council, emailed a number of MPs about these proposals with some telling comments. She said:

> What is proposed is a denial of those very freedoms that we are fighting to achieve in Iraq—the rule of law.

She also said:

> I am appalled that our Premier is leading the charge to create injustice. A quick decision on such a fundamental issue shows a government growing out of touch with the community.

Another email I received from Mahni Dugan begins with the statement:

> If the federal government's proposed anti-terrorist laws are passed, the terrorists will have one the extraordinary victory of destroying democracy in Australia.

In dealing with this legislation we should look to the example of what happened recently with the deportation of US peace activist, Scott Parkin. He was assessed as being 'a direct or indirect risk to Australian national security'. His visa was cancelled and he was placed in solitary confinement before being deported, and the federal police did not have to justify this to anyone. What was his crime? He conducted workshops in Australia, based around the concerns many people, including myself, have about the extreme and immoral profiteering the US company Halliburton is making out of the misery and death in Iraq. They also discussed ways in which to get Halliburton out of Iraq. Mr Parkin helped organise protests outside the Forbes' Global CEO Conference at the Sydney Opera House. He was apparently a real threat to Australia's security. He held organised protests outside the offices of Halliburton's subsidiary, KBR, where the protesters chanted:

> One, two, three four
> We make money when there's war
> Five, six, seven, eight
> KBR is really great

Obviously, ASIO found this highly seditious, so Scott Parkin had to be deported. His detention and deportation occurred under current laws, not the extreme laws we are now facing. I guess he was lucky that these new laws were not yet in place, because they promise far worse.

The South Australian Democrats want this bill referred to a select committee for proper consideration. That committee should, amongst other things, look at how the rest of the world handles this issue. My colleague, Ian Gilfillan, will move for that. We should follow the sensible example of the Victorian parliament. We can return in late January to give this bill the proper consideration it needs, and I urge members in this chamber to support a sensible pause in the passage of this legislation.

The Hon. IAN GILFILLAN: I endorse the remarks of my two colleagues, and I do not to intend to repeat those remarks. As the Hon. Sandra Kanck said, we are on a slippery slope. Once a certain standard is accepted as being the norm, the push is then to extend it. It is quite clear that the Prime Minister of the UK is now pushing for preventative detention for 90 days, moving it up from a short period. That is the sort of inevitable trend in the process that is currently directing our Prime Minister and being followed by compliant state premiers, including the Hon. Mike Rann.

I wanted to acknowledge two organisations as having made observations on this legislation but, unfortunately, there is not time. I do not intend to read all the observations made by the Law Society on the preventative detention legislation, other than a couple of comments in relation to safeguards and the Law Society's conclusions. I believe that honourable members who are taking this legislation seriously should take the trouble to conscientiously read what the Law Society has submitted. The Law Society states:

> It can be argued that 'safeguards' are no such thing without the rule of law, the right to silence, unqualified right to legal representation and the presumption of innocence.

All these are, of course, totally obliterated by the application of the two bills, one of which we have passed and the one that is before us now.

Members interjecting:

The Hon. IAN GILFILLAN: Mr Acting President, you obviously cannot hear me because of the conversation. I ask you to request that there be no conversations competing with your ability to hear me.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): I take the Hon. Mr Gilfillan's point. I think I have made the comment on a number occasions about the level of conversation. I ask members to respect the member on his feet.

The Hon. IAN GILFILLAN: Thank you, Mr Acting President. The Law Society's conclusions and recommendations are as follows:

> This piece of legislation and its national and interstate counterparts—with even more far reaching proposals to come—represent the greatest attack on civil liberty and fundamental human rights since Australia signed up to the United Nations Charter and the Universal Declaration of Human Rights.
>
> The Law Council, and many learned professors of law and other organisations and individuals have undertaken a more thorough analysis of the provisions of the total package than that which has been possible in the limited time allowed by Premier Rann for Parliamentary debate on his Terrorism (Police Powers) Bill 2005; it has been rightly condemned as an unacceptable attack on human rights and fundamental freedoms.

The same criticism applies, of course, to this current bill.

In its comments relating to this legislation, the Human Rights Coalition talks about key issues and proposed safeguards. It states:

> The grounds on which a person can be taken into custody under a preventative detention order. . . 'because of their overly broad coverage, may be classified as arbitrary and contrary to Article 9 of the. . . [International Covenant on Civil and Political Rights]'. . .

I hope I do not have to remind honourable members that we are a signatory to that. In other words, we as a nation have subscribed to these principles that are now being overridden. It goes on to state:

> Detaining someone for 14 days, without them being charged with an offence, is also too long.
>
> If there are to be preventative detention orders then a Judge should consider the imposition of these. Orders of up to 24 hours, authorised by police officers, as proposed in the Bill, are excessive and open to abuse. If the Police are to be given the power to authorise preventative detention orders, then orders of no more than [a few] hours should be possible.

It goes on to state:

> To hold a person who has not committed an offence in a remand centre or a prison is harsh and unreasonable, and could lead to significant claims of compensation.
>
> The limited contact provided to family and workplaces may arouse great distress and the penalty of five years imprisonment for providing some information, including to other family members, is draconian. The Human Rights Coalition recommends that these secrecy provisions should be dropped. There are provisions in this bill where highly subjective judgment can allow significant actions to be taken by the police/issuing authority. . . While the bill is due to expire after 10 years it should at least be subject to review after five years, consistent with the COAG agreement. The Human Rights Coalition would recommend a shorter period than 10 years for the bill to expire. . .

As with the earlier bill, we argue that it should have a sunset clause of no more than five years.

Upon the successful passage of the second reading we will move that this legislation be referred to a select committee. All other entities—except the government and, by its complicity, the opposition—and commentators on this legislation stress that there has been inadequate time and that it is legislation that demands time and the dedicated application of further deliberation. The only way that we can do that in this place is to refer it to a select committee; therefore, I signal that that is what I will move, on behalf of the South Australian Democrats, upon the passage of the second reading.

The Hon. P. HOLLOWAY secured the adjournment of the debate.

DUST DISEASES BILL

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

No. 1—Clause 3, page 2, line 6 to page 3, line 15—
Delete clause 3 and substitute:
3—Interpretation
In this Act, unless the contrary intention appears—
defendant includes a third-party against whom contribution is sought;
dust disease means one or more of the following:
(a) asbestosis;
(b) asbestos induced carcinoma;
(c) asbestos related pleural disease;
(d) mesothelioma;
(e) any other disease or pathological condition resulting from exposure to asbestos dust;
dust disease action means a civil action in which the plaintiff—
(a) claims damages for or in relation to a dust disease or the death of a person as a result of a dust disease; and
(b) asserts that the dust disease was wholly or partly attributable to a breach of duty owed to the person who suffered the disease by another person;
injured person means a person who is suffering from, or who has suffered from, a dust disease.

No. 2—Clause 4, page 3, lines 16 to 22—
Delete clause 4 and substitute:
4—Object of this Act
The object of this Act is to ensure that residents of this State who claim rights of action for, or in relation to, dust diseases have access to procedures that are expeditious and unencumbered by unnecessary formalities of an evidentiary or procedural kind.

No. 3—Clause 5, page 3, lines 23 and 24—left out

No. 4—Clause 6, page 3, lines 25 to 37—
Delete clause 6 and substitute:
6—District Court to ensure expeditious hearing and determination of dust disease actions
The District Court will give the necessary directions to ensure that dust disease actions have priority over less urgent cases and are dealt with as expeditiously as the proper administration of justice allows.

No. 5—Clause 7, page 4, lines 1 to 6—
Delete clause 7 and substitute:
7—Transfer of actions to the District Court
A dust disease action commenced in the Magistrates Court or the Supreme Court before the commencement of this Act will, on application by any party, be transferred to the District Court.

No. 6—Clause 8, page 4, lines 7 to 12—
Delete clause 8 and substitute:
8—Costs
(1) Costs of proceedings in dust disease actions before the District Court will be allowed or awarded on the same basis as for other actions in the District Court.
(2) However, if the District Court considers it appropriate, costs of an action that falls within the jurisdictional limits of the Magistrates Court may be allowed or awarded on the same basis as for a civil action in the Magistrates Court.

No. 7—Clause 9, page 4, lines 13 to 31—

Delete clause 9 and substitute:

9—Evidentiary presumptions and special rules of evidence and procedure

(1) If it is established in a dust disease action that a person (the *injured person*)—

(a) suffers or suffered from a dust disease; and

(b) was exposed to asbestos dust in circumstances in which the exposure might have caused or contributed to the disease,

it will be presumed, in the absence of proof to the contrary, that the exposure to asbestos dust caused or contributed to the injured person's dust disease.

(2) A person who, at a particular time, carried on a prescribed industrial or commercial process that could have resulted in the exposure of another to asbestos dust will be presumed, in the absence of proof to the contrary, to have known at the relevant time that exposure to asbestos dust could result in a dust disease.

(3) The following rules apply in a dust disease action:

(a) the Court may admit evidence admitted in an earlier dust disease action against the same defendant (including in a dust disease action brought in a court of the Commonwealth or another State or Territory);

(b) the Court may dispense with proof of any matter that appears to the Court to be not seriously in dispute;

(c) the Court may invite a party to admit facts of a formal nature, or facts that are peripheral to the major issues in dispute, and may, if the party declines to do so, award the costs of proving those facts against the party.

(4) If—

(a) a finding of fact has been made in a dust disease action by a court of this State, the Commonwealth or another State or Territory; and

(b) the finding is, in the Court's opinion, of relevance to a dust disease action before the court,

the court may admit the finding into evidence and indicate to the parties that it proposes to make a corresponding finding in the case presently before the Court unless the party who would be adversely affected satisfies the Court that such a finding is inappropriate to the circumstances of the present case.

No. 8—Clause 10, page 4, line 32 to page 5, line 11—

Delete clause 10 and substitute:

10—Damages

(1) If it is proved or admitted in a dust disease action that an injured person may, at some time in the future, develop another dust disease wholly or partly as a result of the breach of duty giving rise to the cause of action, the Court may—

(a) award, in the first instance, damages for the dust disease assessed on the assumption that the injured person will not develop another dust disease; and

(b) award damages at a future date if the injured person does develop another dust disease.

(2) The Court should make an award of exemplary damages in each case against a defendant if it is satisfied that the defendant—

(a) knew that the injured person was at risk of exposure to asbestos dust, or carried on a prescribed industrial or commercial process that resulted in the injured person's exposure to asbestos dust; and

(b) knew, at the time of the injured person's exposure to asbestos dust, that exposure to asbestos dust could result in a dust disease.

(3) Despite any other Act or law, the Court must, when determining damages in a dust disease action, compensate, as a separate head of damage, any loss or impairment of the injured person's capacity to perform domestic services for another person.

Note—

This subsection is intended to restore the effect of *Sullivan v Gordon* (1999) 47 NSWLR 319.

No. 9—Clause 11, page 5, lines 12 to 20—left out

No. 10—Clause 12, page 5, lines 21 to 42—

Delete clause 12 and substitute:

12—Procedure where several defendants or insurers involved

The Court will determine questions of liability and quantum of liability to the plaintiff before dealing with questions of contribution between defendants or insurers unless, in the opinion of the Court, any delay resulting from dealing with the questions together is inconsequential in the circumstances.

No. 11—New clause, page 5, after line 42—

After clause 12 insert:

12A—Dust disease action may be brought directly against insurer in certain cases

(1) If the defendant to a dust disease action—

(a) is dead or has been dissolved; or

(b) is insolvent; or

(c) cannot be found,

a dust disease action that might have been brought against the defendant (the *absent defendant*) may be brought instead directly against an insurer who insured the defendant against a liability to which the action relates.

(2) An insurer against whom an action is brought under subsection (1) has the same rights, powers, duties and liabilities in relation to the action as the absent defendant would have had if the action had been brought against the absent defendant.

(3) The extent of the insurer's liability cannot, however, exceed the extent to which the insurer would have been liable to indemnify the absent defendant if the action had been brought against the absent defendant.

No. 12—Clause 13, page 6, lines 1 to 11—left out

No. 13—New clause, page 6, after line 11—

After clause 13 insert:

14—Regulations

The Governor may make such regulations as are contemplated by, or necessary or expedient for the purposes of, this Act.

No. 14—Schedule 1, page 6, after line 20—

After Part 1 insert:

Part 1A—Amendment of *Limitation of Actions Act 1936*

1A—Amendment of section 36—Personal injuries

Section 36—after subsection (1) insert:

(1a) However, in the case of a personal injury that remains latent for some time after its cause, the period of 3 years mentioned in subsection (1) begins to run when the injury first comes to the person's knowledge.

Part 1B—Amendment of *Survival of Causes of Action Act 1940*

1B—Amendment of section 3—Damages in actions which survive under this Act

Section 3(2), after "and curtailment of expectation of life," insert:

and exemplary damages,

No. 15—Schedule 1, page 6, lines 25 to 31—

Clause 2—Delete clause 2 and substitute:

2—Transitional provision

(1) This Act (and the amendments made by this Act) apply to causes of action arising and actions commenced before or after the commencement of this Act.

(2) However, subclause (1) does not apply to an action commenced before the commencement of this Act if the trial has commenced before the commencement of this Act.

CHILDREN'S PROTECTION (MISCELLANEOUS) AMENDMENT BILL

The House of Assembly requested that a conference be granted to it respecting certain amendments in the bill. In the event of a conference being agreed to, the House of Assembly would be represented at the conference by five managers.

The Hon. P. HOLLOWAY: I move:

That a message be sent to the House of Assembly granting a conference as requested by the house; that the time and place for holding it be the Plaza Room at 11.15 a.m. Thursday 1 December; and that the Hons Gail Gago, J. Gazzola, R.D. Lawson, Kate

Reynolds and Nick Xenophon be the managers on the part of the council.

Motion carried.

TERRORISM (PREVENTATIVE DETENTION) BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 3392.)

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I thank honourable members for their contributions on the bill. Obviously, there are some very strong views held by members on this particular legislation. I do not think anyone would wish us to be in the situation we are in now, where terrorism has posed such a severe threat to communities as it has done it recent times. We have seen a number of terrorist attacks, beginning of course with September 11 in America and followed up with attacks specifically aimed at the citizens of this country in Bali. We are also well aware that there have been attacks in the United Kingdom, Spain and other countries. We have also seen the threat of internal terrorist attacks in recent days.

The Australian Democrats claim that we need more time to debate this, but I suspect we could still be debating this sort of legislation in a few years' time and it would not make any difference. They would still hold the same views—and they are entitled to do that—however, we would not progress the debate any further. It is regrettable that measures such as those contained in this bill are required but, sadly, that is a reflection of the state of the world we live in at the moment. I suspect that we could come back here early or late next year and the Democrats would still be putting exactly the same views and we would have exactly the same outcome. It is important that we deal with this bill speedily, and I do not think there is any purpose to be served in going over the arguments again. I seek the support of the council.

The council divided on the second reading:

AYES (14)

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

NOES (3)

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

Majority of 11 for the ayes.

Second reading thus carried.

The Hon. IAN GILFILLAN: I move:

1. That this bill be referred to a select committee;
2. That standing order 389 be so far suspended as to enable the chairperson of the committee to have a deliberative vote only;
3. That this council permits the select committee to authorise the disclosure or publication, as it thinks fit, of any evidence presented to the committee prior to such evidence being reported to the council; and
4. That standing order 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

The Hon. P. HOLLOWAY (Minister for Industry and Trade): The government opposes the motion. I have already covered most of the grounds for doing that earlier. The fact is that the reasons for this bill are well known and, while there are a range of views within the community, we understand that, in relation to this bill, we do not believe that holding a committee will add anything to it; plus we have the added complication that tomorrow will the first day of December. By the time any committee was established, advertised and started to take evidence, we would be well into January and the election period would be beginning very shortly after that, anyway. So, it is not really a practical option to have a select committee into this matter, nor, in the government's view, do we believe it is necessary.

The Hon. R.D. LAWSON: We will not be supporting the Australian Democrats' move to have this bill referred to a select committee. We do that with some regret and reluctance. We believe that the committee—and, indeed, the parliament—should be meeting in January and February of next year, which would provide ample time to deal with this important measure. However, we realise that, even if the Legislative Council were to continue sitting, the government is determined to ignore the will of the South Australian community and not sit the House of Assembly next year. That would mean that a measure of this kind could not pass through both houses of parliament before the election. So, the government has effectively frustrated the possibility of any effective scrutiny or review of this piece of legislation by the mechanism that the Australian Democrats propose. However, we acknowledge that this bill reflects an agreement of the Council of Australian Governments. We have analysed the bill carefully, and we believe that it strikes a fair balance between the civil rights of individuals and the right of the community to be free from the scourge of terrorism.

Some of the speeches made by the members of the Australian Democrats and some of the quotations referred to by them (especially the Hon. Kate Reynolds) related to observations about the bill leaked by the ACT Chief Minister, which bill had been extensively revised as a result of the community discussion which occurred after that bill was released. We have previously indicated that we probably would not have supported the measures that were included in the bill that was originally proposed, but the governments have wisely introduced a great number of protections as well as judicial oversight, which was absent from that bill. The Hon. Kate Reynolds talked about tracking orders, which of course are not a feature of this bill in this state legislation. They might be in the Australian federal legislation, but they are not in this legislation. Once again, I think that shows that some of the opponents of this bill are reaching for every possible straw to say that it should be defeated and are not representing the bill correctly as it stands. We will not be supporting this motion.

The Hon. IAN GILFILLAN: I think one could call 'shame', which was the word used by the Leader of the Opposition, on hearing the reaction to our move for a select committee. I think it is somewhat ironic that the federal parliament, one of the parties to the COAG agreement, is still wrestling with the details of its own responsibility for the legislation, and it is reasonable to reflect that there may well be an inconsistency between what finally comes from the federal parliament and what is being rushed through the South Australian parliament. Another point that I would like to emphasise is that I would be stunned if any member of this place did not regard this as extraordinarily important

legislation with extraordinarily important impacts on our society, and the extra time between now and after the next election is not excessive to give proper, detailed and objective analysis to legislation. It was implied, I think somewhat unreasonably (and I think the Leader of the Government implied this), that even if the Democrats were successful they were still going to oppose the legislation.

Be that as it may; the fact is that we introduced the largest number of constructive amendments to the earlier police powers bill, because we do regard the legislation as so important, and a select committee would enable other parties in this place to be involved in looking at the areas of amendment, not necessarily the total rejection. As I said (but the Leader of the Government chose to have amnesia on this point), we recognise that there are areas of legislation that could be properly introduced, but they are locked into these extreme measures, which make them most unpalatable to those of us who support civil rights in this community. The South Australian Democrats again urge this place to support the motion for a select committee.

The council divided on the motion:

AYES (4)

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

NOES (13)

Dawkins, J. S. L.	Evans, A. L.
Gazzola, J.	Holloway, P. (teller)
Lawson, R. D.	Lensink, J. M. A.
Lucas, R. I.	Ridgway, D. W.
Schaefer, C. V.	Sneath, R. K.
Stefani, J. F.	Stephens, T. J.
Zollo, C.	

Majority of 9 for the noes.

Motion thus negatived.

In committee.

Clause 1.

The Hon. SANDRA KANCK: I want to place on record that the Democrats do not have any amendments to this bill, because our intention was to move—as we all know from the previous vote—to have this referred to a select committee. We had hoped that, as a consequence of a select committee, there would be recommendations coming forward to reach some sort of consensus about what this parliament thinks would be the safest form of such bills.

The consequence of most of the members in this parliament voting against that motion to refer it to a select committee is that we have no amendments to move. However, I want to record again our total disapproval of this bill in its current form. We do not have the amendments that we thought we might have, because of the lack of cooperation of the rest of the chamber, with the exception of the Hon. Nick Xenophon.

The Hon. R.D. LAWSON: Does the government have any proposal in relation to possible amendment of this legislation if, for example, the commonwealth parliament does not pass the template upon which this is based and makes any significant amendments, or if other states should choose not to pass the legislation in this form?

The Hon. P. HOLLOWAY: This legislation fulfils South Australia's obligations under the COAG agreement. The government's position is that we intend to honour our obligations under that agreement. It is our understanding that the commonwealth under that agreement cannot unilaterally alter the provisions: it would need a majority of the participants to agree to that. We intend to proceed on that basis. Should there be some alteration to that position, however that might occur, obviously that is something we would have to consider at a future time and something that would have to be addressed in the new parliament, the 51st parliament. If it comes about that there are some changes, that would obviously be addressed.

The Hon. R.D. LAWSON: We are agreeing to the bill in the form in which it is presented, on the basis that this is legislation that we have passed in other jurisdictions. We would not have agreed to a bill in these terms unless we were satisfied that other parties to the COAG agreement were complying completely with their obligations under it. I should put on the record that, in the event that other jurisdictions adopt different measures or the commonwealth parliament itself amends its legislation in a significant manner, we would certainly want to revisit this bill at the earliest opportunity.

The Hon. P. HOLLOWAY: The government would not disagree with that position.

The Hon. NICK XENOPHON: I thought that the Democrats' motion had merit. The Hon. Robert Lawson has indicated that this bill may well need to be revisited. Following the Senate committee report, I understand, the federal legislation is still being considered, so I have grave reservations about proceeding with this bill at this time. I note that the Terrorism (Police Powers) Bill has been passed and I supported that, but the idea of preventive detention without what appeared to be sufficient safeguards on the basis of the submissions made by the Law Society indicates that there are some grave concerns about this.

It reflects on the commentary by Michelle Grattan, *The Age*'s veteran political reporter, that there is a concern that, if this legislation is not applied properly or if it is abused, it will be counterproductive in its intent. I do not think that any of us disagree with the intent to keep our communities safer, but it is the way in which it is implemented, and it will be implemented in a way which will be effective in dealing with its stated aims. The Law Society submission, to which the Hon. Sandra Kanck and the Hon. Ian Gilfillan have referred, expresses a number of serious concerns about the safeguards in this legislation. The fact that federal Liberal members of parliament have concerns about the federal legislation gives me pause for even further concern.

Clause passed.

Remaining clauses (2 to 52) and title passed.

Bill reported without amendment; committee's report adopted.

Bill read a third time and passed.

ROAD TRAFFIC (DRUG DRIVING) AMENDMENT BILL

The House of Assembly agreed to the amendments made by the Legislative Council without any amendment.

TERRORISM (POLICE POWERS) BILL

The House of Assembly agreed to amendments Nos 1 to 4 made by the Legislative Council without any amendment and has agreed to amendment No. 5 with the amendment indicated in the following schedule:

No. 1 .Leave out '6' and insert '14' in lieu thereof.

Consideration in committee.

Amendment No. 5:

The Hon. P. HOLLOWAY: I move:

That the House of Assembly's amendment to amendment No. 5 be agreed to.

I think that this was the only amendment moved by the opposition to the Terrorism (Police Powers) Bill. It related, if I recall, to the period of time within which a report from the Police Commissioner to the Attorney had to be laid before parliament. The original provision was a six-month period. It was amended in this chamber to three months or six sitting days. The government certainly conceded that six months was unnecessarily long. As a result of the discussion, the compromise is that it should read 'three months or 14 sitting days' which, from the government's point of view, is a reasonable compromise. We believe that it addresses the matters I raised during the debate yesterday. It allows sufficient time for the report to be considered by the Attorney so that the Attorney can remove any confidential matters or matters that might be before a court and so that issues can be addressed. We believe that this is a fair compromise, and we support it.

The Hon. R.D. LAWSON: I indicate that the Liberal opposition supports this compromise. The minister has correctly outlined that the government's original bill requires the Attorney to table a report of the Police Commissioner on the exercise of these powers within six months after its presentation by the Commissioner. The amendment passed in this house was that that time be abbreviated to three months or six sitting days, whichever was the lesser. We believe that that was a perfectly reasonable time within which to edit, if necessary, any such report. However, in the spirit of compromise, we have been pleased to propose, and delighted that the government accepted, that the period be three months or 14 days, whichever is the lesser. I see that there is a slight inconsistency between the provisions of this legislation and the provisions of the preventive detention legislation, which require the annual report under that act to be tabled within 15 sitting days. We have selected 14 sitting days, which is an appropriate period.

Motion carried.

LOCAL GOVERNMENT (LOCHIEL PARK LANDS) AMENDMENT BILL

The House of Assembly agreed to the Legislative Council's amendments without any amendment.

GUARDIANSHIP AND ADMINISTRATION (MISCELLANEOUS) AMENDMENT BILL

The House of Assembly agreed to the Legislative Council's amendments without any amendment.

CHILDREN'S PROTECTION (MISCELLANEOUS) AMENDMENT BILL

The House of Assembly agreed to the time and place appointed by the Legislative Council for the holding of the conference.

ADJOURNMENT

At 1.08 a.m. the Council adjourned until Thursday 1 December at 11 a.m.