LEGISLATIVE COUNCIL

Thursday 1 December 2005

The PRESIDENT (Hon. R.R. Roberts) took the chair at 11 a.m. and read prayers.

STANDING ORDERS SUSPENSION

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

That standing orders be so far suspended as to enable petitions, the tabling of papers and question time to be taken into consideration at 2.15 p.m.

Motion carried.

CHILDREN'S PROTECTION (MISCELLANEOUS) AMENDMENT BILL

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

That the sitting of the council be not suspended during the conference on the bill.

Motion carried.

DUST DISEASES BILL

Consideration in committee of the House of Assembly's amendments.

Amendment No. 1:

The Hon. NICK XENOPHON: I move:

That the House of Assembly's amendment No. 1 be agreed to.

Since I have had the carriage of this bill, I will deal with the amendments. I have had discussions with my colleagues, in particular the Hon. Angus Redford, and I will move that the amendments be agreed to in turn. I preface my remarks along these lines. The amendments that the government moved last night are as a result of a compromise reached in negotiations with the Asbestos Victims Association of South Australia, through its secretary Terry Miller and on behalf of the association. Obviously, my preferred course was the bill that I introduced but, in the spirit of compromise and to get this bill through with a great deal of expediency so that dying asbestos victims may be assisted as a result of the deleterious effects of the two High Court decisions of Trevor Schultz and BHP Billiton last December and the more recent decision of 21 October of CSR and Eddy, I accept each of these amendments.

There will be some discussion on each of these amendments, the first of which relates to the definition of 'dust disease' and 'dust disease action'. These definitions are somewhat narrower in scope than those in the bill that I introduced, but the Asbestos Victims Association is happy to agree with this in the spirit of compromise, because in its amended form it will still deal with the victims of asbestos related disease, which is the primary concern of this bill.

The Hon. A.J. REDFORD: I have not had an opportunity to read last night's debate in the other place, but will the government explain why it wants to remove paragraphs (d), (f), (g), (h) and (i) from the bill? Those paragraphs relate to berylliosis, silica-induced carcinoma, silicosis, silico-tuberculosis, and any other disease or pathological condition resulting from exposure to dust.

The Hon. P. HOLLOWAY: I am advised that it is the asbestos related diseases which are the main area of concern and that there are very few other dust disease claims made in this state. Perhaps that reflects the fact that we do not have coalmines, etc. in this state. The difference with asbestos is that it has such a long latency period before the disease appears, whereas other dust diseases tend to show up earlier, and therefore the people affected would be covered by the 1986 Workers Rehabilitation and Compensation Act.

The Hon. A.J. REDFORD: Regarding those diseases which are to be omitted from the original bill, does that mean that the conduct of defendants in relation to those matters is on a different footing than what we have seen in relation to asbestos?

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

The Hon. A.J. REDFORD: Will the minister expand on that? In what respect?

The Hon. P. HOLLOWAY: My advice is that the problem with asbestos has been known about for a long time. It has been suggested that James Hardie has had information since the 1930s that asbestos could cause significant health problems, that exposure to asbestos could cause disease. Regarding the other dust diseases, it is the government's belief that steps have been taken to address the problems relating to other types of dust, but that does not appear to be the case with asbestos.

Motion carried.

Amendment No. 2:

The Hon. NICK XENOPHON: I move:

That the House of Assembly's amendment No. 2 be agreed to.

The Attorney has moved an amendment to change the objects of the act. The version passed in this place stated:

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:

(a) have access to procedures that are expeditious and unencumbered by unnecessary formalities of an evidentiary or procedural kind; and

(b) have essentially the same legal and procedural advantages as are available in the Dust Diseases Tribunal of New South Wales.

For the reasons outlined by the Attorney from his consultations with the Chief Judge, I understand that the courts here have found references to the Dust Diseases Tribunal of New South Wales objectionable. The reason why I included references to the Dust Diseases Tribunal in my bill was that I believed that that was a system that had worked—and, indeed, the Hon. Michael Wright, the Minister for Industrial Relations, has referred to that as world's best practice. However, I understand the differences between our court systems, however subtle they may be, in New South Wales and South Australia. This amendment simplifies the object to ensure that the object of this legislation 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. In effect, it is trying to do what has been happening in New South Wales for the past 15 years or so, but without constraining our courts to necessarily follow exactly what is occurring in the New South Wales Dust Diseases Tribunal.

This might be a little unusual, and if the minister cannot respond I will not take undue issue with it. My understanding is that there will now be a process where the courts will need to redraft rules so that actions of this type can be put in a separate list. Obviously, we have the Christmas break coming

up, but all members are aware of the urgency with respect to those who are suffering from a dust disease such as mesothelioma, particularly in the latter stages. Can the minister—or, alternatively, the Attorney in the other place—indicate what steps will be taken to ensure that, once this bill is passed, there will be an expeditious approach to ensure that the rules will be changed so that this special list for victims of asbestos disease can be put in place?

The Hon. P. HOLLOWAY: I first indicate that the government supports the amendment. I am advised that, when the new bill becomes an act, a separate list will be established administratively. The Attorney-General will write to the Chief Judge, and the Chief Judge will refer it to the Joint Rules Committee. It might be possible, I am advised, to achieve some or all of that through practice directions. I hope that means something more to the lawyers than it does to me. In other words, I think that might be the most expedient way to do it; that is really the point I am trying to make.

The Hon. NICK XENOPHON: I am a bit out of practice in terms of practising, but that makes good sense to me. It is a more informal process, but it still has the effect of binding practitioners in the way that matters are conducted. The only other issue is that, given the specialist nature of these types of actions, is it anticipated that barristers or solicitors who have some expertise in dust diseases actions from both sides of the fence, if need be, from both a defendant's and a plaintiff's point of view, will be there to assist the court? Because it is so specialised, is that something that the Attorney envisages as being desirable?

The Hon. P. HOLLOWAY: I am advised that the Joint Rules Committee contains practitioners, so that should address that issue.

The Hon. A.J. REDFORD: I have been aware of examples where rules take an inordinate amount of time to be processed by the courts. I know that the government does not have any direct role in that; we are in the hands of the courts. However, I invite the government to write to the head of the Courts Administration Authority—or, at least, to the Chief Judge of the District Court—expressing the need for a sense of urgency in promulgating these rules. That is an invitation and, certainly, that would have my support. The opposition supports the amendment, although we did like the way in which the Hon. Nick Xenophon did it in the first place; it makes it pretty clear. However, we recognise the legal niceties of these things.

The Hon. P. HOLLOWAY: My advice is that the reason why there would be an attempt to use practice directions is that that would expedite matters. That is why the government is looking at it in this way, because that will expedite the process.

Motion carried.

Amendment No. 3:

The Hon. NICK XENOPHON: I move:

That the House of Assembly's amendment No. 3 be agreed to.

This amendment seeks to delete lines 23 and 24 in clause 5, page 3. Clause 5 relates to the abolition of the limitation of action. In my second reading contribution I indicated that New South Wales has abolished limitation of actions for dust diseases because a plaintiff would still need to prove issues of causation and foreseeability and all those other elements but not be encumbered by the formalities of dealing with a limitation date, given that the period between exposure and diagnosis can sometimes be 40 or more years.

I understand the government has an alternative provision so that it is three years from when the person became aware of having a dust disease or an asbestos-related condition. That is a compromise that the Asbestos Victims Association is happy with and that is why I am more than willing to move this amendment.

The Hon. A.J. REDFORD: I note that my colleague in another place supported this amendment, although my instructions from my party room were to oppose it. However, I recognise the numbers on this. It is my view that it would be simpler and easier if we just got rid of the limitation period, particularly now that we have narrowed it down to just asbestosis. It just takes the element of doubt out of the plaintiff's mind during what is a very difficult period in their life. As I said, I would prefer the way that the Hon. Nick Xenophon had it in the first place, but I recognise the numbers.

Motion carried.

Amendment No. 4:

The Hon. NICK XENOPHON: I move:

That the House of Assembly's amendment No. 4 be agreed to.

This deletes reference to the Dust Diseases Tribunal. My bill provided for a separate division of the District Court to be established; the government's position, which the Asbestos Victims Association is happy to agree with, is that the District Court will be required to 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. My understanding is that the amendment moved by the Attorney will, in effect, require a separate list for dust disease actions within the court. I would appreciate getting some clarification from the minister in relation to that so that it is on the record. Again, it is a fall-back position, but my hope is that it will have the same effect and practical consequences as my originally proposed clause. I understand that the courts here may not want to be seen as duplicating something that another jurisdiction is doing, and my understanding is that this will be, in a sense, less formal, but the intention is that it will have the same effect.

The Hon. P. HOLLOWAY: My advice is that the Chief Judge has agreed to special lists, so I can confirm that for the honourable member. However, the Chief Judge has warned that we cannot simply graft the New South Wales provisions into the District Court; they will not be exactly the same.

Motion carried.

Amendment No. 5:

The Hon. NICK XENOPHON: I move:

That the House of Assembly's amendment No. 5 be agreed to.

This involves the deletion of clause 7 and is, in a sense, consequential to the previous amendment. It relates to the transfer of actions to the Dust Diseases Tribunal in terms of my initial bill and simply involves the transfer of actions to the District Court.

Motion carried.

Amendment No. 6:

The Hon. NICK XENOPHON: I move:

That the House of Assembly's amendment No. 6 be agreed to.

This relates to the issue of costs, and essentially provides that the costs of proceedings in such actions will be allowed on the same basis as the District Court. It is consequential to the previous amendments, given that we will not have a separate Dust Diseases Tribunal.

Motion carried.

Amendment No. 7:

The Hon. NICK XENOPHON: I move:

That the House of Assembly's amendment No. 7 be agreed to.

This relates to evidentiary presumptions and special rules of evidence and procedure. Again, it could be seen as consequential to the previous amendments in terms of the fact that there will no longer be a Dust Diseases Tribunal as such. The wording is somewhat different, but the intent is essentially the same: it prevents the reinventing of the wheel in every case. My understanding, from discussions with lawyers who specialise in this field, such as Tanya Segelov of Turner Freeman, is that South Australian cases can take up to four times as long as those in the Dust Diseases Tribunal because defendants take every point in relation to the aetiology of dust diseases and in relation to causation and foreseeability, even if it relates to a plant or a product where the matter has been dealt with previously. Basically, this will allow for a shortening of trial times and will allow matters to be dealt with more expeditiously. The presumptions there will make it easier all round; in fact, this is something that some lawyers will not like, because it will mean fewer costs, but I think that is a good thing, especially in cases such as this.

The Hon. A.J. REDFORD: Can the minister explain, in simple terms, the difference between this provision and the Hon. Nick Xenophon's original provision?

The Hon. P. HOLLOWAY: My advice is that the main differences are that Mr Xenophon's original bill did not contain a rebuttable presumption about cause and effect or about the knowledge of certain types of defendants. That is the first difference. Mr Xenophon's original bill would have prohibited the court from ordering mediation unless the plaintiff requested it. That provision is not in this bill, because the government believes that we should look at alternative means of resolving these issues. I am also advised that the government's amendments would allow the court rules requiring notices of claims. My advice is that, in urgent cases, the court can dispense with the need for giving notice. So, it has the capacity to do it in urgent cases. I am advised that those are the three main differences between the bills. There are other less important differences.

The Hon. A.J. Redford: What was it again?

The Hon. P. HOLLOWAY: Mr Xenophon's rule abolished the need for plaintiffs to give notice of claim, whereas the government bill retains that provision. However, in urgent cases that requirement can be waived.

The Hon. A.J. REDFORD: I have a couple of comments to make, but I have a couple of other questions in relation to this clause. Subclause (2) provides:

(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.

My first question is: what is meant by the term 'prescribed industrial or commercial process'?

The Hon. P. HOLLOWAY: My advice is that it is the government's intention to make regulations to prescribe those mining companies and companies manufacturing asbestos products when there is ample evidence that these companies did know at the relevant time about these issues. When the government has evidence of that, it will prescribe those companies under regulation.

The Hon. A.J. REDFORD: I make this point, and I will then ask a question. The proposed clause is a significant change to the law in that it reverses a presumption. I do not recall any other occasion where that has happened (but I stand to be corrected) in relation to clauses 1 and 2. I wonder whether there has been any consultation with anybody, apart from the Asbestos Victims Association, in relation to those clauses.

The Hon. P. HOLLOWAY: My advice is that the reversal of the onus of proof applies in some other areas—for example, in workers' compensation cases for dust diseases. I cannot speak for the Hon. Mr Xenophon's consultations but, from the government's point of view, I am advised that the government has consulted with representatives of 'industry', to use that word. For example, the Insurance Council of Australia has been consulted by the government. Obviously, there has been a very limited time in which to do so, but I am advised that we have consulted with the ICA on this matter.

The Hon. A.J. REDFORD: I am trying to be cooperative in respect of this, but I want to express my deep and abiding concern about the way in which the government has treated this matter. I have asked the Attorney-General's office three times for a briefing, and I am yet to receive one. I said in my second reading speech that it was incumbent upon the government, given the urgency in dealing with this bill, that it be open and frank in terms of all the consultation it has engaged in. In endeavouring to cooperate with everyone in this whole matter, the opposition would not be in a position to consult with anyone.

This is a significant change to what was originally in the bill. If the government has any respect at all for the parliamentary process, I would be very grateful if it could tell us exactly what that consultation was and what these other bodies said. It is difficult for us to come to a conclusion in a vacuum, and that is what the government is expecting us to do.

The Hon. P. HOLLOWAY: I think it has been difficult for everyone in dealing with this bill in a very short period of time, but we have done our best. I am advised that the proposal for this subclause came from WorkCover. The government has consulted the Crown Solicitor's Office, and I have mentioned previously the Insurance Council of Australia.

The Hon. A.J. Redford: What did the council say?

The Hon. P. HOLLOWAY: I am advised that it was not particularly keen on the provision, which perhaps is not surprising. However, I am advised that it was not the council's major concern with the bill.

The Hon. A.J. REDFORD: Is there any correspondence that perhaps I could look at?

The Hon. P. HOLLOWAY: I have a copy of a letter here from Chris Newland, the consultant to the Insurance Council of Australia, but unfortunately it is not dated. I will try to obtain the original copy, but it might be helpful if I read it onto the record. It states:

Dear Minister

I submit the following, after referral to Mr Dallas Booth, Deputy Chief Executive, of ICA of the letter of the 9th November 2005 received from Dianne Gray, Managing Solicitor, Policy and Legislation. This bill purports to give jurisdiction to the District Court of South Australia along the lines of the New South Wales Dust Diseases Tribunal. The New South Wales tribunal was created at a time when there were very significant delays in the normal courts in that state (up to six or seven years in the District Court at the time, and three or four years in the Supreme Court). Such delays cause severe injustice to plaintiffs who are facing death in six months or less.

The experience of the New South Wales Dust Tribunal was that it was grossly inefficient, incurring very high legal costs and was

recently the subject of major review and major reform. It is important therefore to recognise that merely adopting the New South Wales tribunal will not necessarily improve things for plaintiffs facing death, but it will probably improve things for their lawyers. Also clause 10(4) gives very wide jurisdiction toward Griffiths v Kerkemeyer and Sullivan v Gordon damages.

The High Court of Australia recently determined that Sullivan v Gordon damages do not form part of the common law of Australia. There is no basis, therefore, for awarding these types of damages. Further, Griffiths v—

The Hon. A.J. Redford: I have that letter, but it does not address this specific issue.

The Hon. P. HOLLOWAY: Perhaps I will table the letter. Hopefully, I will have the signed version in my office very soon.

The Hon. A.J. Redford: I have a photocopy of the signed version if that helps.

The Hon. P. HOLLOWAY: If the honourable member could provide that, that would be better. I am also advised that the lawyers Thompson & Cooper put in a lengthy submission to the Attorney, but they did comment on special rules of evidence and procedure and they did not raise this particular issue.

The Hon. A.J. REDFORD: I have not seen any items, or any correspondence or submissions, and I have not been alerted to any submission that deals specifically with this issue of reversing the presumption. I would be grateful if the minister could confirm that that is the case, that is, that we do not have any submission that directly deals with this reversal.

The Hon. P. HOLLOWAY: My adviser tells me that a letter from Allianz arrived yesterday, but she has not had a chance to closely read it. Apart from the possibility of that, we are not aware of any other submissions in relation to that issue.

The Hon. A.J. REDFORD: I have sympathy with the clause, but I am concerned that there might be some unintended consequences or something that we do not understand. I would be grateful if I could have even a quick look at the Allianz correspondence.

The Hon. P. HOLLOWAY: Perhaps we could come back to that. We do not have a copy here, but I will try to get a copy of it. Before we complete the debate, I will try to get one sent down. Perhaps we could move on and come back to that in order to save time—if that is all right and you are happy with that.

The Hon. A.J. REDFORD: I am happy. I just want to see what it says.

The Hon. P. HOLLOWAY: That is not unreasonable. It appears from a quick look at the letter—although it is dated 23 November—that it was essentially on the original Xenophon bill and therefore it does not appear to comment on the particular issue that the honourable member has raised.

The Hon. A.J. REDFORD: In relation to clauses 1 and 2, the opposition is not in any position to support them, but we are not going to oppose them. Again, this highlights the fact that the asbestos victims saw me back in July, and the government has been well aware of the issues for months. This is the sort of thing the government should have been doing so that we, when we pass laws, have some level of comfort and confidence that there will not be unforeseen or unintended consequences.

I am not here to protect big companies or insurance companies, but there may well be some consequences that are bad for everybody—I do not know—because of the way in which the government has dealt with the matter. However, as I said, we will not oppose it and we will not support it. I suppose there is some comfort in relation to subclause (2) in that it has to be prescribed and, as a consequence, that is done by regulation, and ultimately that will be supervised by the parliament. That will give insurance companies, or others on that side of the argument, an opportunity to make submissions. I hope that the government's consultation process will improve somewhat when it comes to promulgating the regulations. In relation to subclauses (3) and (4), we do endorse those amendments.

The Hon. P. HOLLOWAY: It was my advice that the government had been working on a bill in relation to this matter and had begun consultations with a range of people and was well into drafting a cabinet submission in relation to that. However, the Hon. Nick Xenophon has introduced his bill. I concede the point: it might be nice if there was more time. Allianz, in its letter, says

Should the government wish to change arrangements for dust disease compensation, it should allow more time for a considered analysis and assessment, the potential impacts of any changes, and proper consultation with interested stakeholders to ensure that there are not any adverse or unintended consequences arising from any changes.

The government is not arguing that it might have been desirable to have a lot more consultation but, nonetheless, we believe that we have done what we can in the time available and, given the urgency of the matter, we have made the decision to proceed. If there are any issues that do arise, we can always address them in the future. The important thing, given the urgency that is now upon us because of changes in New South Wales, is that we really need to address this as quickly as possible for the benefit of those victims in particular. However, as a consequence of that, the bill has probably not been as perfectly consulted as we would otherwise like.

The Hon. A.J. REDFORD: I know that this minister is not in any way at fault, and I am not making any criticism of the Hon. Paul Holloway.

The Hon. NICK XENOPHON: I indicate that what this bill is trying to do with the amendments is to restore plaintiffs, as far as possible, to the position that they were in, first, before the Schultz v BHP position of 12 months ago, where they had access to the Dust Diseases Tribunal and where there were fast-track provisions, where there were evidentiary presumptions and where provisional damages could be awarded. There were special rules for the special circumstances that asbestos victims find themselves in.

When insurers say that they have been taken by surprise, I think some insurers and one or two lawyers in this town were pretty pleased with themselves over the BHP Billiton and Schultz decision, but they will realise that they have not been able to get away with it in terms of the impact on dying asbestos victims. The line of questioning by the Hon. Angus Redford is entirely reasonable and legitimate, but it should be borne in mind that, when insurers say that they have been taken by surprise, they were not taken by surprise when all these cases were dealt with by the Dust Diseases Tribunal. I take the point of the Hon. Angus Redford, but the point is that we are now trying to ameliorate the effect of the Schultz decision and also the CSR and Eddy decision. Obviously, there will be some interpretation of those rules, but the intent is to put victims back in the position that they were in not so long ago.

Motion carried.

Amendment No. 8:

The Hon. NICK XENOPHON: I move:

That the House of Assembly's amendment No. 8 be agreed to.

This relates to the issue of damages and amendments to clause 10. The amendment of the Attorney seeks to delete clause 10 and to put in its place some alternative propositions, but I believe they have essentially the same intent, with one exception. First, it allows for provisional damages to be assessed. I believe that the amendment moved by the Attorney is superior to the amendment in my original bill. The amendment in relation to provisional damages, as I understand it, mirrors closely the Dust Diseases Tribunal so that, if a person develops asbestosis, there is not a requirement for there to be a link between asbestosis and, say, mesothelioma a number of years later, because there is not a direct link.

The commonality is that they are both involved in exposure to asbestos, but the two conditions are not linked. There was a question mark as to whether that would have been a point that defendants could have unreasonably used against dying plaintiffs. In relation to the provisional damages provisions, proposed clause 10(1) does that. In relation to proposed clause 10(2), in my bill clause 10(3) sought to have consistency for awards with corresponding actions before the Dust Diseases Tribunal of New South Wales. There is a concern that damages in this state for asbestos victims have been significantly lower for non-economic loss, that is, for pain and suffering. For some to say that there is a link between cost of living and non-economic loss awards, I believe, is fatuous; and that compensation for that pain should not be any different from any other Australian for a similar or identical condition.

It was my concern that we have some consistency in terms of what dust disease victims were receiving from the Dust Diseases Tribunal of New South Wales. I will say this again on record. I have heard stories of lawyers at settlement conferences for some of these very big companies (which knew or ought to have known about the risks of exposure—and we know in James Hardie's case it could have been in the 1930s) telling lawyers representing a person dying from mesothelioma, 'We are in South Australia now; you will get stuff all for pain and suffering', or words to that effect. I find that particularly repulsive. I was trying to bring it into line with the damages awarded in New South Wales.

I understand that, as a result of extensive consultations with the Attorney-General's office, from a public policy point of view, they thought it was preferable to have an alternative provision, rather than having dust diseases on a separate level, even though that is what South Australian victims have been getting through the Dust Diseases Tribunal for a number of years. That is, there ought to be a provision for exemplary damages when the court is satisfied that the defendant knew that the injured person was at risk of exposure to asbestos dust, or carried on a prescribed industrial or commercial process which resulted in the injured person's exposure to asbestos dust, and knew at the time of the injured person's exposure to asbestos dust that exposure to asbestos dust could result in dust disease.

There are those two legs. I know the Hon. Angus Redford will have a fair bit to say about this—and fair enough. This is a compromise position. It is something that the Asbestos Victims Association is prepared to accept in lieu of consistency with the New South Wales Dust Diseases Tribunal. How this will be determined by the courts is something that will need to be established. No doubt the Hon. Angus Redford will enlighten us in terms of his experiences and knowledge of case law on this, but the courts are not known for awarding (and I say this sincerely) big awards of exemplary damages. I do not have the definition of 'exemplary damages' with me, but in layman's terms it relates to the court's awarding additional damages in cases where the defendant was showing a positive disregard for the rights of the plaintiff and a positive disregard for the risk that that person was placed under by exposure to the product or the act that led to the injury.

In blunt terms, it is there to punish bad conduct, so this would apply to those defendants who knew that what they were doing was going to cause significant harm to a person who, in this case, was exposed to their product or processes. I urge honourable members to support this. It is a compromise position. I believe this is something we may well have to revisit in months to come and see how the courts deal with this. My belief from discussions with barristers who have expertise in personal injury law is that in some cases it will mean additional awards of damages—not a significant amount; just an additional amount—so that, in the end, in those cases where the defendants were aware of the damage they were going to inflict with their product, it would mean somewhere between our current position for general damages but less than New South Wales. That is one view, but that is something for the courts to determine.

There is another aspect in relation to damages which is very important. All members are aware that the very moving case of Melissa Haylock and her family relates to restoring the effect of Sullivan v Gordon, the New South Wales Court of Appeal decision of 1999 and overturning the decision of CSR v Eddy. Clause 10(3) is somewhat different from my clauses 10(4), (5) and (6) which relate to the cost of services of a person to a third party. We are talking here essentially about a dependant. The CSR v Eddy decision involved a person whose spouse was disabled; that person died and they could not get the costs awarded. So, CSR had a big win there, and I hope its lawyers and board members are pleased with themselves about the outcome of that case and the impact it would have had on that family and the disabled woman who were left behind after her husband died of mesothelioma. It restores that effect. So, in Melissa Haylock's case it ensures that, in the event that she passes away, her young children—she has nine-year-old triplets—will be able to claim the cost of being cared for and her husband can get that assistance.

The compromise position of the government, with which the Asbestos Victims Association is satisfied, is that it makes clear that this is a separate head of damages; it does not go within general damages and get watered down significantly, and it makes that absolutely clear. It is important that the note is part of this bill, that it intends to restore the effect of Sullivan v Gordon and all the common law principles set out in that New South Wales Court of Appeal decision of 1999.

The Hon. P. HOLLOWAY: I wish to make one point quickly. The only recently reported South Australian decision was Ewins, who was an elderly man awarded $110 000 for general damages, but this is lower than the general damages awarded by the Dust Diseases Tribunal. I use that case because I think the honourable member described them as small. That is not necessarily the case.

The Hon. A.J. REDFORD: I will be as brief as I can. The opposition opposes the way in which this clause is structured, for a number of reasons. This clause will probably cause more harm to asbestos victims' claims than good. I am sure the Hon. Mr Xenophon will agree with me. I think that, in respect of the defendants, we are dealing with a class of litigants who will take every point they possibly can in

relation to every matter they possibly can. That is their history. Quite frankly, when you insert a provision that a court should make exemplary damages, you are condemning these victims to a visit to the High Court. As sure as night follows day, there will be significant litigation over this. The Hon. Nick Xenophon's original position on this was, first, more principled and, secondly, ultimately from a practical perspective better for the victims. There is a whole body of law in the Dust Diseases Tribunal and a whole set of decisions which our courts here could refer to in the process of assessing damages.

As I understand it, the Hon. Nick Xenophon's intention was that the South Australian plaintiff would have the same award of damages as a New South Wales plaintiff, and that is principled and reasonable. But that goes out the window; we do not have that. We still condemn ourselves in awards of general damages to a lower amount. Then the government has come up with this, in my view, stupid idea that they will be able to claw it back by the use of exemplary damages. South Australian courts very rarely award exemplary damages—and I note the insertion of the word 'should', so that is likely to change and I accept that. But how will they be assessed? There is no experience in assessing exemplary damages in this state, and that in my experience is a recipe for sending cases to the High Court. That is a recipe for delaying the ultimate outcomes for these disadvantaged plaintiffs. Whoever thought up this idea has absolutely no understanding of how the courts and lawyers will treat this clause and how they will behave, and it will be counterproductive. That is what happens when one deals with legislation in the way in which we are dealing with it.

The second issue is a matter of principle. I am not here to help defendant companies, but an award of exemplary damages is akin to a punitive award. If I commit an offence—if I go out and murder 10 people—I am charged with murder and I am dealt with all in one hit. I am not punished time and again for the same course of conduct. But that is what this clause will do. As a matter of principle, I do not agree with that. As bad as these companies might be in terms of their behaviour, they will be punished over and over again. This is something that will probably exercise the minds of the full bench of the Supreme Court and, ultimately, the High Court, and some poor mug plaintiff will have to go through that process. I can tell members that being a litigant (and I have been a litigant, and it changes your view on the law) is no fun. The less drama you have, the simpler it is and the better it is. This is totally contrary to that.

I am just so disappointed that for the sake of a headline, I suspect, or whatever, we are going down this very novel path that will create enormous uncertainty. The opposition opposes it. We will not divide—we want the bill to go through—but I have absolutely grave misgivings that this will do anything for plaintiffs except give them drama and trauma as they weave their way along to the High Court. I am just so disappointed in the government with respect to this.

The Hon. P. HOLLOWAY: I would like to make some comments on the record about exemplary damages. I think it is important, because I do not believe the Attorney had the opportunity to make these comments yesterday. Exemplary damages are awarded over and above those necessary to compensate the plaintiff, to punish the defendant and provide retribution to act as a deterrent to the defendant and others minded to behave in a similar way, and to demonstrate the court's disapproval of such conduct. Subject to any statutory prohibition, they may be awarded for torts that are committed in circumstances involving deliberate, intentional or reckless disregard of the plaintiff's interests.

In South Australia, there are several statutes that provide specifically for the award of exemplary damages. These include the Civil Liability Act 1936 (formerly called the Wrongs Act). Section 61 provides that exemplary damages may be awarded for aircraft damage if the defendant is shown to have caused the damage intentionally or recklessly. Another division of the act provides that the personal representatives of a person who died from tortiously inflicted personal injury may be awarded exemplary damages if the defendant is shown to have unreasonably delayed the resolution of the deceased person's claim for damages, knowing that the plaintiff was at risk of dying before the resolution of the claim due to illness or injury or advanced age.

There are also several statutes of an environmental protection kind that provide for the award of exemplary damages, although in those cases the damages are paid to a public authority or into a fund for environmental purposes. One example is the Development Act 1993, which requires the court to have regard to the detriment to the public interest resulting from the breach and any financial or other benefit that the respondent sought to gain by the breach and any other relevant matter.

There is at least one precedent for legislation providing for the award of exemplary damages to people who suffer personal injury as a result of the conduct of a defendant. In Ireland, the Hepatitis C Compensation Tribunal Act 1997 allows for awards of exemplary damages to people who have been diagnosed with hepatitis C as a result of receiving blood transfusions or blood products. The act provides that the claimant may rely on facts found in the report of the Tribunal of Inquiry into the Blood Transfusion Board or any other fact the claimant establishes to the satisfaction of the board.

The Law Commission of England, the Irish Law Commission, the Ontario Law Commission (and probably others) have recommended the retention of exemplary damages, and particularly in cases in which the defendant has acted in gross disregard for the plaintiff's rights. For example, the law commission advocated their retention in areas in which other remedies are inadequate in practice to punish and deter seriously wrongful behaviour. It gave as an example deliberate violations of health and safety legislation. There is no need to fear here shockingly large awards, as are sometimes made by juries in the United States. The amount awarded would be at the discretion of the judge hearing the case. I thought it was important to put those comments on the record.

The Hon. A.J. REDFORD: I thank the honourable member for putting that. We are talking about punishing. The sort of conduct that we are talking about here, in many cases, occurred some considerable time ago. It will not change their future course of behaviour, particularly in the case of some companies that are not operating any more.

The Hon. P. Holloway interjecting:

The Hon. A.J. REDFORD: I think that is probably the most loathed company in Australia, and rightly so. The leader's explanation indicates that I might go for exemplary damages. I am the first plaintiff, and I might get a big lick of money. However, the second person comes along and says, 'I want exemplary damages,' and the court says, 'Look, they have already been punished for that conduct. Sorry, you can't have exemplary damages—and, by the way, you will only be awarded damages on the basis of the South Australian

award,' which is less. So, South Australian claimants ultimately will receive less. I suspect that the only reason why the government is doing this is that it will get a cheap headline out of it, at the expense of victims. That is disappointing, but I will not delay the debate any more.

The Hon. NICK XENOPHON: I have made it clear that the Asbestos Victims Association is very anxious for this bill to go through. I note very seriously the concerns of the Hon. Angus Redford. I preferred my original bill. This is a compromise position. Let us wait and see what happens. My prediction is that we might have to reconsider this in the months to come. However, there has been enormous goodwill here—and I note that the Hon. Angus Redford said that, procedurally, he does not seek to divide on this, and I appreciate that.

The government knows my preferred position. This was an issue of compromise, about which I was concerned. However, the Asbestos Victims Association has made it clear to me that it would rather have this than nothing at all. Ultimately, my prediction, for what it is worth, is that I think this will have the effect of increasing damages in some cases, although not quite to the New South Wales level. However, given that Sullivan and Gordon damages will be applicable in cases such as that of Melissa Haylock, this is something that is very important to the Asbestos Victims Association.

Motion carried.

Amendments Nos 9 to 15:

The Hon. NICK XENOPHON: I move:

That the House of Assembly's amendments Nos 9 to 15 be agreed to.

Amendment Nos 9 and 10 relate to procedures where several defendants or insurers are involved. The government's position (which I have sought to simplify in my bill) is that this tries to change the way that matters will be procedurally dealt with, and they need more time to consult with respect to the insurance industry. I accept that, and in a spirit of compromise do not take issue with that on behalf of the Asbestos Victims Association.

Amendment Nos 11 and 12 relate to actions being brought directly against the insurers, and the government's position is to ensure that some rules are in place—although not quite what I was seeking. Again, these are matters that I believe will need to be revisited in due course, but this bill will at least allow for a workable system to apply that is fair to both parties. I expect there will be some evolution of this. It is worth noting that, according to Professor Jack Alpers from Flinders Medical Centre, South Australia (which has the highest per capita level of mesothelioma in the world) will be expecting something like 2 000 South Australians to die between now and 2020, and up to 4 000 from other asbestos-related conditions such as asbestosis and asbestos-related lung cancer. I think these matters will be ironed out in due course, and I am happy with the government's proposed amendments as a compromise.

Amendment No. 13 relates to regulations for the purposes of this act, and I would appreciate the government very briefly indicating what is proposed in relation to those amendments. Amendment No. 14 relates to the Limitation of Actions Act, and the compromise position is that it is three years from the date upon which it first comes to a person's knowledge. The amendment to the Survival of Causes of Action Act relates to exemplary damages being inserted so that there is a consistency with respect to that.

Amendment No. 15 regarding transitional provisions has redrafted my initial subclauses (1) and (2) and has taken out subclause (3) with respect to what I thought was seeking clarity. However, the Asbestos Victims Association is happy with the transitional provisions in this bill. Basically it means that this can apply once a trial has commenced, and I understand the reasoning of the government in relation to that. I urge honourable members to agree to the amendments.

The Hon. P. HOLLOWAY: The government supports the amendments moved in the other place, but I wish to add one more piece of information. The Attorney has indicated that next year the government will examine the changes that have been made in New South Wales which had effect from 1 July 2005. I am advised that there are no changes reflected in this bill that would flow from what has happened in New South Wales, but the Attorney indicates that by the middle of next year we should know whether the resolution of disputes between defendants and the insurance industry, which was sought to be addressed by the New South Wales legislation, will have impact.

The Hon. A.J. REDFORD: The opposition supports the amendments, but I would like to make some general comments. This is an important piece of legislation and it has been an honour to be part of it. On the whole, I think we have done good. I would just like to say that if it were not for the Hon. Nick Xenophon—I think I will call him Saint Nick from now on—this would not have happened; and if it were not for the Legislative Council, this would not have happened. I note that the Premier in another place, joined by the Leader of the Government in this place, want the abolition of the Legislative Council but, if that occurred, this is the sort of thing that would not happen. I feel I have done good work today, and I thank all members for their cooperation in this matter. In particular (and I know that it is unparliamentary), I would like to thank Saint Nick.

The Hon. NICK XENOPHON: I think it is appropriate for me to very briefly state that this bill is the culmination of many months of hard work and lobbying by the Asbestos Victims Association of South Australia; and, indeed, the Hon. Angus Redford has acknowledged its contribution and that of its secretary Terry Miller, who suffers from asbestosis. I do not think Terry has quite forgiven me for the day I made him walk up a couple of flights of steps rather than use the lift and I apologise, on the record, for the affect it had on him.

The Asbestos Victims Association is a voluntary organisation run by South Australian asbestos victims for victims and their families. It provides a lot of care, support and education in relation to asbestos, and it achieved a real win back in 2001 when the Survival of Causes of Action Act was passed. That put an end to death bed hearings, and I very much appreciate the support of the Hon. Mr Rann, as the then opposition leader, and the Hon. Michael Wright, as the shadow industrial relations minister at that time.

I pay tribute to the victims of this terrible disease. For a state with the highest per capital level of mesothelioma in the world, it is entirely appropriate that South Australia should again be leading the way in terms of fundamental reforms—particularly restoring those Sullivan and Gordon damages.

I also pay tribute to Bernie Banton, who took a break from campaigning against James Hardie in Sydney to come to Adelaide to make his point clear to a number of politicians, including the Premier, about the importance of getting this bill through. Bernie has asbestosis and is on constant oxygen. It was not easy for him to be here, and I very much appreciate his support. I also want to thank people such as Belinda

Dunn, Anita Micallef and Ben Bendyk for sharing their stories with us. I also give particular thanks to Melissa Haylock and her family. She is a very brave woman who spoke out this week. I know how difficult it would have been for Melissa, for her children, Imogen, Ethan and Molly, and for her husband Garry. It has been an absolute privilege to meet her and to assist her and every asbestos victim I have dealt with.

It is not usual for all sides of politics to agree with something so quickly, but there has been enormous goodwill. I pay tribute to the Hon. Angus Redford for the way he has dealt with this issue and the way he put the case forward for asbestos victims in the Liberal party room, as I know he did. I also thank the Hon. Terry Stephens for pointing out his first-hand knowledge of the victims of asbestos-related disease. I thank the Hon. Terry Cameron (who is in the chamber) for his work in the union movement, which has acknowledged the impact of this terrible disease. I also thank the Attorney-General for making available considerable resources in his office. I also thank Diane Gray, the Managing Solicitor of the Policy and Legislation section, who has worked very hard. I thank parliamentary counsel, Geoff Hackett-Jones QC and Mark Herbst, who have spent many weeks on this issue. I note that the Hon. Bob Sneath is in the chamber, and I acknowledge his contribution as well.

I thank the Hon Michael Wright. Whatever differences I have with the minister on issues of gambling, he has been terrific on this matter. He has made himself available and ensured that the Premier was available at short notice to meet with Bernie Banton. Indeed, I thank all members and the Leader of the Government for facilitating the passage of the bill so quickly. I think that when MPs go home tonight they can feel that they have done something really good for a very deserving group of people. Finally, I thank the solicitor for the Asbestos Victims Association, Tanya Segelov. She has been a very feisty representative for asbestos victims. I believe that the outcome that has been negotiated has been a just one for the asbestos victims in this state.

Honourable members: Hear, hear!

Motion carried.

TRANSPLANTATION AND ANATOMY (POST-MORTEM EXAMINATIONS) AMENDMENT BILL

In committee.

The Hon. A.J. REDFORD: Mr Chairman, I draw your attention to the state of the committee:

A quorum having been formed:

Clause 1.

The Hon. CARMEL ZOLLO: Before the Hon. Michelle Lensink makes her comments, I will respond to some other information that has been sought. We have sought advice on the ministerial power for an autopsy in the interests of public health. The Department of Health, under the delegation of the minister, is most likely to deal with a public health autopsy, and all due processes for handling public health issues would be followed. I advise that the minister cannot just decide to authorise an autopsy. In relation to a ministerial autopsy in the interest of public health, first, the designated officer would request the minister to authorise an autopsy only if there was a public health concern regarding the deceased and the death was not necessarily related to that concern, the person's death was not reportable under the Coroners Act, and the family were not consenting. Even then the minister must try again to gain agreement from the family. An example could be where a person has died after having possibly suffered a heart attack but the hospital suspects that, separate from the reason for the death, another disease process was occurring, such as Legionnaires disease.

This provision is necessary only on extremely rare occasions. These deaths are not reportable deaths. The Attorney-General advises that it is inappropriate for the State Coroner to be involved in non-coronial autopsies, and the Coroner has no jurisdiction in relation to such deaths. These autopsies in the interest of public health are beyond the scope of the expertise of the Coroner, who would not have the public health expertise. Reporting arrangements would be with the responsible hospital in its annual report. In relation to the number of non-coronial autopsies carried out in South Australia and the percentage that are family organised, the Women's and Children 's Hospital reports that it conducts approximately 315 to 320 non-coronial autopsies each year. No statistics are kept as to who initiated the request and, with paediatric autopsies, it would often be impossible to state as there would often be much discussion between family and clinicians beforehand.

The Flinders Medical Centre reports averaging about eight adult autopsies per year, and the hospital sends paediatric autopsies to the Women's and Children's Hospital. No information is available on the forms as to who initiated the request. The report states that the Royal Adelaide Hospital has conducted 52 autopsies in 2005 and 58 autopsies in 2004. No information is available on the forms as to who initiated the request. I am also advised that statistics are not kept on whether an autopsy was initiated by the hospital or by the family. In order to ascertain any information of this type, the history of every patient on whom an autopsy had been performed would have to be checked. This information would be known to the patient's clinicians at the time but would not be known by the pathologists who undertook the autopsy.

The Hon. J.M.A. LENSINK: I thank the minister for that reply, which was also provided to me by the minister's office earlier in the week. I think it is fair to say, in relation to the matter of the consent forms, that they are the key to the whole operation of the act. I understand, from the departmental briefing I was provided on Monday, that the additional forms are not completed. Part of the rationale for that is because once the new act is passed then the forms will need to necessarily reflect that, so we do not want to put the cart before the horse, if you like. The person who had carriage of this on behalf of the Liberal Party in the other place, the Hon. Dean Brown, obtained a copy of the hospital autopsy form, which is an updated version of the one that has been in use for some time. I note the date: it was laid on the table in the House of Assembly on 9 November. I have a number of questions and some general comments in relation to the form.

I am reading from the National Code of Ethical Autopsy Practice. The Australian Health Ministers Advisory Council Subcommittee on Autopsy Practice has a code of ethics, principles and so forth. I understand this was endorsed in 2002 and it is the model practice, if you like, from which the content of the form should be derived. It contains some fairly important language which I would like to read into the record. From the principles on page 11, in relation to autopsies, it states that it acknowledges that autopsies require the authorisation of the Coroner rather than the family. The first dot point states:

. It should be clear that a non-coronial autopsy can only be carried out with the permission of the next of kin.

. Respect must be shown towards the deceased and their families at all times.
. Fully open and attentive communication is fundamental to effectively involving families. Processes must be transparent and accountable and able to be assessed and reported and the public benefit of autopsies needs to be recognised.

Then it goes on:

In addition, autopsy practice must be governed by the following principles: the family must be consulted and given the opportunity to be involved to whatever extent they wish to be.

I think that point in particular highlights the importance of both the language and the transparency of the form so that, indeed, families are fully informed as to what they are consenting to. The next point states:

The wishes of the deceased and the family in regard to the autopsy examination should be accommodated as far as possible. Information must be provided in a timely, understandable and sensitive fashion and answers to questions must be open and honest. Only appropriately trained persons should provide information to families.

Then further on, under a section called 'Best practice guidelines for informing and involving families,' on page 14 it states:

Specifically families must be clearly informed of their rights to refuse the performance of a hospital autopsy, or object to the performance of a coronial autopsy, subject to local legislation, in hospital autopsies to limit the extent of the examination and retention of tissue and organs, understanding that such limitations may compromise the information attained from the autopsy; in regard to disposal options for retained tissues and organs, to be advised about uses other than diagnosis to which retained tissues and organs can be put.

I think that is particularly pertinent to the so-called 'blocks and slides' issue. I have some questions which I might wait to ask until the departmental people are here, because we need to make absolutely sure that these matters are crystal clear for families.

The Hon. SANDRA KANCK: As I made clear in my second reading speech, I really felt that it would have been far more appropriate for these forms that are being designed to be incorporated as a schedule to the bill. Given that is not the case and it is really, I think, quite beyond us to ask parliamentary counsel to design a form—in the same way as I had with my Dignity in Dying bill—it is important for us to discuss that form. I know that is going to be somewhat difficult, because we do not formally have a copy. The Hon. Dean Brown did table a copy of the form in the House of Assembly, so we do have copies that we can refer to. I hope the minister will also have a copy of that form, because I suspect that both the Hon. Michelle Lensink and I will be wanting to make reference to it and to seek some undertakings from the minister in regard to suitable amendments to the forms to make them watertight.

The Hon. J.M.A. LENSINK: I refer to the form which was tabled in the House of Assembly on 9 November. From what I understand, it is an updated version of the standard form which has been examined by the advisory committee. I understand that the form will become a regulation under the act.

The Hon. CARMEL ZOLLO: I am advised that that is the case, yes.

The Hon. J.M.A. LENSINK: In relation to the specific language, the footnote at the bottom of page 2 and the bottom of page 4 in relation to subsection (b)(i) refer, first, to the spouse of the person and secondly, a son or daughter who has attained the age of 18 years. That is in relation to whom the senior available next of kin means. When it says 'spouse', I assume that is referring to the existing provisions in the Family Relationships Act, so spouse also means putative spouse and therefore also includes de facto couples.

The Hon. CARMEL ZOLLO: I can advise the honourable member that this act is amended in the relationships bill, but that bill is still before another place.

The Hon. J.M.A. LENSINK: I am sorry; I may not have made myself completely understood. The word 'spouse' is simply used in this footer, so I am wondering whether 'spouse' includes de facto, as is currently defined in existing legislation, which I understand is the Family Relationships Act; or are de factos excluded if the relationships bill does not pass the House of Assembly?

The Hon. CARMEL ZOLLO: I am advised that it just uses 'spouse', therefore it has the ordinary dictionary meaning.

The Hon. J.M.A. LENSINK: In that case, will the government consider in the next incarnation of this form that is to be inserted in the regulations whether 'de facto' should also be included as a senior available next-of-kin? I am referring to 'de facto' as defined in the current statutes, not as it might be defined if the relationships bill passes.

The Hon. CARMEL ZOLLO: We will take that into consideration. It is not in the form, but we will see whether we can take some advice. That is the best I can offer at the moment.

The Hon. J.M.A. LENSINK: My next question refers to the issue of organs, blocks and slides, tissues and tissue slides on pages 7, 8 and 9 of the draft form. Regarding section 6—microscopic examination, 6(a) states:

Do you consent to small samples being taken for examination under a microscope for the pathologist for the purposes of the autopsy?

Section 8 refers to the disposal of organs, blocks and tissue slides. There are a number of other references on those other pages to the retention of samples. My concern is that the language is not uniform throughout the document. It has been suggested to me that in 6(a) after 'small samples' the words 'blocks and slides' be inserted and that in 6(b) and again in section 10—use of tissues and organs for medical education—that, for instance, 'tissue samples, blocks and slides' should also be inserted. As I think the Hon. Sandra Kanck said, it is about unifying the language so that it is absolutely clear, because there appears to be the potential if certain words are omitted that a family might not be fully informed and, as we stated, fully informed consent is absolutely critical to the confidence that families will have in this bill.

The Hon. CARMEL ZOLLO: I am advised that we can take that view on board in terms of having consistent language in this form.

The Hon. SANDRA KANCK: We need to be consistent. In some cases we need to add things. With reference to 6(a) and 6(b), we noted that 'blocks and slides' need to be added. Question 8 simply says 'disposal of organs' when it should say 'disposal of organs, tissues, blocks and slides'. Similarly, with respect to 8(b), 'Please indicate your request for disposal of blocks and tissue samples'—that should be 'tissue samples, blocks and slides'.

The Hon. CARMEL ZOLLO: The honourable member may well have an earlier version of this form, because the one I have states, 'No. 8. Disposal of organs, blocks and tissue slides', and 8(b) states, 'Indicate your request for disposal of blocks, tissues, samples and slides.' If there is inconsistent language or a lack of uniformity, we can undertake to correct that.

The Hon. J.M.A. LENSINK: I refer to the bottom of page 7. Under the heading 'Disposal of organs, blocks and tissue slides', subsection 8(b) provides:

> Please indicate your request for disposal of blocks, tissue samples and slides (which will be retained for a minimum of 20 years).

I understand that the issue with respect to retention is that the family is offered two choices, that is, that the human material from their loved one may be retained for a period of 20 years, or (for want of a better word—and this is probably not a very nice word) disposal by the hospital by incineration or cremation. Given that some autopsies can take time to complete, I wonder whether we can insert a further option that some other arrangement can be made and that families are not offered an on-the-spot choice of either now or in 20 years, in effect.

The Hon. CARMEL ZOLLO: We agree that that section probably does need to be refined. At the same time, I place on the record that there will need to be some onus on the family: 20 years is a long time to let those people know what their wishes are. We can refine that.

The Hon. SANDRA KANCK: Can the minister explain why these tissue samples, blocks and slides would be kept for 20 years?

The Hon. CARMEL ZOLLO: I am advised that blocks and slides at autopsy are very small samples normally taken for testing and kept for a minimum of 20 years, and they may be used for quality control purposes.

The Hon. Sandra Kanck: In other words, research?

The Hon. CARMEL ZOLLO: No. The blocks and slides are kept for a minimum of 20 years as a requirement for national pathology accreditation under the national quality standards set by the National Pathology Accreditation Advisory Council. It is important that these quality standards apply to South Australian laboratories in the same way as they apply to laboratories in other states. I can also advise that, if families are concerned about blocks and slides, they may discuss their concerns with a medical practitioner or counsellor, and they may be able to negotiate specific handling or disposal through written instructions included on the autopsy form or in consultation with a funeral director.

I have to say that there would be great risks to quality control in South Australia if they could not be kept. South Australian families should not be put at risk of inferior practices compared with other states; however, whilst it is planned that autopsy forms will state that blocks and slides must be kept for 20 years or an autopsy may not be performed, this requirement can be relaxed where there is a genuine cultural or religious reason for families to object, provided that it is explained to the family that subsequent testing that might benefit other families will no longer be possible.

The Hon. J.M.A. LENSINK: In response to that, there is a dot point on page 14 of the National Code of Ethical Autopsy Practice that says:

> Specifically families must be clearly informed of their rights. . . in hospital autopsies, to limit the extent of the examination and retention of tissue and organs, understanding that such limitations may compromise the information obtained from the autopsy. . .

The way I read this is that the words, 'understanding that such limitations may compromise the information obtained,' puts the balance of favour, if you like, to rest with the families to be fully informed as to what their options are and for them to make that decision. It also refers to retention and further use of tissues.

In relation to that point of 20 years versus immediate return, can the minister give a commitment to this committee that that option will, indeed, be clearly provided for families on the form, so that the obligation is not on them to say, 'We deem that our circumstances are such that we would like these returned to the funeral director'? If it is not necessarily in the best interests of either the accreditation process or the full examination, they will be informed of that so that it is indeed their choice.

The Hon. CARMEL ZOLLO: I am advised that, in refining the form, we will make that option as specific as we possibly can. There is also some ability to include what the family may want to see on page 6 of the current form (and I think the honourable member has a copy) under the heading '4. Religious Cultural Beliefs or Practices'. This is actually about autopsy examination but, as we said, we will refine the form, which will then talk about after death procedure as well.

Progress reported; committee to sit again.

[Sitting suspended from 1.05 to 2.18 p.m.]

ASSENT TO BILLS

Her Excellency the Governor, by message, assented to the following bills:

Cape Jaffa Lighthouse Platform (Civil Liability),

Corporations (Commonwealth Powers) (Extension of Period of References) Amendment,

Criminal Law Consolidation (Criminal Neglect) Amendment,

Local Government (Financial Management and Rating) Amendment,

Mile End Underpass,

Mining (Royalty No 2) Amendment,

Statutes Amendment and Repeal (Aggravated Offences),

Victoria Square.

QUESTIONS ON NOTICE

The PRESIDENT: I direct that written answers to the following questions on notice be distributed and printed in *Hansard*: Nos 133 and 287.

INFRASTRUCTURE MINISTER

133. **The Hon. R.I. LUCAS:**

1. Can the Minister for Infrastructure advise the names of all officers working in the Minister's office as at 1 December 2004?
2. What positions were vacant as at 1 December 2004?
3. For each position, was the person employed under Ministerial contract, or appointed under the Public Sector Management Act?
4. What is the salary for each position and any other financial benefit included in the remuneration package?
5. (a) What is the total approved budget for the Minister's office in 2004-2005; and
   (b) Can the Minister detail any of the salaries paid by a Department or Agency rather than the Minister's office budget?
6. Can the Minister detail any expenditure incurred since 5 March 2002 and up to 1 December 2004 on renovations to the Minister's office and the purchase of any new items of furniture with a value greater than $500?

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

Part 1, 3 and 4

Details of Ministerial Contract staff were printed in the *Government Gazette* dated 16 December 2004.

Details of Public Servant staff located in the Minister's office as at 1 December 2004 is as follows:

1. Position title	3. Ministerial Contract/PSM Act	4. Salary and other benefits
Office Manager	PSM Act	$65 374
Ministerial Liaison Officer (Energy)	PSM Act	$63 485
Ministerial Liaison Officer (Emergency Services)	PSM Act	$61 596
PA to Minister	PSM Act	$57 384
Parliamentary Liaison Officer	PSM Act	$49 879
Ministerial Liaison Officer (Infrastructure)	PSM Act	$49 120
Ministerial Assistant	PSM Act	$41 516
Correspondence Clerk	PSM Act	$38 584
Receptionist	PSM Act	$37 116
Correspondence Clerk	PSM Act	$35 647

Part 2

No positions were vacant as at 1 December 2004.

Part 5

(a) The total approved budget for the Minister's Office in 2004-05 was $1 417 298.

(b) The salaries paid for by a Department/Agency rather than the Ministers office are as follows:

(c)

Position Title	Paid by Department/Agency
Ministerial Liaison Officer (Energy)	Microeconomic Reform and Infrastructure
Ministerial Liaison Officer (Emergency Services)	Attorney General's Department
PA to Minister	Attorney General's Department
Parliamentary Liaison Officer	Attorney General's Department
Ministerial Liaison Officer (Infrastructure)	Land Management Corporation

Part 6

This information was released to the Hon Angus Redford MLC as a response to a Freedom of Information request.

GOVERNMENT LOGO

287. **The Hon. J.M.A. LENSINK:**

1. Can the Premier advise why the policy, "Government Branding and Cabinet Communications Committee Guidelines", can no longer be accessed on the State Government intranet site, http://intra.sa.gov.au?

2. Will the Premier provide the policy on Guidelines for Government Branding?

3. Can the Premier advise the cost of the re-branding of all Government agencies and bodies to the State's Piping Shrike emblem?

4. Is it a fact that "only two organisations—the South Australian Tourism Commission and SA Lotteries—will be allowed to use their logos alone"?

5. What was the rationale for exempting these specific organisations?

6. Were other organisations provided with an opportunity to retain their logos?

7. Was the Public Service Association consulted before this policy was put into action?

The Hon. P. HOLLOWAY: The Premier has been advised of the following information:

1. The Government Branding and Cabinet Communications Committee Guidelines can be accessed on the State Government's intranet site, under the section called "Policies, Guidelines and Procedures".

2. The Cabinet approved policy, DPC Circular #25 "*Common Branding Policy for the Government of South Australia"* and the document, Branding Guidelines is available to all Government agencies on the DPC Strategic Communications website at http://www.premcab.sa.gov.au/stratcomms/. A Minute from the Premier, with the policy attached was circulated to all Government Departments and Ministers in January this year.

3. Implementation of the policy across Government is being funded from within existing budgets.

4. To date a total of five Government organisations including the South Australian Tourism Commission and SA Lotteries have been permitted to use their logos independently of the Government of South Australia logo.

5. The decision to exempt organisations from the Common Branding Policy is based on an appraisal of the case for each organisation including considerations of commercial imperatives, competitive framework, public welfare, communication context, and established brand equity.

6. An exemption process has been established through the Cabinet Communications Committee. This provides the opportunity for an organisation to apply for an exemption to the policy to retain their existing logo.

7. The implementation of the Common Branding Policy does not require additional resources as compliance is only required upon exhaustion of existing stocks, or when a replacement falls due at the end of a natural life. The Public Service Association was therefore not consulted.

RIGHT OF REPLY

The PRESIDENT: I have to advise that I have received a letter from Councillor Tolley Wasylenko requesting a right of reply in accordance with the sessional standing order passed by this council on 15 September 2004.

Members interjecting:

The PRESIDENT: Order! The President is on his feet. In his letter of 30 November 2005, Councillor Wasylenko has stated that he considers that the Hon. D.W. Ridgway made inaccurate comments about him in this council on 29 November 2005. This matter has already resulted in an earlier right of reply being allowed. Therefore, I believe that the request complies with the requirements of the sessional order and, consequently, I grant his request and direct that Councillor Wasylenko's reply be incorporated in *Hansard*.

Dear Mr President,

It has come to my attention that a member of the Legislative Council the Hon. D.W. Ridgway after being granted leave made several comments under parliamentary privilege of which relate directly about me. The comments I refer to were made on 29 November 2005.

In relation to 'retreating to the member for Croydon's office to work out their next strategy and I am told that is where the statutory declarations were signed, a number of them being signed in front of Councillor Tolley Wasylenko, with his being signed by Jullanne Duncan'

These comments are untrue and totally incorrect and paints a poor public picture of my role as a councillor and Justice of the Peace. Other than a few minutes on the conclusion of the council meeting in question I went directly home. The statutory declarations in question were sited over a two-day period seven and eight days respectively after the Deputy Mayoral vote being 23 May 2005.

As a councillor and former deputy mayor of the City of Charles Sturt, I am concerned that the honourable D.W. Ridgway a member of the Legislative Council persists to air inaccurate comments which appear to further the cause of unnamed sources.

Yours sincerely

Councillor Tolley Wasylenko

PAPERS TABLED

The following papers were laid on the table:

By the President—

Reports, 2004-05—
- Corporation—
  - Marion
- District Councils—
  - Coorong District Council
  - Goyder
  - Le Hunte District Council
  - Lower Eyre Peninsula District Council
  - Yankalilla District Council
  - Whyalla

By the Minister for Industry and Trade (Hon. P. Holloway)—

Reports, 2004-05—
Courts Administration Authority
Department of Justice (Incorporating the Attorney-General's Department)
Multicultural and Ethnic Affairs
State Electoral Office
Rules of Court—
Magistrates Court Rules 1992—Police Disqualification

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

Reports, 2004-05—
Dog Fence Board
Occupational Health, Safety and Welfare Advisory Committee
Office of Consumer and Business Affairs
River Murray Catchment Water Management Board
South Australian Aboriginal Housing Authority
South Australian Housing Trust
South Australian Soil Conservation Boards
Eyre Peninsula Water Supply Upgrade—Response to the Public Works Committee Report by the Minister

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

Reports, 2004-05—
Children's Services
Children, Youth and Women's Health Service
Coober Pedy Hospital and Health Services Inc
Institute of Medical and Veterinary Science
Mid North Regional Health Service Inc
South Australian Abortion Reporting Committee

By the Minister for Emergency Services (Hon. C. Zollo)—

Emergency Services Administrative Unit—Report, 2004-05.

METROPOLITAN FIRE SERVICE

The Hon. CARMEL ZOLLO: I seek leave to make a ministerial statement regarding the MFS Communications Centre.

Leave granted.

The Hon. CARMEL ZOLLO: On 15 October there was an interruption to the normal operation of the receipt of emergency 000 calls placed by Telstra to the MFS Communications Centre, CommCen. This matter was originally raised in this chamber as occurring on 8 October 2005. However, Mr William Morris, the independent chair of the MFS Disciplinary Committee and a barrister and solicitor, has now investigated the matter and determined that the date of interruption was in fact 15 October 2005. The direct cause of the interruption was computer software related. There were no workplace or operational practices that contributed to the cause of the interruption. The staff at CommCen were not aware of the interruption when it first occurred. It is the view of the independent investigator that the software warning system was inadequate and, as a result of this incident, new warning systems have been implemented.

The incident involved computer screens at the CommCen freezing and the telephone relay system interpreting this freeze as though the workstations were engaged on another call. The in-built redundancy came into operation appropriately and the calls were diverted to the police. This diversion is the fail-safe that ensures 000 calls are directed to emergency services if something goes wrong with the technology, as it did in this case. I have been informed that the independent investigator considered that it could be properly said that the 000 emergency system did not fail at all. The independent investigator was unable to ascertain definitely how long the interruption lasted. It was unlikely that it was more than 90 minutes, and it could have been only 30 minutes. During the period, two calls were received and diverted to the police, and the police attended two incidents, neither of which involved a risk to life or public safety.

I am advised that there was no actual risk to public safety during this period and the investigation found that the potential risk to public safety was slight, given the time of the interruption to services and that redundancy provisions for 000 calls were in place and came into operation. Further, the very substantial work of monitoring fire alarms in buildings and infrastructure functioned normally throughout the incident. Communication out of CommCen by telephone and radio also operated normally throughout. The staff on duty interpreted the lack of 000 calls as a consequence of the time of the morning. It is not uncommon for no calls to be received at Commcen between 2 a.m. and 4 a.m. Within 48 hours of the incident the warning system was improved to provide additional warnings associated with computer failure. There is now both an additional text message, which appears on the supervisor's computer, and also an audible alert, which operates at any time the workstations are not accessible by the phone system. Additionally, alternative methods of SAPOL and MFS communication have been established as another fail-safe protocol.

The independent investigator considered that Commcen operational staff responded promptly, once aware of the problem. He found that the staff remedied the lack of communication with an alternative system in no more than four minutes, which provided a normal emergency response. However, the investigator was very critical of the failure of a particular senior officer to notify the chief officer and myself, as the minister, of this event. This officer has been stood down whilst a conduct review is undertaken. In the interests of natural justice and procedural fairness this procedure needs to take its course with no further comment. I am, of course, extremely disappointed with the failure to notify myself, as minister, and have directed the chief officer to ensure that all senior officers in the service understand their responsibilities in this regard.

QUESTION TIME

MENTAL HEALTH

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make an explanation before asking the Minister for Mental Health and Substance Abuse a question about mental health.

Leave granted.

The Hon. R.I. LUCAS: I refer to a press release issued by the Hon. Lea Stevens in February this year and to a program called the Acute Crisis Intervention Service, otherwise known as the Overnight Emergency Response With Ambulance program. The press release, which is headed 'Australian-first model delivers 7-day, overnight emergency mental health service for Adelaide's outer north and south', states, in part:

> The $500 000 pilot project, which will lead to an ongoing service, has been funded by the state government. . .

It also states:

> 'This exciting partnership is an Australian first initiative,' says Ms Stevens. The plan is that if, for example, a person is concerned

about a family member whose mental state is deteriorating and it's 2 a.m., they will be able to ring the ACIS number and receive specialist mental health assistance.

If the person is a previous user of mental health services their current management plan and previous history will be available on screen, which will enable the service to more quickly assess the situation and decide the appropriate response.

This may be to provide advice, or it may be to send a team around to the person's home. The bottom line is that the person will get specialist mental health care as soon as possible.

I have been advised of proceedings of the Expenditure Review Committee of cabinet meeting of 21 November this year at 5 p.m. in the Plaza Room in Parliament House. This program was one of those for which the minister's department sought carryover from the last financial year. The minister's department argued that the funds were approved by cabinet in 2004-05 as part of a $1.75 million package of mental health strategies which were announced by the former minister in 2004-05. The cabinet committee was told that the money had been given to the minister's department on the strict condition that she or previous ministers had to have expended the program moneys prior to the end of June 2005.

I am advised that the Department of Health went to the Expenditure Review Committee of cabinet and argued that, if it was not agreed that this underspent amount of $449 000 out of the $500 000 pilot program would be made available by the government to the department, the program would need to be scaled down and would not meet the agreed deliverables. My question is as follows: does the minister now agree that $449 000 of critical mental health money that should have been spent on mental health services under this $500 000 pilot program was not spent last year on mental health as it should have been and that that money has now been lost to her department and her agency because the Expenditure Review Committee of cabinet did not approve the carryover of that money into 2005-06?

The Hon. CARMEL ZOLLO (Minister for Mental Health and Substance Abuse): How extraordinary! We have some money underspent and we seek a carryover.

The Hon. R.I. Lucas: You've lost it.

The Hon. CARMEL ZOLLO: You say I've lost it. That's interesting. Your confidante, or whoever has been leaking to you—

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

The Hon. CARMEL ZOLLO: As I say, you say I've lost it. We are doing the right thing and seeking carryover for the people of South Australia and the Leader of the Opposition is criticising us.

The Hon. R.I. Lucas: Why didn't you spend it?

The Hon. CARMEL ZOLLO: There are often many reasons why money does not get spent at the appropriate time.

The Hon. R.I. Lucas: It's called incompetence.

The Hon. CARMEL ZOLLO: It's not incompetence at all. There are many reasons. You have been a treasurer, so you would probably know why. Perhaps you can tell me how many times people sought to carryover funds when you were treasurer, Mr Lucas. I'm sure—

The Hon. P. Holloway: He had budget blowouts. This was red-ink Rob; he had deficits all the time.

The Hon. CARMEL ZOLLO: That's right.

The Hon. P. Holloway: He couldn't organise a budget surplus. That's probably why.

The Hon. CARMEL ZOLLO: Absolutely! I assure the honourable member that I will be—

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

The PRESIDENT: Order! Let us have some dignity on the last sitting day.

The Hon. CARMEL ZOLLO: This is ridiculous. We are doing the correct thing. We are seeking a carryover because it is important that that money be spent, and the Hon. Rob Lucas criticises us. It is absolutely ridiculous!

The Hon. R.I. LUCAS: I ask a supplementary question. Will the minister confirm that the money and that program has been lost to her agency as a result of incompetence within the Department of Health?

The Hon. CARMEL ZOLLO: I will confirm no such thing. I do not know who is leaking information to you, but I will not confirm any such thing.

ABORIGINAL SOBRIETY GROUP

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.D. LAWSON: —asking the Minister for Aboriginal Affairs and Reconciliation a question about the Aboriginal Sobriety Group.

Leave granted.

The Hon. R.D. LAWSON: The Aboriginal Sobriety Group is a service which was established in 1973 and which provides valuable services to the Aboriginal community. It is funded partly by the federal government, partly by the state government and partly by the City of Adelaide. It is perhaps best known for its mobile assistance patrol service which, in the terms of the report of the service, 'provides instantaneous assistance without written referrals'. Most clients are transported from various hot spots before police or representatives of other agencies can come into contact with them. In Adelaide, the service works with two mobile patrol vans, one funded by the Department of Human Services (now the Department of Health) and the other by Adelaide City Council. The service also provides an assessment and referral service, a counselling service and stabilisation and rehabilitation services.

Recently, the government announced that a dry zone will be established in the city of Port Augusta for the period beginning now and finishing just after the next state election, notwithstanding the fact that the minister has expressed opposition to dry zones, as has Monsignor Cappo, the head of the Social Inclusion Board. I mention also that the Aboriginal Sobriety Group recently has established a service in the Riverland, based in Berri. It is running a program there called Talking Circles, which involves group sessions where people can discuss problems they may be facing. These services are being conducted, according to the service, in both Berri and Gerard. My questions to the minister are:

1. Has the Aboriginal Sobriety Group or some other similar service been put in place in Port Augusta to accommodate the city-wide dry zone to be introduced there?

2. Who is funding such service?

3. Does the minister have full confidence in the Aboriginal Sobriety Group?

4. Is he satisfied that the Aboriginal Sobriety Group is providing effective services to the people of the Riverland?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for his all-embracing question in relation to the Aboriginal Sobriety Group, which operates good services within the state

in the areas in which it has expertise. It has been around for some considerable time. The organisation does a good job under difficult circumstances with drug and alcohol affected Aboriginal and non-Aboriginal people within the metropolitan area. More recently, its services have extended to the Riverland area.

Some of the references within the honourable member's question are not quite accurate. The assessments in relation to my opposition to dry zones in the past were not based on any particular principle of opposition to dry zones. My view is that dry zones are applicable and work in some circumstances. In other circumstances they are worth trying as an adjunct to other measures with respect to public drunkenness, not only for Aboriginal people but also for non-Aboriginal people. Many councils of their own volition have established dry zones, which have assisted with public order within those councils which, in the main, are using them for family groupings within council owned properties and crown land for celebratory purposes. From time to time they have served up good results.

The reference to the dry zone in Port Augusta is slightly different because, although Port Augusta's experiment with an almost total dry zone within the city precinct is being supported by my department and myself, those areas are being defined within Port Augusta. Certainly, the city is sending out the message that it will not tolerate public drunkenness within the Port Augusta city precinct, and I think it is still being debated whether there will be areas set aside for wet canteens, etc.

I am flexible in relation to the Port August application, and I have spoken to the mayor and to community members within Davenport—that is, the Aboriginal community leadership. There is some support for the dry zone and some opposition. Certainly, as the honourable member indicates, the proposal as it stands is not totally supported, but it is a new experiment being trialled and responsibility for it is not just with the Aboriginal Sobriety Group—if, indeed, it is to be involved within the Port August region as a mobile service provider, and I have not been given any indication that that is the case.

However, sobriety and public behaviour programs are the responsibility of the whole community, and I hope that the behavioural problems experienced in Port Augusta in the past are just that, behavioural problems of the past, and that they do not continue into the future. Modifications have been made to people's habits in terms of public drinking. There are a lot of issues associated with public behaviour, and it is not just the use of alcohol within the Port Augusta region. It is also the pressure applied to council services and human services provided by state and commonwealth governments when large numbers of people visit from outside the city—particularly people from the northern regions who are, in the main, without shelter. That is another problem that the government is trying to deal with.

The Aboriginal Sobriety Group's role is still being discussed, but I have full confidence that the experience it brings to the Port Augusta and Riverland scenes will allow for an improvement in some of the issues it will be dealing with across the board. I understand that the commonwealth has, in large part, funded the expansion of the Aboriginal Sobriety Group's activities within the riverland, and the state will be working with the commonwealth to deal with issues that bring about public disorder—including homelessness, poverty, unemployment, and all the issues that need to be dealt with within the Port August and Riverland communities.

I have full confidence that the Aboriginal Sobriety Group, working with local government and state and commonwealth government agencies, can marshall its resources to act in a way that is beneficial to everyone. I believe it will take some time for it to gain the respect of all the groups within the Riverland, given that there is competition for funding and programming within the Riverland area. When the commonwealth, state and local government agencies start to work together, I am sure that the local Aboriginal groups will start to work together to bring about results that reflect the interests of the broad community.

Nearly every summer there are flare-ups in relation to public drunkenness in both the Riverland and Port Augusta areas. It is not only those regions that have those flare-ups, as they occur frequently where celebrations are being held over long weekends, the Christmas-new year period and where large numbers of young people congregate, such as in the recent Schoolies Week in Victor Harbor, which has presented difficulties for human services and local government services in being able to control a large number of mainly non-Aboriginal young people. Where these problems originate, governments have to respond. The Aboriginal Sobriety Group is just one group we will be calling upon to provide services and assistance.

I pay tribute to all those people who have worked in the Aboriginal Sobriety Group since I have been minister and, indeed, during the time of the previous government, when it did its job in a professional way under very difficult circumstances, particularly around Parliament House. Those of us who remember what used to happen around Parliament House from time to time know that the issues of public drunkenness within this precinct have been cleared up.

An honourable member interjecting:

The Hon. T.G. ROBERTS: I was not talking about inside the house, as one interjector indicates. That is still a problem that has not been eradicated! That is another matter. The issue has been handled very well by the Aboriginal Sobriety Group in dealing with the areas outside Parliament House and within the public square. I hope that they are able to be properly funded, adequately staffed and trained to add to the tools that governments use to assist in maintaining order within those communities.

PLANNING POLICY

The Hon. A.J. REDFORD: I seek leave to make an explanation before asking the Minister for Urban Development and Planning a question about government planning policy.

Leave granted.

The Hon. A.J. REDFORD: Earlier this year, the government introduced legislation to 'improve the state's planning and development system'. Part of the legislation introduced related to the composition of development assessment panels. In short, the legislation proposed that these panels would reduce the role of elected local councillors in the approval of certain developments. During the debate, the government decided to drop the proposals, and a bill is currently nearing the end of the parliamentary process, albeit that it does not cover this issue. The government has not made any public pronouncements since that event on this issue. I further note that complaints at the time were made about the time it takes for a PAR to be approved by the state government. My questions are:

1. Will the government rule out any reduction in the role of elected members of council on development assessment panels should it win the next election?

2. What is the government's policy on the role of elected local councillors in the planning process, that is, is it government policy that it be contained only to policy decisions?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I have some difficulty answering the question, because the bill that contains this measure is before the parliament at the moment. I am not sure whether it is in order for me to answer. I seek your guidance, Mr President.

The Hon. A.J. Redford: If you are refusing to answer, that will suit me.

The Hon. P. HOLLOWAY: I am not. I wish to abide by standing orders. I am happy to answer.

The Hon. A.J. Redford: If you refuse to answer, that will suit me.

The Hon. P. HOLLOWAY: In other words, you will misinterpret the—

The Hon. A.J. Redford: No. I am saying that you have not ruled it out.

The PRESIDENT: Hypothetical.

The Hon. P. HOLLOWAY: I am saying that the bill that contains it is still currently before the parliament. Am I allowed to answer questions about matters that are currently in a bill before the parliament, Mr President?

The Hon. A.J. Redford: Just answer it.

The PRESIDENT: Order! Standing orders are quite clear. The Hon. Mr Redford knows that. When a matter is before the council for consideration, it is not normally discussed in the forum of the chamber. However, the minister can give any answer he wishes.

The Hon. P. HOLLOWAY: Thank you for that interpretation, Mr President. It certainly was the government's proposal, and it was an EDB recommendation that there be some change to the composition of development panels to reflect more expertise. A number of councils have already moved towards that goal and, indeed, the initial moves towards that were in the legislation I think the Hon. Diana Laidlaw introduced back in 2001. Essentially, the government was seeking, in accord with the EDB recommendation, to move further in that direction so that there would be greater and broader expertise in the composition of development assessment panels so that the expertise of planners and others with specific knowledge would help broaden the decision making in those areas.

Anyone who has been following this debate would know that there was some opposition to that. I put on the record back in June or July that it was the government view that we would not be further pursuing that particular matter at that stage. Our alternative has been to require greater timeliness in relation to the planning assessment process. There are some regulations that have either been or will very soon be introduced to require the more timely reporting of decision making by local government—and other levels of government, for that matter—in relation to planning decisions.

As for the future policy of this government, we will seek to further improve the timeliness of the decision-making process. Down the track, we certainly will be encouraging councils to have that greater expertise on their panels, which many of them have already achieved. I have spoken to a number of local councils that have added independent experts onto their development assessment panels. To my knowledge, all of them (I do not think I have met a single exception) have said that the addition of those independent experts has contributed to the performance of those development assessment panels, because they have brought a level of expertise that may not be present among elected members.

Obviously, when the government comes to the election, we will consider exactly what model. However, at this stage, I am quite happy to say that the government is certainly committed to trying to de-politicise the development assessment process and to increase the expertise on those panels. However, what I cannot guarantee is that it will be in exactly the same form as we have had in the past. I would hope that, as a consequence of the changes we are making to the timely reporting of development assessment panels, the information we accumulate when those regulations come into force over the coming year will ensure a more sophisticated policy response in the future about how we can continue to improve the timeliness and the independence of the development assessment process.

The Hon. A.J. REDFORD: I have a supplementary question. For brochure purposes, does the minister, in his use of the term 'de-politicise', mean a reduction in the role of elected local councillors on development assessment panels?

The Hon. P. HOLLOWAY: What I mean by 'de-politicise' is taking the politics out of decision making. What has happened in a number of councils is that, rather than having either the whole council make development panels or having a subgroup entirely of councillors, we have moved towards that system, following the Hon. Diana Laidlaw's amendments, which were supported by the then Labor opposition. What we would seek to extend on from that is to introduce on to those panels experts who can provide that independent advice.

The Hon. D.W. RIDGWAY: I have a supplementary question. Does the minister endorse his federal Labor colleagues' new policy position to urge the commonwealth to take a leadership role in planning and enforce tougher building codes?

The Hon. P. HOLLOWAY: I am not aware of what particular policy the honourable member is talking about, and I have no intention of speculating. I can answer for the policies of this government, but I cannot answer for the policies of my federal colleagues.

NARNU WATERWAYS DEVELOPMENT

The Hon. G.E. GAGO: My question is directed to the Minister for Urban Development and Planning. What is the status of a request for the Narnu Waterways proposal on Hindmarsh Island to be declared a major development?

The Hon. P. HOLLOWAY (Minister for Urban Development and Planning): I thank the honourable member for her question. I am able to advise today that I have declared the Narnu Waterways proposal a major development under section 45 part 1 of the Development Act 1993. Members might be aware that this development was first proposed as a major project back in the last 1980s. However, it was effectively put on hold until the Hindmarsh Island marina was subsequently completed and the bridge constructed. The estimated $500 million proposal comprises a residential canal estate with in excess of 1 000 allotments of varying density; a large-scale active aged care accommodation and related facilities; a small commercial precinct,

including a local tavern restaurant and convenience store; a vacuum sewer system and waste water treatment plant to treat and dispose of waste generated by existing holiday housing on the island—that is the whole island—that is not currently sewered, as well as the project site; the provision of all essential urban infrastructure; the restoration of wetlands adjacent to the Lower Murray; and the creation of island bird habitats within the proposed waterway system.

The area of declaration generally encompasses land at the north-western end of Hindmarsh Island to the east of the existing expanse of holiday housing. The reason for this declaration is that I consider that there are a number of issues associated with this proposal that are of major environmental, social and economic importance, and it is important to ensure that a rigorous assessment process is followed. I do not consider that the Alexandrina council has the technical expertise and resources necessary to adequately assess the proposal. I am also advised that the proposal will trigger the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 and that the declaration will allow for a joint assessment process to be undertaken that will satisfy both state and commonwealth laws.

Some of the key issues required to be addressed through the assessment process are likely to be: the long-term management, maintenance and monitoring of a project of this scale which will need to be staged over several years; the maintenance of water quality, in terms of water circulation and turnover times within the canal estate development; the impact of such a development on the water quality of the ecosystem of the River Murray and the Coorong, including Lake Alexandrina and Lake Albert Ramsar wetlands; Aboriginal heritage and native title issues; the impact on nearby townships; the impact on existing infrastructure and services and on nearby and downstream users of the river; and the impact on ground water. Issues such as salinity and flooding will also need to be addressed.

Assessment under the major development process will provide a comprehensive and coordinated decision-making framework relating to all aspects of the proposed development. However, I must also stress that a declaration pursuant to section 46 of the Development Act does not indicate support or otherwise for such a proposal: it merely triggers the assessment path that the proponent must follow which, in the case of a major development, may include the preparation of an environmental impact statement. Following today's declaration I will now be writing to the proponent requesting a formal development application for consideration by the Major Developments Panel.

The Hon. SANDRA KANCK: I have a supplementary question. What is the name of the proponents?

The Hon. P. HOLLOWAY: They are the operators of the existing marina on Hindmarsh Island. As I said, the proponents of this proposal are associated with the operation of the Hindmarsh Island marina. Classpoint Pty Ltd is the actual company which, as I said, is associated with the developers of the current marina on Hindmarsh Island.

GENETICALLY MODIFIED CROPS

The Hon. IAN GILFILLAN: I seek leave to make an explanation before asking the Minister for Mental Health and Substance Abuse, representing the Minister for Agriculture, Food and Fisheries, a question regarding genetically modified crops.

Leave granted.

The Hon. IAN GILFILLAN: In the media recently, it was announced that Switzerland, which is the home of the world's biggest biotech corporation, Syngenta, has taken the bold move of banning genetically modified crops. This follows a referendum in which Swiss voters endorsed a five year ban on genetically modified crops in relation to the damage that it would do to their marketing of rural products. Yet, in Australia, the federal government is under considerable pressure from industry to force the removal of state-based moratoria. In recent days, we have also seen the scrapping of a CSIRO project following the discovery that genetically modified peas cause serious health problems to mice, reported by Selina Mitchell and Leigh Dayton in *The Australian* of 18 November 2005. The article states:

> CSIRO scientists have abandoned a decade-long GM crop project in its last stages of research after learning that peas modified to resist insects had caused inflammation in the lung tissues of mice.

The Western Australian Labor government Minister for Agriculture reacted strongly. Minister Kim Chance put out a press release on 26 November which stated:

> Agriculture Minister Kim Chance today announced that the state government, through the Department of Agriculture, would fund an independent long-term animal feeding trial to gain data on the safety or otherwise of GM food crops.
>
> The state government is mindful that many in the community hold concerns about the safety of GM crops, with much of the research in this area being conducted or funded by the very companies that promote the GM product. This trial will be an independent study of GM food crops so that the Western Australia government can gain its own data on GM foods.
>
> Mr Chance said it was concerning that the adverse safety effects associated with a study on a variety of GM pea which caused inflammation of the lungs of mice had only come to light recently, despite 10 years of research and development. The inflammation was as a result of an allergic response to the protein. . . 'There has been a concern for a long time that when a gene is taken out of one organism and put into another, the protein expressed by that gene may be different,' the minister said.
>
> The current safety assessments used by Food Standards Australian and New Zealand do not measure this possibility. Mr Chance said the results of the GM pea study showed the need for thorough and independent feeding studies on GM foods. The Gallop government is committed to protecting and enhancing WA's unique lifestyle and environment.

My questions are:

1. Does the minister agree that it is essential that South Australia maintains an effective ban on genetically modified crops?

2. Does the minister share the Western Australian Labor minister's concern about the current safety assessments used by Food Standards Australian and New Zealand?

3. Will the South Australian Labor government work with and contribute funding to the independent feeding studies being conducted by the Western Australian Labor government; or does the Rann Labor government believe the work of minister Kim Chance in Western Australia is a waste of time?

4. This is the main question: is the Rann government committed to protecting and enhancing South Australia's unique lifestyle and environment and keeping South Australia GM free?

The Hon. CARMEL ZOLLO (Minister for Mental Health and Substance Abuse): I will refer the honourable member's questions to the Minister for Agriculture, Food and Fisheries in another place and bring back a response.

NURSING HOMES

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Mental Health and Substance Abuse, representing the Minister for Health, questions about nursing homes.

Leave granted.

The Hon. T.G. CAMERON: A recent article in *The Advertiser* stated that more than half of the 298 nursing homes in South Australia have failed to meet the new fire safety standards, despite receiving taxpayer funded assistance to upgrade their facilities. Nearly 8 000 frail and elderly nursing home residents in the state potentially were at risk by the failure of homes to meet new regulations for fire sprinklers, fire doors and alarms. The latest figures from the Department of Health and Ageing show that in South Australia 51 per cent of facilities have not yet gained their new fire certificates compared with 46 per cent nationally. The regulations set down in 1999 were to be in place by the end of 2003. Despite a two year deadline extension for nursing homes to the end of this year, thousands of residents—old and frail people—have been left without proper protection.

If these nursing homes do not meet the December deadline, they could have their accreditation suspended and lose government funding. Last year, the federal government paid each nursing home $3 500 per resident to meet the costs of increased fire protection. The Chief Executive Officer for Aged and Community Services SA, the peak body representing the state's non-profit age sector, was quoted in the article as saying, 'The government had not seriously called for homes to make the changes until recently.' The slackness of our current situation is nothing more than a disgrace. The potential for a preventable tragedy is waiting. My questions to the minister are:

1. Considering the potential disaster that could occur in any of the more than 150 nursing homes that have yet to meet the new regulations for fire sprinklers, fire doors and alarms, why has the government been slow in acting on this serious issue?

2. With December already upon us, will the minister outline what measures the government has taken or is taking to ensure that the 51 per cent of nursing homes that have not as yet gained their new fire certificate will comply with the deadline?

3. What action will the government take against those nursing homes that fail to gain their certificate when the deadline has expired?

The Hon. CARMEL ZOLLO (Minister for Mental Health and Substance Abuse): I will refer those questions to the Minister for Health in another place and bring back a response.

BUSES, TENDER PROCESS

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the minister representing the Minister for Transport a question about the tender process for government bus services.

Leave granted.

The Hon. J.F. STEFANI: I refer to the Auditor-General's Report for the year ended 30 June 2005 and in particular the audit comments regarding the tender process and documents issued to tenderers for the provision of bus services. I note that the Auditor-General has expressed the view that, notwithstanding the express disclaimer of our process contract contained in the request for tender, there is a significant risk that a court might take the view that in conducting the tender process for metropolitan bus services there was an implied obligation upon the state to act fairly and to accord tenderers procedural fairness. In view of these important issues raised by the Auditor-General, my questions are:

1. Will the minister advise the council whether the tender documents have been modified to address the issues raised by the Auditor-General?

2. Will the minister give an assurance that he has taken all the necessary steps to ensure that the potential risks identified by the Auditor-General, which arise out of the use of the existing tender documents, have been addressed?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I will refer those questions to the Minister for Transport in another place and bring back a reply

SELECT COMMITTEE ON MOUNT GAMBIER DISTRICT HEALTH SERVICE

The Hon. D.W. RIDGWAY: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question about the Mount Gambier District Health Service select committee.

Leave granted.

The PRESIDENT: The honourable member will not be referring to the consideration of the evidence by the committee.

The Hon. D.W. RIDGWAY: No, Mr President. I do not intend to refer to the evidence in detail at all. On 15 October 2003 (over two years ago) the Legislative Council appointed a number of members of this chamber to the select committee. The committee has heard a tremendous amount of evidence. On two occasions it travelled to Mount Gambier to take evidence, which involved not only the members of the committee but the secretary and Hansard staff staying overnight on probably both occasions at, I would suggest, considerable expense to the South Australian taxpayers.

As we have this volume of evidence from all these witnesses, will the minister, the chair of this committee—we know that in the last 12 months the minister has had some health concerns, and we are very pleased to see that he is making a wonderful recovery—please give a commitment that this committee will meet before the election so that we can finalise the report?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): If it is possible under standing orders to meet to look at the report that is being drafted at the moment, we can do so as a committee. I do not want to disobey standing orders and not carry out my duties and functions as the chair. The situation is that there is a new person drafting the report as we speak. Voluminous entries of evidence need to be gone through with a fine toothcomb and an assessment made and a direction given by the committee to the drafter of the report to finalise it. So, it is in its final stages.

Recommendations will ultimately come out of that. Some consideration may be given to an interim report to report progress. It is unfortunate that my health problems were a part of the interruption. However, if you are able to form a quorum, the chair who set up the committee does not

necessarily have to continue to chair it. If under standing orders it is at all possible to call a meeting to discuss the issues associated with whether an interim report is to be handed down or whether work can continue on a full report, I will try to accommodate that.

The Hon. Caroline Schaefer: He is the only man I know who can spend five minutes saying 'maybe'.

The PRESIDENT: He is the minister for aboriginal affairs, and not fishing, by the way!

YOUNG INDIGENOUS ENTREPRENEUR PROGRAM

The Hon. R.K. SNEATH: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question about the Young Indigenous Entrepreneur Program.

Leave granted.

The Hon. R.K. SNEATH: I understand that 26 young Aboriginal people have been involved in the Young Indigenous Entrepreneur Program and have formed two businesses. Can the minister report on this program and the benefits to those involved?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for his question and for his interest in the role of the Young Indigenous Entrepreneur Program, which runs mainly for the benefit of young Aboriginal people in South Australia. Although other states are running similar sorts of programs, our program is another example of the government's comment to the rest of Australia in relation to Aboriginal economic development. It is one of those questions that have been left unanswered in relation to the building of communities. Too often training programs have been put in place and pilot programs run with no follow through. In this case, the Young Indigenous Entrepreneur Program is achieving results and there are many potential benefits, including increased employment, training and education and enterprise building, which can eventually lead to an increased standard of living for all young Aboriginal people. It is not only for young Aboriginal people: it can also include others.

I have previously informed this chamber about the Aboriginal Economic Development Seminar and Expo that was held this year. This seminar and expo attracted 360 people, provided an opportunity to showcase Aboriginal people who are already successfully engaged in enterprise, and provided information and support for potential enterprise. Mr President, on a point of order, I thought the camera had to be pointed at the person on their feet, and not the person in the chair sitting down.

Members interjecting:

The PRESIDENT: Order! People take advantage of my good nature; that is the problem.

The Hon. T.G. ROBERTS: The Young Indigenous Entrepreneur Program builds on the work we have started. It is encouraging South Australian young indigenous people to develop their business ideas, and is an ideal way for young Aboriginal people to learn about starting their own businesses. Under the program, indigenous and non-indigenous business owners work with small teams of participants, helping them with the basics of business planning, forming a company, developing business skills and turning an idea into a business opportunity. Former Port Adelaide footballer Che Cockatoo-Collins has been appointed as an ambassador and mentor for the Young Indigenous Entrepreneur program, which is now being managed by the Department of Trade and Economic Development—and I thank the minister for his support of that program.

Twenty-six Aboriginal youths have already taken up the challenge, and there are many more to come. The program seeks to harness talent aged between 15 and 25 within South Australia, assist them to become more self-reliant and, ultimately, create employment opportunities through their own endeavours. Participants also receive SACE and TAFE accreditation and are in line to be awarded 12-month scholarships to help them take their business ideas to the next level. This is an opportunity for all South Australians, including South Australian business, to get behind them.

SCHOOL BUSES, SEATBELTS

The Hon. KATE REYNOLDS: I seek leave to make a brief explanation before asking the Minister for Mental Health and Substance Abuse, representing the Minister for Education and Children's Services, a question regarding the safety of South Australian students travelling to and from school on buses without seatbelts.

Leave granted.

The Hon. KATE REYNOLDS: In country areas of South Australia more than 21 000 students travel long distances to and from school every day on approximately 600 buses. None of these buses have seatbelts. Mr President, you will remember that in January 2001 there was a bus crash near the Barossa Valley in which the school bus driver died and 40 children were injured. News reports at the time emphasised that only new school buses on country roads must have seatbelts and, as the ABC said at the time, the South Australian government seemed to be in no hurry to change the law. I note that the Liberal government (as it was at the time) promised to fit seatbelts within two weeks but then failed to take any action.

On 21 September this year, the South Australian Democrats once again called for seatbelts to be fitted on all school buses. Mr President, you may recall from previous contributions I have made that I have a personal interest in this, because my own children travel more than 20 kilometres a day on school buses without seatbelts. Other students travel for up to two hours every school day at considerable speeds on sealed and unsealed roads. I know from personal experience that some buses cannot be fitted with seatbelts because of their antiquated design, so retrofitting has not been an option.

Last week 17 students were injured in another bus crash in the Riverland. The Isolated Children's Parents Association says that the government will not be meeting its duty of care if it does not provide students with seatbelts on buses. The RAA, the Australian Education Union, the Secondary Principals Association, Kidsafe SA and the Australian Council of State School Organisations have joined the South Australian Democrats' call for seatbelts to be installed in school buses. I note that on Monday 28 November *The Advertiser* reported the minister as saying, after she had reversed her decision to even consider installing seatbelts, that the safety of children always comes first. My questions are:

1. Does the Department of Education and Children's Services maintain a register of incidents associated with the lack of seatbelts on school buses; if not, why not?

2. Will the minister provide me with a copy of any plans the government had as at 1 November 2005 to replace the school bus fleet; if not, why not?

3. Will the Rann Labor government commit to upgrading the state school bus fleet with a new, modern bus fleet, which includes buses fitted with seatbelts, before the state election on 18 March? That is commit, not actually produce.

4. Why did the South Australian education minister refuse to respond when the Australian Council of State School Organisations raised this issue of seatbelts at its meeting on 18 November? That was one week before the Riverland crash.

5. Given that DECS is obliged to provide transport for students who live more than five kilometres from their nearest school, what would be the effect on our school system if parents concerned about the safety of their children refused to let their children travel on any country school bus not fitted with seatbelts?

The Hon. CARMEL ZOLLO (Minister for Mental Health and Substance Abuse): I thank the honourable member for her question in relation to seat belts for school-children on buses. I will refer her questions to the Minister for Education and bring back a response.

DRUGBEAT

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Minister for Mental Health and Substance Abuse a question about the DrugBeat program.

Leave granted.

The Hon. NICK XENOPHON: On 27 October 2004, I asked a number of questions to be directed to the then minister for health in relation to drug rehabilitation programs and, specifically, the DrugBeat program at Shay Louise House at Elizabeth, including the level of funding committed to abstinence-based drug rehabilitation programs compared with harm minimisation programs, such as methadone programs. In the answer provided by the Hon. Terry Roberts on behalf of the then minister for health, the minister stated that, in the 2004-05 financial year (covering the period 1 July 2004 to 31 March 2005), 'ADTARP recorded significant increases in the sessions held, with 4 163 one-on-one sessions, 3 535 group sessions, and 1 869 telephone contacts'.

Ms Ann Bressington, the Executive Director of DrugBeat, has advised me that the demand to access her program has continued to grow and that she and her staff work very long hours, and even weekends, to keep up with the demand of clients who want access to the program and who want to be placed, rather than having them placed on a waiting list. Clearly, that is unsustainable, given the hours that she, her staff and trained counsellors have to undertake. She has advised that a parent group has a waiting list. However, the group is engaged in counselling in relation to that waiting list. My questions are:

1. Given the success of the DrugBeat program and the great demand for access to the program, will the minister obtain feedback from DrugBeat as to its outcomes and techniques in drug rehabilitation, with a view to implementing these techniques in other drug treatment programs or, at the very least, extending the type of treatment modalities by DrugBeat (an abstinence-based program)?

2. How does this compare, in terms of the funding for abstinence-based programs, with other programs, such as harm minimisation programs, for which Drug and Alcohol Services SA (DASSA) is responsible for administering the expenditure, including methadone and other maintenance programs?

3. Will the minister consider opening up more centres in other areas to replicate the DrugBeat program at Elizabeth so that more people can have access to this very successful program?

4. What robust audit takes place to determine the effectiveness of getting people off drugs with respect to the various programs available, including abstinence-based programs?

The Hon. CARMEL ZOLLO (Minister for Mental Health and Substance Abuse): Obviously, I am aware of Ms Ann Bressington and her commitment to ensure that young people, in particular, become drug free. My advice is that, for the 2005-06 year, the abstinence program she runs was funded to approximately $280 000.

The Hon. Nick Xenophon: It is a bit less than before, though.

The Hon. CARMEL ZOLLO: Is it? I understand that I already have an appointment to see Ms Bressington. I look forward to sitting down with her and listening to what she has to say about the way in which that program is run. After having met her, and taken on board her views, I will be in a position to respond to some of the questions asked by the honourable member. I will take the other questions on advice.

EYRE PENINSULA BUSHFIRES

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make an explanation before asking the Minister for Emergency Services a question about emergency services.

Leave granted.

The Hon. R.I. LUCAS: Yesterday, the Leader of the Opposition referred to an issue in the House of Assembly, namely, an officer raised in an email a series of allegations in relation to the Eyre Peninsula fires. I will not go through all those serious allegations. However, the Minister for Infrastructure made some criticism of what he alleged was an anonymous email. Let me make it clear that it was an email from Lisa Tenace from the CFS to Alex Prodanovski from SAMFS, for the attention of Grant Lupton, and it contained an original message from an officer by the name of Craig. It was provided to me in a series of responses to a freedom of information request, which I received only a day or two ago. Without going through all those serious allegations, one of the allegations referred to was as follows:

> MFS regional officer [name blanked out] has been pressured not to comment adversely on CFS management of the fire.

It goes on to make a series of allegations about the CFS management of the fire.

On 22 November, I received a telephone call from someone who wanted to provide information in relation to these issues. This person indicated to me that the Acting District Officer for the MFS in that region had, during the events, constructed a timetable or chronology of the events that had occurred during the Eyre Peninsula fire. This person told me that Mr Leon Bignell, the chief of staff to the former minister for emergency services, met with the Acting District Officer at that time, or soon after the fire.

The Hon. A.J. Redford interjecting:

The Hon. R.I. LUCAS: I think he is. The Acting District Officer told a number of colleagues and other people of his concerns about the abusive and arrogant attitude and ap-

proach of Mr Bignell to that officer and others. The Acting District Officer has also told a number of people that he was pressured by Mr Bignell in relation to work he was about to undertake. In particular, this officer who contacted me said that Mr Bignell had said that he did not want anything in a report that was detrimental to the good name of the government. Soon afterwards, that particular officer was hospitalised, and the final report had to be finalised by another officer. My questions are:

1. Will the minister conduct an urgent investigation into the role played by Mr Leon Bignell in relation to these very serious allegations that have been made against Mr Bignell in terms of his attitude to this officer and others and his pressuring and request of a particular officer in relation to what actually occurred in those critical few days in relation to the Eyre Peninsula bushfires?

2. Will the minister report back urgently to the government when it sits early next year? If the minister has not replied before then, will she provide an answer by way of correspondence to me, as I have a number of constituents very interested to hear what she might be able to say about the actions and the behaviour of the Labor candidate for Mawson, Mr Leon Bignell?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): It is a shame that what I think is the last question of the day and of this session of parliament before the Christmas break has to be sleaze. It is a shame. I think 'grubby, grubby' were the words used in the other house. The opposition is using the pain of the people from Lower Eyre Peninsula who suffered such tragedy to talk about issues in relation to that tragedy. We have an independent coronial inquest happening at the moment in Lower Eyre Peninsula, and I certainly do not go on hearsay and anonymous telephone calls from constituents. I suspect that the constituent might be the Hon. Rob Kerin in the other house, or perhaps the Hon. Robert Brokenshire, the member for Mawson.

In relation to that email, which has been widely circulated, I am advised that the officer named in that email, when advised by his supervisor that he had been named, was in one word angry. He was so angry that he put together a statutory declaration immediately, denying what was said in the email. I think it is very important that we stop playing politics with this great tragedy in South Australia.

REPLIES TO QUESTIONS

CAMPBELLTOWN CITY COUNCIL

In reply to **Hon. J.F. STEFANI** (2 November 2004).

The Hon. T.G. ROBERTS: The Minister for State/Local Government Relations has advised:

1. Yes
2. Yes
3. No
4. No. Members of the public had the opportunity to air their views on the options in the Campbelltown Facilities Feasibility study, other than relocation of the depot site. The depot site is expected to require Development Assessment Commission approval and public notification if it proceeds.
5. The Minister has taken appropriate action in the matter.

GOVERNMENT, PREQUALIFICATION CONDITIONS

In reply to **Hon. J.F. STEFANI** (25 November 2004).

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

1. Of the three companies successfully prosecuted for collusive tendering practices, two companies, McMahon Services Australia Pty Ltd and D & V Services Pty Ltd are registered as trade contractors for demolition and asbestos removal work under the Department for Administrative and Information Services (DAIS) Prequalification System.

2. DAIS administers the *Code of Practice for the South Australian Building and Construction Industry* that is applicable to all government building and construction projects. The Code's objective is to assist the Government and the industry deliver value for money to all South Australians by establishing clearly defined standards for industry relationships. It encourages all sectors of the industry, including the public sector, to work together to improve the way they do business including specific requirements to refrain from collusive tendering practices. The Code provides for the application of a range of sanctions for breaches of the Code including preclusion from entering into contracts with the State Government for a specified period of time. The Prequalification System provides for sanctions against contractors for unsatisfactory performance, including proven breaches of the Code of Practice, resulting in cancellation, suspension or downgrading of registration.

3. The Prequalification System does include mechanisms for cancellation, suspension or downgrading of contractors' registration under the system and in order to avoid duplication of processes utilises the investigative and sanction determination processes incorporated in the South Australian Code of Practice. The Code in turn stipulates that where there is another body established under legislation to investigate and/or administer a specific breach of the Code the matter will be referred to that body. Such bodies include but are not limited to the Australian Securities Commission, Trade Practices Commission, Industrial Commission and other courts or tribunals.

DAIS is initiating a review of the *Code of Practice for the South Australian Building and Construction Industry* and the *DAIS Prequalification System* with a view to improving mechanisms for sanctions to be applied to contractors breaching the principles of the Code.

CAMPBELLTOWN CITY COUNCIL

In reply to **Hon. J.F. STEFANI** (14 February).

The Hon. T.G. ROBERTS: The Minister for State/Local Government Relations has advised:

1. Correspondence to the Premier concerning the Campbelltown Council was referred to the Minister responsible for Local Government. No directions were given by the Premier.

2. The Minister sought further information from the Council, including a copy of the facilities feasibility study commissioned by Council. Council indicated it would consult with the community on all the options proposed in the study, other than the location of the Council depot. Consultation has been completed and council has decided its preferred option is a Cultural and Leisure Centre to be built on the current Council site. Council has commissioned a report on the prudential issues arising out of this project and will consider it before making a final decision on this project. Council separately consulted on options for sporting facilities and is currently undertaking a recreation needs analysis for the City area.

3. The Minister has taken appropriate action.

GAMBLING, CODE OF PRACTICE

In reply to **Hon. NICK XENOPHON** (5 April).

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

1. Routine inspections are conducted unannounced. Licensees are not advised prior to the inspection unless the venue is located in remote location and it is necessary to ensure that inspectors can gain access to the premises.

2. Liquor and Gambling Inspectors check approximately 30 individual items in relation to compliance with the Gaming Machines Act, Gaming Machines Regulations, gaming machine license conditions and codes of practice. Broadly, this includes ensuring that licensees have the eleven required signs, posters and pamphlets displayed, that staff are wearing identification and have attended required training, that the licensee maintains a responsible gambling document, that copies of barring orders are maintained and that specific machine and area security requirements are met.

The 7 venues that received letters were in relation to non-compliance with one or more of those 30 items. In each instance these areas of non-compliance were followed up to ensure that the areas of non-compliance were rectified.

Following the introduction of the Codes of Practice on 30 April 2004, the Commissioner allowed a period of time for licensees to comply with and understand the new requirements of the codes. The Commissioner distrubuted guidleines to all licensees in mid January 2005 and indicated in that advice that sufficient time had been given for licensees to comply and that disciplinary action would be taken.

From March 2005, all licensees who have failed to comply with more than one item during a routine inspection receive a notice of disciplinary action.

ADOPTION

In reply to **Hon. KATE REYNOLDS** (30 June).

The Hon. T.G. ROBERTS: The Minister for Families and Communities has provided the following information:

1. The Minister is aware of Ms Lomman's concerns and her situation. However at July 2005 Ms Lomman has not made an application to adopt a child in South Australia, nor has she commenced any process towards that end.

Ms Lomman previously applied to the Department and was assessed as suitable to adopt a child and was registered as a prospective adoptive parent in 2000. She later moved to Victoria, where she applied to adopt and was placed with a child from overseas. As a standard procedure, her registration ceased at the time of the placement of the child.

2. As stated above Ms Lomman has not made an application to adopt a child,

Should Ms Lomman apply to adopt she would be assessed to determine her suitability to be placed with a second child for adoption.

Should she be approved as a prospective adoptive parent in this State, at the point at which she may be matched with a child she will be subject to appropriate regulation as are all other prospective adoptive parents.

Where the State is charged with the responsibility for finding a family for adoption for a child, it is the child's interests which are the main consideration. If there is a reason why a particular child should be placed into a family with a mother only or a father only the provisions of the *Adoption Regulations, 2004* allow for that to occur.

3. The Minister is not aware of any instance where Ms Lomman has experienced discrimination by the Department.

4. The Department applies the provisions of the legislation relating to the placement of children with applicants to adopt a child. If they are found to be suitable to adopt, they will be registered as prospective adoptive parents.

5. The Department's responsibility is to children who are in need of a family by adoption, and not primarily to providing children for people who may want one.

Any South Australian person who meets the eligilbity criteria for adoption, may express an interest in adoption.

If they are found to be suitable to adopt, they will be registered as prospective adoptive parents. In no case does this guarantee that a child will be placed with any applicant.

All applicants for adoption will be treated fairly and according to the provisions of the *Adoption Act 1988* and the Adoption Regulations 2004.

CORRECTIONAL SERVICES DEPARTMENT

In reply to **Hon. A.J. REDFORD** (10 November).

The Hon. T.G. ROBERTS: I advise: I am not aware of any instance where either the Public Sector Management Act or any agreements under the Act will be breached in relation to Correctional Officers attending the protest rally on Tuesday 15 November.

I am advised that the Department for Correctional Services' employees have been informed:

- all absences from work must be authorised by a manager;
- for non shift workers, applications can be made to access flex, toil or paid leave for the purpose of attendance;
- for shift workers rostered on, applications to the manager can be made to attend the rally and make the time up later;
- employees who are absent from work without authorisation will not be paid.

I am advised that food, drink and transport is being provided by the Public Service Association (CPSU).

GREAT ARTESIAN BASIN

In reply to **Hon. SANDRA KANCK** (12 September).

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

1. The Department of Water, Land and Biodiversity Conservation is aware of the views expressed by Professor Endersbee that the Great Artesian Basin is a closed system that is not recharging.

The Great Artesian Basin is a large sedimentary groundwater basin consisting predominantly of porous sandstone containing a very large volume of water in storage. A considerable body of research has been conducted by the Bureau of Rural Sciences in Canberra, on its recharge, flow and discharge processes and hydrochemistry, which indicates that it is an open system and recharge is occurring. Ongoing research and investigation into the recharge processes is being conducted in Queensland and this study also shows modern recharge is still occurring.

Measurements of water and pressure levels indicate the Great Artesian Basin is a continuous flow system with water moving from the recharge to discharge areas. The rate of groundwater movement through the Basin is very slow and hydrochemical analysis shows a progressive ageing of the water as it moves through the basin towards the discharge areas.

The current hydrogeological understanding of the Basin is still accepted as a sound basis for the setting of water use and management arrangements for the Basin.

A strategic management plan has been developed for the Basin through the Great Artesian Basin Consultative Committee and South Australia has prescribed the Great Artesian Basin in South Australia to provide for the preparation of a water allocation plan for ongoing management of the Basin. A draft plan has been released for community comment.

2. South Australia has been rehabilitating free flowing artesian wells in the Great Artesian Basin since the mid 1970s and through the Great Artesian Basin Sustainability Initiative with the Commonwealth Government and pastoralists, have been replacing open bore drains with piped water systems. Bores have not “run dry” in South Australia and the bore rehabilitation and piping programs have resulted in the recovery of some artesian pressures along the margins of the Basin in the critical mound springs zone.

Approximately 29 bores have been rehabilitated and around 5 million litres per day of flows have been saved through the bore rehabilitation and piping initiatives in South Australia.

3. BHP Billiton is able to take water from its two bore fields in the Great Artesian Basin in accordance with the special water licences issued under the Roxby Downs Indenture. The Indenture and licences provide for pressure drawdown limits and management arrangements to manage these extractions. BHP Billiton has improved its water use efficiency in its processing plant over the period of operation. It is a requirement of the Indenture to pursue water use efficiency.

The establishment of the second bore field whilst providing for increased mine water requirements during the 1990s also enabled the extractions to be balanced between the two existing bore fields to manage the artesian pressure drawdowns around the bore fields.

BHP Billiton is required to monitor its extractions of water from the Basin and the impact on artesian pressure due to these withdrawals. BHP Billiton is obliged to report on the monitoring results annually and this is assessed by the Government to consider whether it complies with the monitoring arrangements established for each of the two bore fields in the Basin.

MARALINGA TJARUTJA LANDS

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

The Hon. T.G. ROBERTS: I have been advised of the following:

1. The State Government first became aware of the serious allegations regarding the management of State and Commonwealth funds provided to Maralinga Tjarutja to deliver government services and programs on or about the 18 August 2005. The State and Commonwealth Governments acted promptly in response to these allegations and a funding controller was appointed on 2 August 2005.

2. An audit of Maralinga Tjarutja finances is currently being undertaken and a final report is yet to be completed.

3. Maralinga Tjarutja last provided copies of audited accounts to the Government on 11 March 2004.

4. Until the audit report on Maralinga Tjarutja finances is completed I cannot comment with certainty on the status of funding provided by the State Government.

In reply to the supplementary question:

No State Government minister has responsibility in relation to the administration of the Maralinga Piling Trust.

I understand the Trust is a body set up to manage the compensation monies granted by the Commonwealth Government to the Traditional Owners as a result of the loss of access to lands due to the British nuclear tests in Australia and to assist the community to re-establish themselves on these lands.

The Maralinga Piling Trust Deed establishes and governs the Trust. The trust deed appoints the following as trustees: Maralinga Tjarutja: the Corporate Trustee; two Maralinga Traditional Owners and one WA Traditional Owner. The Corporate Trustee essentially has responsibility for holding the trust funds and ensuring the trust deed is followed.

As well as managing the Trust funds, I understand the Trust can: work to relieve the hardship of Traditional Owners and their descendants; help the Traditional Owners to return to their Lands, assist with the health, education and welfare of the Traditional Owners and their descendants; provide suitable training and support to help Traditional Owners better manage their Lands and their own affairs and look at setting up suitable businesses to provide jobs for the community.

MILLBROOK RESERVOIR

In reply to **Hon. J.F. STEFANI** (14 September).

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

1. Temporary repairs to the dam wall were completed on 24 January 2005. Construction work for the upgrade to the Millbrook Reservoir dam wall, spillway and outlet works is expected to start during February 2006. It is estimated that construction of the works will take 12 to 18 months.

2. I am advised that there has not been a delay in completing repairs. Millbrook dam was the next dam in SA Water's portfolio scheduled for upgrade, so concept designs for the upgrade were well advanced. The possibility of accelerating the upgrade was explored during the detailed design phase. Unfortunately a range of operational and safety factors prevent significantly accelerating the work.

Work is scheduled to begin in summer (February 2006) with critical work carried out during the 2006 winter when the water level in the reservoir can be lowered to allow work on the embankment without compromising minimum contingency water storage volumes. Sufficient work should be completed by the end of October 2006 to allow the water level to be raised for the 2006-07 summer.

3. The State Budget provides total funds of $8.7 million for the upgrade, with $1.5 million to be expended in 2005-06 (page 44, Capital Investment Statement, Budget Paper 5). Following detailed design, the estimated cost of the upgrade work has been revised to $8.5 million.

MENTAL HEALTH COURT

In reply to **Hon. IAN GILFILLAN** (6 July).

The Hon. CARMEL ZOLLO: The Minister for Health has provided the following information:

The Government is taking active steps to update and amend the *Mental Health Act 199*.

The Bidmeade Report of the Review of Mental Health Legislation in South Australia recommended the creation of a specialist body similar to a mental health review tribunal or a court. This report has not been formally endorsed, however, given the existence and function of such tribunals/courts in other States/Territories, it is a valid option that warrants consideration.

The feasibility, function and powers of a specialist body to take on the functions of the Administrative and Disciplinary Division (ADD) of the District Court in relation to offenders with mental impairment and some of the functions of the Guardianship Board for people with mental incapacity, is one of a number of issues that will be followed-up with the Attorney-General's Department.

AMBULANCE SERVICE

In reply to **Hon. J.M.A. LENSINK** (11 April).

The Hon. CARMEL ZOLLO: The Minister for Health has provided the following information:

1. The medical and physical assessment criteria has been changed twice in the past two years, specifically targeting the required grip strength and lifting capacity, due to the increasing physical demands of the heavy work ambulance officers are required to perform.

2. Applicants are able to gain information in relation to the pre-employment medical and physical assessment from the South Australian Ambulance Service (SAAS) website. Degree students undertake a medical and physical assessment while studying with SAAS. If students are declared unfit, they are provided with an opportunity to receive a briefing with SAAS medical providers to discuss how they can improve their fitness to gain employment.

3. In order for SAAS to meet occupational health and safety duty of care responsibilities, pre-employment medical and physical testing criteria has been established, with applicants tested for their fitness to drive and perform ambulance work.

The driving test uses standards that are set externally and are evaluated using the National Standard for Commercial Vehicle licensing.

Applicants are required to have medical and physical testing to determine their fitness to perform ambulance work. The medical evaluation tests overall health, including height and weight and clinical assessment.

The physical aspects include testing of joints, clinical assessment of muscle endurance, fitness, strength and dynamic lift capacity. Physical standards are set based on applicants being able to endure the demands of ambulance work, with SAAS analysing workers compensation data comparing similar industries that also have heavy work demands. Protocols have been established based on the analysis of tasks ambulance officers are required to perform.

4. SAAS uses human resources (HR) best practice when recruiting applicants. Each applicant is assessed to ensure they have the abilities, aptitude, skill, qualification, capacity, knowledge, experience, characteristics and personal qualities to carry out of the duties required. This is assessed as part of a fair and equitable process by SAAS staff who have been trained in recruitment and selection processes.

SAAS has also recently been audited by an external provider (Deloittes) and was found to be using HR best practice in relation to recruitment and selection.

ADELAIDE ENTERTAINMENT CENTRE

In reply to **Hon. T.G. CAMERON** (15 September).

The Hon. CARMEL ZOLLO: The Minister for Tourism has provided the following information:

The Adelaide Entertainment Centre (AEC) was responsible for offering, running and awarding the ticketing contract.

The AEC management made a recommendation to the AEC's Board on the preferred candidate, after following a very detailed process. The AEC's Board approved the recommendation at its meeting on 1 May 2005.

The State Supply Board reviewed the process and gave approval for the AEC to proceed with final negotiations with Ticketek on 17 June 2005. As part of the year-end audit of the AEC, the Auditor General's Department audited and approved the process.

All proposals submitted were evaluated against set evaluation criteria and Ticketek exceeded all others as a total package. It was a decision that provides the lowest fee structures as well as the best products and services to the hirers of the venue and the public of South Australia.

Based on the current total BASS ticketing fee structure and that agreed with Ticketek, ticket prices will not increase as a result of the ticketing fees. The fees are fixed until June 0, 2007 and any increase thereafter is by agreement with the AEC.

ANTENATAL AND POSTNATAL DEPRESSION

In reply to **Hon. SANDRA KANCK** (1 June).

The Hon. CARMEL ZOLLO: The Minister for Health has been advised:

It is estimated that 10-20 per cent of women suffer from postnatal depression (PND). A study published in the British Journal of Medicine in April 2005 found no association between elective caesarean section, emergency caesarean section or assisted vaginal delivery and risk of developing PND compared with spontaneous vaginal delivery.

STUDENTS, FINANCIAL ASSISTANCE

In reply to **Hon. A.L. EVANS** (13 September).

The Hon. CARMEL ZOLLO: The Minister for Education and Children's Services has provided the following information:

The Tutorial Voucher Initiative is an Australian Government funded pilot project. The Department of Education and Children's Services is the broker for the project in South Australia, representing the Government, Catholic and Independent schooling sectors.

The Australian Government has determined the operating guidelines for the project, which include the eligibility criteria for assistance.

The Australian Government guidelines state that students are eligible if they did not achieve the reading benchmark in the 200, Year literacy test.

The Australian Government guidelines do not allow for an appeal process.

MEN'S HEALTH

In reply to **Hon. A.L. EVANS** (29 June).

The Hon. CARMEL ZOLLO: The Minister for Health has been advised:

1. The program areas referred to previously that continue to be provided include:

Therapeutic and relationship support groups
Men's Health Promotion and Information Services
Men's Information and Support Centre (MISC)
New Fathers program
Indigenous Men and Youth Programs
Male Survivors of Childhood Sexual Abuse
Young Men's Health Programs
Men's Sexuality and Health consultation
Men's Health and Wellbeing Best Practice Guidelines

2. Funding of $200,000 for the development of Men's Health and Wellbeing Programs has been made recurrent.

3. The Men's Health Task Force, announced on 5 March 2005, is chaired by Mr Jim Birch, Chief Executive, Department of Health. A working party of key stakeholders within Men's Health, with membership to be drawn from both government and non-government services, is being established and further consultation with regional health services, Divisions of General Practice and health service providers is currently underway.

SUPPORTED ACCOMMODATION

In reply to **Hon. KATE REYNOLDS** (20 September).

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

I wrote to the Supported Residential Facilities (SRF) Association and to all eligible SRF proprietors on 15 September 2005, advising them of the Government's commitment towards assisting proprietors meet the costs associated with the installation of a residential sprinkler system into their facilities. That letter further advised that details regarding the scheme would be provided to them in the near future.

It appears that, on that date, my staff provided a standard letter of acknowledgment to Mr Rick Bright, Executive Officer of the SRF Association, in response to correspondence he had sent to me seeking information about the Government's intentions regarding fire safety assistance. It appears that the last letter from Mr Bright simply crossed paths with my letter announcing the scheme and confused the subject.

Details of the SRF residential sprinkler system subsidy was provided to all eligible SRF proprietors by DFC on Tuesday 18 October 2005. An information package was sent by DFC to all eligible facilities prior to that date to ensure that proprietors were informed about the details of the subsidy and application process prior to that information session.

The information package enabled country facilities, and proprietors that were not able to attend the information session on the 18 October 2005, access to the same information and the opportunity to speak to DFC staff at a later date if they had questions.

It is my current understanding that there are no new fire safety standards coming into effect. SRFs are being inspected by Local Government Building Fire Safety committees, appointed under the *Development Act 1993*, as part of their usual business.

I am advised that these committees are finding that most licensed SRFs are not compliant with fire safety standards that ensure life safety of residents and staff in the event of a fire. These fire standards are required under the Building Code of Australia.

Many facilities have been under instruction from Building Fire Safety committees for a number of years to upgrade their systems, but have failed to do so as they say they are unable to meet the costs.

The Government has committed to assisting these mainly 'private for profit' business to meet these costs, and protect the life safety of all associated with such facilities should a fire occur.

Fire safety standards are required of all such facilities under the terms of the *Development Act 1993* and the Building Code of Australia.

This residential sprinkler subsidy scheme is to assist those SRFs that provide accommodation for vulnerable homeless adults who are eligible for the Government's resident board and care subsidy payment.

GAMING MACHINES

In reply to **Hon R.I. LUCAS** (22 September).

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

1. As the Honourable member is aware, the legislation is clear on this point. When Parliament is not sitting, it requires the Minister to give copies of the report to the Speaker of the House of Assembly and the President of the Legislative Council so that they may lay copies of the report before their respective Houses on resumption of sittings and, in the meantime, distribute copies of the report among Members of their respective Houses.

I will comply with the requirements of the Act.

2. The Independent Gambling Authority in its report concluded that there is a causal relationship between accessibility of gaming machines and problem gambling and other consequential harm on the community. The Authority is satisfied that both the total number of gaming machines and the number of places where gaming is available should be reduced.

This Government has removed over 2,202 gaming machines from the State. No other Government has taken such an important and courageous step. The trading system regulations remain in place for this reduction to increase until 3,000 is achieved.

Importantly, there are now also 17 less venues across the State where gaming machines can be accessed since the commencement of the trading system.

In reply to the supplementary question by the **Hon. NICK XENOPHON**.

I provide the following information:

As the honourable member is aware, the $50,000 price for trading gaming machine entitlements is fixed in the legislation. We have no current intention to amend the Act.

EYRE PENINSULA PIPELINE

In reply to **Hon. SANDRA KANCK** (21 September).

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

1. Eyre Peninsula has been on level 1 water restrictions since 2002-03. These are more comprehensive than the permanent water conservation measures that apply throughout the remainder of South Australia. Water consumption on Eyre Peninsula over the 3 years to June 2005 has been almost 6 per cent less than the average in the previous 5 years.

2. Revegetation of the Tod reservoir catchment is the responsibility of the Minister for Environment and Conservation, although it is understood that both the Eyre Peninsula Biodiversity Plan prepared by the Department for Environment and Heritage, and the draft Catchment Management Plan prepared by the Eyre Peninsula Catchment Water Management Board promote the preservation of vegetation on Eyre Peninsula.

The January 2005 bushfires caused some setback as much of the Tod reservoir catchment was affected.

A recent meeting of Government agencies convened by the Eyre Peninsula Catchment Water Management Board committed to the ongoing successful management of the Tod catchment.

3. As reported to the Public Works Committee, the proposed pipeline forms part of the overall solution for water supplies to Eyre Peninsula. Water conservation and reuse are also part of the overall solution. Even with the ongoing uptake of water conservation measures, there will still be the need for the additional pipeline supply.

4. As reported to the Public Works Committee it is intended that SA Water purchase additional River Murray water licence such that a current user ceases to extract water from the river and this water is utilised for Eyre Peninsula. Preferably SA Water will purchase the water licence from interstate, which will give additional environmental benefit through the water flowing further down the River Murray prior to extraction. The outcome is that no additional water will be diverted from the River Murray.

5. Refer to answer to question 4.

CORRECTIONAL SERVICES, RECIDIVISM

In reply to **Hon. A.J. REDFORD** (22 November, 2004).

The Hon. T.G. ROBERTS: The Attorney-General has advised the following:

1. I assume, based on the Honourable Member's explanation to his question, that when referring to the "rate of reporting" he is referring to the "rate of victimisation". The Office of Crime Statistics and Research (O.C.S.A.R.) published an Information Bulletin in 2004 that summarised the findings of the Australian Bureau of Statistics (A.B.S.) report "Recorded Crime - Victims, Australia, 2003.

This report compares the rate of victimisation across each of the States and Territories, based on offences reported to Police during 2003. I assume that this is the OCSAR report to which the Honourable Member is referring as it uses the same offence groupings listed by the Honourable Member in his first question. These are standard groupings that are used regularly by the A.B.S. but not by OCSAR.

Normally, the rate of reporting refers to something different, i.e., the number of offences reported to Police as opposed to the number of offences that occurred. These are measured through victimisation surveys and the surveys do not usually collect the information at the offence-grouping levels asked for this first question.

The Australian Bureau of Statistics (A.B.S.) publishes recorded crime statistics for each Australian jurisdiction in its publication "Recorded Crime, Australia, 2003" (Catalogue No. 4510.0). The A.B.S. uses specific

victim-based counting rules and the following table measures the rate of victimisation for each of the offence categories per 100,000 population.

These statistics indicate that for six of the nine offence categories (namely, assault, kidnapping and abduction, robbery, unlawful entry with intent, motor vehicle theft and other theft) rates of victimisation have decreased between 2001 and 2003.

Table 1: The rate of victimisation per 100,000 persons recorded in South Australia, 2001, 2002 and 2003.

Offence group	2001	2002	2003
Homicide and related offences	4.8	5.3	5.2
Assault	1,077.4	1,089.1	1,047.9
Sexual Assault	104.4	107.0	121.3
Kidnapping / Abduction*	2.4	2.0	2.2
Robbery	111.2	106.9	86.5
Blackmail / Extortion*	3.6	4.0	4.0
Unlawful entry with intent	2,318.4	2,176.5	1,866.7
Motor vehicle theft	837.7	738.4	668.2
Other theft	5,234.7	5,214.0	4,829.0

* indicates that these rates are based on very small counts and should be treated with caution.

Source: Recorded Crime - Victims, Australia, 2003. Australian Bureau of Statistics, Catalogue No. 4510.0

In the second part of this question the honourable member asked for the conviction rate for the past three years. These rates are presented in Table 2 below, however, I would stress that it is not appropriate to compare the victimisation rates with the conviction rates for a particular year. In interpreting these two tables one should note these points:

1. The two tables use different counting rules. Table 1 uses a victim-based counting rule and counts an offence once per offence group per victim.

Table 2 also counts once per offence group but is per defendant per case. For example, if one victim is assaulted by three offenders it is counted once in the first table but it will be counted three times in the second table. Conversely, if a group of three individuals is robbed by one offender then in Table 1 this will be recorded three times but only once under Table 2.

2. The two tables use different base data as the denominator in the rate calculation, i.e., the rates in Table 1 are based on the total South Australian population (as a victim can be of any age), whereas the rates in Table 2 are based on the population aged 10 years and older (i.e. the age of criminal responsibility).

3. The offence recorded by police at the time of the reporting of the offence may be different from the offence charged at court, e.g. what may originally be recorded as a *sexual assault* may be changed to an *assault* when the matter reaches court.

4. After reporting an offence to police there are factors that may cause the matter not to result in a prosecution. For example, the alleged offence may be investigated and determined to be unfounded; no specific offender may have be identified; the alleged offender may not be able to be located and apprehended, the offender may have died, the victim may request no further action be taken, etc.

5. The statistics presented in the tables represent snapshot statistics at a moment in time. In other words, matters reported to police in a particular year are not necessarily finalised within the court system during the same year.

Table 2 shows the rate of conviction per 100,000 individuals aged 10 years or more. In four of the nine offence categories the 2003 rate was lower than the 2001 rate while in three cases there was no change and in two of the offence categories there was no difference.

Again I stress one should not try to imply any relationship between the victimisation rates in Table 1 and the conviction rates in Table 2.

Table 2: The rate of conviction/finding of guilt* per 100,000 persons recorded in South Australia, 2001, 2002 and 2003.

Offence group	2001	2002	2003
Offence group	2001	2002	2003
Homicide and related offences**	1.9	2.6	2.1
Assault	199.4	212.5	195.5
Sexual Assault	8.6	9.7	10.3
Kidnapping / Abduction**	0.1	0.1	-
Robbery	12.1	12.0	10.3
Blackmail / Extortion**	0.8	1.3	0.8
Unlawful entry with intent	82.3	82.2	84.1
Motor vehicle theft	64.9	61.5	61.3
Other theft	262.8	266.9	276.0

* includes convicted, guilty no conviction recorded, found proved or agreed.

** indicates that these rates are based on very small counts and should be treated with caution. Population estimates of persons aged 10 years or older obtained from 'Australian Demographic Statistics, June Quarter 2001, 2002, 2003', A.B.S. catalogue No. 3101.0

Includes all matters finalised in the Youth, Magistrates, District and Supreme Courts.

2. I am not the Minister responsible and the Government is not responsible for the Productivity Commission.

The Honourable Member is able to write his own letters to bodies independent of this Government.

3. The A.B.S. figures reveal that the rate of victimisation for most offence categories is decreasing and that fewer people are becoming victims of crime. As such one may expect that the number of offenders being apprehended and the number of individuals being convicted and sentenced to periods of direct imprisonment should also be declining.

Table 3 below presents three alternative measures of prison numbers - prison receptions, daily averages in custody and the number of persons in custody as at 31 December. As can be seen from this table, the numbers of sentenced prisoners has increased in between 2002 and 2003 under all three measures.

Thus the statistics are showing that in general crime rates are declining and the number of sentenced prisoners are increasing.

Table 3. Correctional Services - Prison receptions, daily averages in custody and persons in custody on 31st December 2001, 2002 and 2003, by legal status.

Legal Status	Prison receptions			Daily averages in custody			Persons in custody as at 31 December		
	2001	2002	2003	2001	2002	2003	2001	2002	2003
Remand	3,123	3,265	2,985	469	480	487	429	467	442

Table 3. Correctional Services - Prison receptions, daily averages in custody and persons in custody on 31st December 2001, 2002 and 2003, by legal status.

Legal Status	Prison receptions			Daily averages in custody			Persons in custody as at 31 December		
	2001	2002	2003	2001	2002	2003	2001	2002	2003
Fine Default	44	19	22	1	0	0	0	1	0
Sentenced	470	402	441	916	971	988	950	977	992
Unknown	51	37	45	9	7	6	12	12	4
Total	3,688	3,723	3,493	1,395	1,458	1,481	1,391	1,457	1,438

Source: Crime and Justice in South Australia, 2001, 2002 and 2003. (Office of Crime Statistics and Research)

AMBULANCE SERVICE

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

The Hon. T.G. ROBERTS: The Minister for Health has advised:

1. During the 2004-05 financial year (latest available data), response times across the state for the South Australian Ambulance Service (SAAS) were 50% of emergency cases were responded to in 9.5 minutes or less. Emergency cases include both Category 1 – life threatening and Category 2 – emergency cases.

2. SAAS does not operate a national call centre. All calls made to emergency '000' in Australia are initially answered by Telstra's national call centre. Telstra call takers then direct calls to the appropriate emergency agency.

3. Upon commencement of employment with SAAS, all call takers complete a Certificate III in Ambulance Communications (Call Taking). This award is a nationally accredited training course administered by SAAS as an RTO (Registered Training Organisation). A significant portion of this award is dedicated to the Call Taking Process which includes locating callers.

4. In 2004-05 financial year, the response time was 12 minutes or more in the metropolitan area for 24.6% of emergency cases (category 1 and 2) and 13.7% of category 1 cases (life threatening emergency). Category 1 cases constitute less than 4% of SAAS workload.

In country areas during the same time period 25% of Country Career Station emergency cases had a greater response time than 12 minutes.

5. Only 1 per cent of emergency response times in the metropolitan area extend to 30 minutes or more.

Supplementary question:

SAAS has reviewed the recording of the call and can advise that there is no evidence to support the assertion that the SAAS call taker did not know where Hectorville was.

The call receipt and dispatch details show that the call was received at the SAAS communication centre at 10.49am, and the ambulance arrived at the scene at 11.03am. Therefore the ambulance response time for this case was 14 minutes.

As there was not a substantial delay in the ambulance response time, I will not be requesting a Coroner's inquest.

SPEED CAMERAS

In reply to **Hon. T.G. CAMERON** (21 September).

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

1. The Commissioner of Police has advised that the South Australia Police (SAPOL) is not specifically aware of the contents of the confidential Victorian police report to which the Hon. T.G. Cameron refers. The South Australian public can be assured that traffic speed cameras are operated in South Australia to the highest standard. SAPOL has instigated its own operating guidelines which incorporate and are in accordance with Australian Standard 2898 – 2003 Radar Speed Detection - Part 2: Operational Procedures. Operators of speed cameras ensure when setting up that they comply with 2.4.3 of the AS 2898.2, which states:

"The operator shall ensure that the radar beam is not reflected away from the direction in which it is being aimed by stationary objects as this may lead to incorrect target identification. Note: Typical stationary reflective objects are advertising hoarding, traffic signs, parked vehicles, metallic fences, sheds and phone boxes.

2. SAPOL has not undertaken any recent studies.

3. SAPOL has specific guidelines for the operation of speed cameras, which include the following:

- Speed cameras are only deployed at locations assessed by Traffic Intelligence as having a road safety risk for that location or contributing to a road safety risk at another location. In considering the 'road safety risk' for a location, Traffic Intelligence consider any or all of the following factors;
  - whether the location has a crash history;
  - whether the location contributes to crashes in other nearby locations;
  - whether the location has been identified by SAPOL Road Safety audits as having a road safety risk;
  - where intelligence reports provide information of dangerous driving practices associated with speeding, especially speed dangerous; whether the physical condition of a location creates a road safety risk. A hill is not regarded as a physical condition.
  - Speed cameras are not to be located to operate on the down slope or foot of a hill, unless there is an identified road safety risk associated with that section of the hill.
- Speed cameras must only be set up on a straight section of road.

SAPOL does not routinely deploy speed cameras in a covert manner. However, on occasions where a specific road safety risk has been identified at a location and the overt deployment of speed cameras is or has not been successful, the use of covert cameras may be considered.

In reply to **Hon. T.G. CAMERON** (13 September).

In reply to **Hon. J.F. STEFANI** (13 September).

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

1. In the period 1 July 2004 to 30 June 2005, there were 8 fatal crashes and 144 serious injury crashes involving 9 deaths and 156 serious injuries occurring on metropolitan roads with a 50 km/h speed limit.

2. A default speed limit of 50 km/h was introduced in built-up areas of South Australia on 1 March 2003. Since that date the speed limit on all roads in the built-up areas of the Adelaide metropolitan area and rural cities and townships has been 50 km/h unless a road is zoned and signed with a different speed limit or unless another speed limit applies such as when passing a school bus with school children boarding or alighting.

The Department for Transport, Energy and Infrastructure has closely monitored the 50 km/h speed limit since its introduction. Many roads have been examined on a case-by-case basis where Councils and members of the public have requested a review of the speed limit. These requests involved approval to lower or raise the speed limit to or from 50 km/h as the case may be. Some requests involved the provision of extra information via signs or speed feedback trailers to remind drivers of the speed limit.

3. The number of speeding offences detected on a road and the amount of revenue collected are not appropriate criteria for use in the speed zoning of roads.

Since 2004, in consultation with the Council, speed limit signs have been added to King William Road, Peacock Road, Hutt Road and North Terrace - to remind drivers of the speed limit.

4. The 50 km/h speed limit has been in place in South Australia for over two and a half years. Along with the initial publicity, the Department for Transport, Energy and Infrastructure provided a large number of reminder signs to Councils to install at strategic locations and Councils are free to shift any of these signs as they see fit. The Department also used a number of speed feedback trailers to remind drivers to watch their speeds and these continue to be rotated for deployment across the State.

The 50 km/h speed limit now applies in all States. It is widely understood by drivers and is easy to remember – in all built-up areas,

the normal speed limit is 50 km/h unless signs have been erected indicating a different limit.

Supplementary Question

The Minister for Police has provided the following information:

The Commissioner of Police has advised that 5,440 motorists were detected exceeding the speed limit on Jeffcott Street, North Adelaide for period 1 July 2004 to 30 June 2005.

BUS SHELTERS

In reply to **Hon. J.S.L DAWKINS** (15 September).

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

1. Most metropolitan Councils have individual contracts with a private company, which provides and maintains shelters within their council area in return for advertising rights on those shelters.

In previous financial years, the former Passenger Transport Board provided some funding to Councils, on a cost share basis, for the installation of shelters on the basis that ownership and responsibility for on going maintenance of the shelters was vested with Council. The Public Transport Division has now been created within the Department for Transport, Energy and Infrastructure and the responsibility for public transport investment programs has been centralised within the Department.

2. The Government of South Australia is committed to the development of an accessible passenger transport network. $81.4 million is being invested to modernise and improve the public transport bus fleet. Older vehicles are being retired and replaced with new buses that will provide a more comfortable journey for all passengers. On average a new bus enters the fleet every week. The new buses are air-conditioned and have low floors and ramps to make access easier for all passengers. By June 2008, 64% of the public transport fleet will be accessible.

3. Capital investments in public transport will vary from year to year, depending on competing demands of the Adelaide Metro Network. At various times the State Government has funded bus shelters. In 1992 the then State Transport Authority (STA) removed a subsidy to local government with the emergence of Advertising driven passenger shelters in the market place. Since this decision the government has provided some money as a 50 per cent cost share basis with local government, when such funds have been available from the Capital Budget for Public Transport Infrastructure upgrade and enhancement.

4. Currently we are addressing a range of infrastructure issues to make the public transport system more accessible to people with disabilities. These include the provision of access paths, ramps and tactile indicators for people with sight impairment, through to major alterations to levels of lighting at public transport interchanges and stations.

More than $3.3 million has been allocated over four years to expand public transport schemes for people with a range of disabilities.

People with vision and cognitive impairments (including Alzheimer's Disease, other dementias and intellectual disabilities) who cannot travel on public transport, will benefit from subsidised taxi travel through the South Australian Transport Subsidy Scheme.

The Plus One Companion Card was also introduced on 1 July 2005 as part of the Government's increased assistance for people with disabilities to use public transport. The card allows eligible people with disabilities to be accompanied by a companion or carer on public transport without charge, to assist them to use public transport.

Other major public transport capital expenditure currently being funded by the Government includes the Adelaide Light Rail (Glenelg to Adelaide tram), the new Public Transport Hub at Mawson Lakes and new and existing works on the TransAdelaide network.

All of the above measures will assist with ensuring that the Public Transport Network is more accessible.

BUS ROUTES

In reply to **Hon. J.S.L. DAWKINS** (21 September).

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

The Department for Transport, Energy and Infrastructure letterbox dropped a "General Guide to Service Changes" to 300,000 homes on the weekend of 13 and 14 August 2005. In addition, 40,000 SMS messages were sent to users about the service changes, as well as 24,000 e-mails regarding the 21 August 2005 service changes. A further 80,000 brochures were distributed to 300 plus self-serve InfoBars, located at ticket retailers, community centres, campuses, schools and hospitals.

Bus stop 60 John Road north & south was removed as part of the 21 August 2005 service changes as they were no longer serviced by regular Metroticket bus services.

The 21 August service changes were a result of responding to the community's needs and to the government's desire to increase public transport patronage as part of South Australia's Strategic Plan.

The service changes involved receiving feedback from customers, service providers, consultation with community groups, local councils, as well as statistical data on existing public transport routes.

Torrens Transit, the local Metroticket service provider has advised that School Bus G still travels along John Road past the southern bus stop location. This was changed to a School Bus Stop to allow school children to alight the school bus at this location.

BUS ROUTE T530

In reply to **Hon. J.S.L. DAWKINS** (19 October).

In reply to **Hon. T.J. STEPHENS** (19 October).

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

1. Total patronage for the T530 service for 2004-05 is 673,000.

2. The proposal for an airport service came from Torrens Transit, the service provider for the contract area, who run a similar service in Perth. The Perth airport service has been very successful.

3. The JetBus services is similar to the previous T530 with changes to the running times to reflect altered traffic conditions and additional stopping points at Paradise and Klemzig Interchanges.

The service route when entering the city has altered from North Terrace then King William Street to now run along North Terrace, Frome Street then Grenfell Street. This route provides a better service to a wider range of the travelling public by passing through the centre of the CBD rather than the northern perimeter of the city.

4. In relation to the service changes on 21 August 2005, the Department for Transport, Energy and Infrastructure letterbox dropped a "General Guide to Service Changes" to 300,000 homes on the weekend of 13 and 14 August 2005. In addition, 40,000 SMS messages were sent to users about the service changes, as well as 24,000 e-mails. A further 80,000 brochures were distributed to 300 plus self-serve InfoBars, located at ticket retailers, community centres, campuses, schools and hospitals.

Methods to inform customers about service changes are carefully considered before the changes are implemented.

5. When comparing September 2005 with September 2004, the new airport services (J1, C1, J2 and C2) experienced an increase in patronage of 106% compared to the previous T530 service. While some of this increase in patronage can be attributed to expansion of coverage by the new airport services relative to the former T530 services, it is clear that the new J1, C1, J2 and C2 services are a welcome improvement for the majority of passengers.

The Department of Transport, Energy and Infrastructure will continue to monitor the airport service, along with all the service providers to ensure that the community obtains the maximum benefit from the Government's investment in public transport.

In response to the supplementary question, public transport service planning involves receiving feedback from customers, service providers, consultation with community groups, local councils, as well as statistical data on existing public transport routes.

ROAD TRAFFIC ACT

In reply to **Hon. A.L. EVANS** (19 September).

In reply to **Hon. T.G. CAMERON** (19 September).

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

1. The Government's legal advice is that the regulation is validly made and was validly put in place.

2. The Government's advice is that the regulation was validly made and therefore the notices are not illegal.

3. The amendment will remove any doubt as to the validity of any regulations made under this section since it was inserted into the Act in 1999.

TAXIS, RURAL

In reply to **Hon. A.L. EVANS** (17 October).

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

1. The Premier's Taxi Council met on 2 November 2005 at which the issue of country taxis was discussed. The Premier's Taxi Council is chaired by the Premier and Minister for Transport and is comprised of elected and nominated industry representatives, including the Taxi Council SA Inc and an elected country taxi representative, a consumer representative and a tourism representative. The Council provides high level advice to the government on issues effecting the taxi industry.

2. The issue of licensing country taxis was raised with the Local Government Association in October 2005, by member councils. In response, the matter has been referred to the Minister's Local Government Forum for consideration at its next meeting to be held in December 2005. As local government is the licensing authority for country taxis, any change to the *Passenger Transport Act 1994* requires thorough consultation with local government through that Forum.

GOVERNMENT TENDERS

In reply to **Hon. R.I. LUCAS** (15 September).

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

1. On page 79 of the Auditor General's report, comment was made as outlined "that consideration should have been given by the department for security guards to be posted at each secure room in order to monitor and ensure that no confidential material was removed from these rooms at any stage during the course of the project.

The room was secure and was located on a secure floor at a government building also with security. The Auditor General stated: "I have no reason to believe that the confidentiality and security procedures adopted for the tender process were not complied with.." pg 79.

2. and 3. Significant service improvements were implemented on 21 August 2005 which are already showing promising patronage increases.

AUDITOR-GENERAL'S REPORT

In reply to **Hon. R.I. LUCAS** (7 November).

The Hon. P. HOLLOWAY: In September 2005, the Department of Trade and Economic Development (DTED) advertised a Request for Tender for the 'Provision of Enterprise Wide Audit Services'. The types of audit required under the Department's enterprise wide risk management framework are:

- Financial Audits;
- Compliance Audits to relevant legislation applying to the Department;
- Information Technology Audits;
- OHS&W, Quality Assurance and Risk Assessment Audits;
- Corporate Performance Audits.

Contract negotiations are currently being held between the Department's Tender Evaluation Team and short listed tenderers. The contract is expected to be awarded shortly with the successful tenderer to commence on 1 December 2005.

The Department has allocated $125,000 to the internal audit process in 2005-06 and $200,000 for each subsequent year. Funding requirements may change as the Department's Audit Plan is defined and due to "ad hoc" or urgent requirements.

The Department has established an Audit and Risk Management Committee comprising DTED executive staff and non-DTED personnel. The Internal Audit Service Provider will report to the Chair of the Audit and Risk Management Committee.

In reply to **Hon. R.I. LUCAS** (7 November).

The Hon. P. HOLLOWAY: The Department of Trade and Economic Development has fifty four approved policies published to its intranet that are accessible by all staff. These policies have been provided as requested and are list below by category:

Procurement
- General Procurement
- Contract Disclosure and Reporting
- Approach to Supplier, Tender Lodgement and Response

Finance
- Financial Delegations
- Capturing Commitments
- Petty Cash
- Receivables – Write-off Bad Debts
- Receivables – Provision for Doubtful Debts
- Receivables – Collections
- Receivables – Sundry Invoicing
- Reconciliations – Balance Sheet Accounts Timetable
- Reconciliations – Balance Sheet Accounts Regular Substantiation
- Unclaimed Monies
- Cash Alignment
- Payment of Supplier Accounts
- Imprest Bank Account – Disbursement and Reimbursement
- Credit Cards
- Fixed Assets
- Fringe Benefits Tax

Please note that the Department's Finance Policies also provides a link to Treasurer's Instructions.

Information Technology
- Email and Internet Use
- Password Security
- Desktop Continuity
- Notebook Computers Security
- IT Asset Management

Human Resources
- HR Delegations
- Induction
- Boards and Committees
- Performance Development
- Attendance
- Leave
- Voluntary Flexible Working Arrangements
- Flexitime
- Training and Development
- Reclassification
- Recruitment and Staff Selection
- Access, Equity and Diversity
- Smokefree Workplace
- Additional Duties
- Gifts, Invitations, Benefits
- Termination, Resignation and Exit

Occupational Health, Safety and Welfare
- Portfolio OHS&W
- OHS&W Consultation
- OHS&W Committee Terms of Reference
- Incident/Accident Investigation
- Claims Rehabilitation Management
- Electrical Safety

General
- Sponsorships
- Cabinet Submission Comment Guidelines
- Preparing Cabinet Submissions
- Memberships
- Risk Management
- DTED Branding
- Overseas Travel
- Mobile Phones

SOCIAL INCLUSION UNIT

In reply to **Hon. KATE REYNOLDS** (18 October).

The Hon. P. HOLLOWAY: The Premier has been advised of the following:

In 2004, the draft Action Plan for the *Young Offenders: Breaking the Cycle* program was endorsed by the Social Inclusion Board. In mid-2005 Cabinet approved $3.4 million in funding over four years to develop and operate the demonstration program designed to break the cycle of crime among young offenders aged 16-20 years.

An inter-agency steering group oversees the development of this initiative, and its membership includes representatives from the Attorney-General's Department, the Department for Correctional Services, the Department for Families and Communities (Children, Youth and Family Services), Courts Administration Authority, and SA Police.

In settling the key aspects of the program, the Social Inclusion Unit has worked closely with expert staff from the Department for Correctional Services and the Department for Families and Communities. The steering group has finalised the conceptual framework for the program and is developing a communications plan to ensure that key service delivery agencies, stakeholders, and community organisations involved in the original consultation process are provided with up-to-date information.

In late 2003, the matter of youth employment was referred to the Social Inclusion Board for advice. This aspect of the Board's work is being undertaken in partnership with the Department of Further

Education Employment Science and Technology (DFEEST) and the Economic Development Board.

Community consultation took place during April 2004 following the distribution of a discussion paper that invited submissions from key industry, government and community leaders. Following this, the Social Inclusion Unit formed two reference groups that comprised representatives from a range of sectors and agencies.

The Social Inclusion Board is engaged with DFEEST in the implementation of the Workforce Development Strategy 2010, Youth Engagement Strategy and South Australia's Skills Action Plan 2005. As initiatives emerge, the Social Inclusion Unit will re-engage with other agencies and reference groups as appropriate.

Vibewire is an internet-based youth organisation. Four of its South Australian volunteer members have access to a desk and computer for up to 2 hours per week. This is provided in return for youth views on social policy issues which will be posted on the Social Inclusion Unit website from time to time. I am advised that the first of these has been on the website since July 2005. The Vibewire members are young South Australians who are engaged in study and work and who want to contribute to the social policy debate in Australia.

TRANSPORT PLAN

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

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

As Hon P Holloway correctly explained, the Policy Development & Investment Strategy Program contained in the Portfolio Statement 2005-06, Vol 2, Page 6.19, encompasses more than just the costs associated with the development of the Transport Plan. In fact, it also funds a number of key planning and policy functions, including:

- Transport policy & strategy advice, including environment for all modes of transport
- Planning, strategy, investment and budgeting
- Transport system investment
- Safety, policy advice and reform
- Office of the Chief Executive
- Legislation, legal services and advice and external committees
- Office for the Minister for Transport, Energy & Infrastructure
- Concept plans for major works
- Overland rail subsidy
- Aviation grants

In 2005-06, $218.5m will be spent on transport infrastructure development and $624.2m on operating the transport system. The planning of this expenditure is a critical component of the business of the Department for Transport, Energy & Infrastructure.

In regard to the Supplies & Services cost of $7.154m, this covers non-salary and wages costs associated with supporting the above activities, of which the Transport Plan development is just one part.

In regard to the other costs of $1.683m, this includes the overland rail subsidy, aviation grants, and other minor expenditure activities.

PORT RIVER, BRIDGES

In reply to **Hon. J.F. STEFANI** (4 April).

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

The full details of the costs of the Port River bridges have been provided to the Public Works Committee and are included in the committee's report tabled on 24 June 2005.

The estimated capital cost of the opening road and rail bridges is $178 million.

The capital cost of constructing fixed structures is estimated in the Public Works Committee Report at $135.5 million, $42.5 million less than opening structures.

POLICE, COOBER PEDY

In reply to **Hon. T.J. STEPHENS** (30 May).

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

The Commissioner of Police has advised that the South Australia Police (SAPOL) has been negotiating with Transport SA (TSA) and Service SA to divest most TSA administrative functions from police stations at Coober Pedy. During these negotiations, TSA has confirmed the establishment of an alternative cost effective service delivery model through an arrangement with Australia Post.

Australia Post will assume responsibility for conducting TSA administrative functions relating to services such as the cancellation or transfer of a registration, recording change of address details, replacement labels and others. SAPOL will continue to conduct Vehicle Identity Inspections, Practical Driving Tests and Defect Clearance Inspections at all country police stations currently providing these services. Learner Driver Theory Testing will continue to be provided by SAPOL until TSA finalise arrangements for an alternate service provider.

SAPOL was advised that Australia Post personnel at each of the abovementioned locations were scheduled to receive training in the application of these TSA services in July. On completion of this training it is anticipated that Australia Post will commence the delivery of TSA services within these communities. However it should be noted that the actual implementation of the above services will depend upon arrangements between TSA and Australia Post.

BUS CONTRACTS

In reply to **Hon. R.I. LUCAS** (21 September).

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

The role of the former Minister for Transport in the tender process was considered by the Auditor General. The Auditor General's statement of the outcome of the review concluded that:

> The Minister and people appointed to assist in the tender process, have complied with the requirements of the relevant legislation.

DEVELOPMENT (MISCELLANEOUS) AMENDMENT BILL

Consideration in committee of the House of Assembly's amendments.

The Hon. P. HOLLOWAY: Before I move the individual amendments, I will make some initial comments just to provide the background of this bill, since it is some time since it left this place. On 22 September 2005—that is how long ago it was—during the committee debate on the bill, I was requested by the Hon. Sandra Kanck, the Hon. Nick Xenophon and the Hon. Caroline Schaefer to give genuine consideration to the introduction of provisions relating to local heritage when the bill went to the other place. As a consequence, the government filed amendments in the other place with respect to local heritage PAR procedures to provide greater certainty for the community, landowners and councils. Those amendments were passed and are now before this committee.

I do acknowledge that the original context in which this matter came up was in some amendments that were moved by the Hon. Sandra Kanck. Sections 25(a) and 26(a) provide certainty for the community, landowners, councils and parliament in the process of listing local heritage places. While many councils have been proactive in initiating local heritage PARs, there have been instances of delays between the undertaking of local heritage surveys and the preparation of PARs, different approaches to listing local heritage places, and different lengths of time in undertaking such PARs.

These amendments address the matters raised and improve the local heritage PAR procedures. The amendments ensure that the proposed listing of individual properties through a PAR is based on professional investigations and consideration by the council so that the community and the landowners have confidence in the basis for the proposed listing. It enables councils to add or delete items recommended for listing in the local heritage survey, if they consider that there

are good heritage planning or era of fact grounds. Where the minister agrees with such rationale, as it is only the minister and not the local council, that decision is directly accountable to the parliament, and the soundness of PAR procedures can be questioned during question time.

It requires that those items that are deleted by the council with the agreement of the minister prior to public consultation are listed in the introduction to the PAR so that the community and landowners are made aware of those places. It requires councils initiating such PARs to seek interim operation so that the community and landowner consultation can be open and transparent without fear of demolition of such places preceding the final decision to list or delete such places.

It enables landowners to challenge the professional basis for the listing without having to go to court, which can include a device from a prescribed heritage consultant, thus providing certainty and process transparency. It enables councils to seek further justification from the author of the original survey recommendations, in light of submissions, and seek alternative professional advice as part of the decision making process to determine whether a particular place is to be retained. It includes a transitional provision, which recognises heritage surveys already undertaken by a qualified person engaged by councils before this provision comes into operation in order to save time and money.

Section 26A sets out similar processes for those instances when the minister initiates a PAR involving the listing of local heritage places. This will ensure the same level of transparency and accountability for both levels of government. During the debate in the other place, the government also introduced an amendment to clause 12, in order to provide additional safeguards to salespersons who are not providing professional advice on building materials and hence cannot be expected to reasonably foresee that the item or material would be required to comply with the building rules. So, that was one separate amendment. The remainder apply to the local heritage provisions. I commend the amendments to members and seek the support of the committee. The opposition is supporting one of them; I think it is amendment No. 7. Amendment Nos 1, 2, 3, 4, 5, 6, 8 and 9 relate to these local heritage provisions. I move:

That the House of Assembly's amendments Nos 1, 2, 3, 4, 5, 6, 8 and 9 be agreed to.

The Hon. CAROLINE SCHAEFER: The opposition will be opposing this suite of amendments. These amendments were introduced in another place, in spite of comprehensive debate in this place. We were given the assurance by the government that the original and very contentious Sustainability Development Amendment Bill would be split in two, so that the less contentious clauses could be passed and those clauses which were likely to cause a great deal of contention and debate would be split into the second bill and debated at another time, and certainly allowed to lie on the table in order to give local government, citizens and all interested parties further time to discuss them and, hopefully, work out some compromises. In good faith, we all passed the first non-contentious bill—and, certainly, there is very little more contentious than heritage matters in this state—yet the government has chosen to sneak this suite of amendments in—

The Hon. P. Holloway: You asked for them.

The Hon. CAROLINE SCHAEFER: No, I said to consider it. I certainly—

The Hon. J.F. Stefani interjecting:

The Hon. CAROLINE SCHAEFER: The Hon. Julian Stefani interjects that I was misrepresented in another place. Certainly, the minister chose to put a very innovative and imaginative slant on what I said regarding this amendment. I went back and checked the *Hansard*, and only someone with great imagination could say that I asked for this. I certainly did not ask for this. Further—

The Hon. P. Holloway interjecting:

The Hon. CAROLINE SCHAEFER: You did. You just interjected and said, 'You asked for it.' That is exactly what you said.

The Hon. P. Holloway: You asked for us to bring back heritage provisions. You asked for me to reconsider heritage provisions. Anyway, finish your speech and I will address it in a minute.

The Hon. CAROLINE SCHAEFER: I certainly did not ask for it, nor did I ask for heritage to be brought back. I said that discussions should take place between the two houses. I am not at all sure that they did. I do not think any discussions took place with the shadow minister in another place. There may have been some discussions, but they were probably behind closed doors between members of the Labor Party. In any case, local government, which is most affected by this suite of amendments, objects to them. We have all been circulated with their memo on this matter. I will read some of their objections. They state:

The LGA does not support the government's amendment providing for the introduction of a requirement to have the recommendations of a heritage experts and to seek ministerial agreement to remove a property from the list prior to releasing the Plan Amendment Report for public consultation because we consider the amendments to be inconsistent with the intended planning policy role of councils and arrangements currently under the Development Act.

In this case, the opposition agrees with the LGA. We believe that this amendment shifts the rights and responsibilities of the Local Government Association to the power of the government of the day and, in particular, the power of the minister. We see no need to have this suite of amendments introduced into this bill. If this contentious clause is so important to the government it can certainly put it into the second bill and we will fight it out if and when that bill comes to light at a later date. Other than amendment No. 7, the opposition opposes this suite of amendments.

The Hon. P. HOLLOWAY: I refer to what the Hon. Caroline Schaefer said when the amendments were moved to the split bill back in September. She said (referring to the Hon. Sandra Kanck's amendment):

My understanding of the amendment is that it seeks to buy some time, if you like, in the case of a demolition order such as that involving Fernilee Lodge when the council pleaded at the time that it had no authority to stop such a demolition. However, it appears to me and my somewhat limited understanding of the amendment that it uses a sledgehammer to crack a nut. I would have us seek assurance from the minister that should there be an appeal to you by either the LGA or other interested groups this amendment will be given some genuine consideration between the two houses.

It is true that the original bill did not contain this, but I went away and had some discussions in relation to this matter. There were some problems with the Hon. Sandra Kanck's amendments, and that was why I thought that if we were to address this issue I would see what the parliament thought about the original proposals, put them up, and the parliament could either take them or leave them.

The Hon. Caroline Schaefer: And we are choosing to leave them.

The Hon. P. HOLLOWAY: That's fair enough. It is important that the changes to the Development Act get through. It is up to this parliament whether we accept them. The government believes that the amendments that we have put up are desirable. We believe they make an important contribution in this area. However, if it is the wish of this parliament, I will not insist upon them, but I believe they are worthwhile and I ask the parliament to back them. If that is not to happen, so be it, but it is important that we get the rest of this bill through because it makes some important changes to the Development Act.

The Hon. T.G. CAMERON: Why are we dealing with all these amendments en bloc?

The CHAIRMAN: At the start of the committee, there was general agreement that there was opposition to all bar one of these amendments. In an effort to speed up the committee, the minister moved a group of amendments. You can discuss any amendment sequentially.

The Hon. T.G. CAMERON: I appreciate that, but what will happen if I like all of the amendments except one? Do I have to vote against the lot?

The CHAIRMAN: No. If there is a strong indication of dissent to the first amendment, I will put the first amendment, but in the absence of any opposition I will put the suite of amendments.

The Hon. CAROLINE SCHAEFER: I am happy for them to be treated en bloc. If Mr Cameron wants the amendments to be put individually, I am sure the opposition would be more than happy to accommodate such a request.

The Hon. T.G. CAMERON: I thank the opposition for making that offer but, in view of the leader's statement, 'Take it or leave it; all or nothing', I will not exercise that right, thank you.

The CHAIRMAN: The minister is one member of the committee in this place. He is the Leader of the Government in this place but, if the committee determines that it wants to separate one amendment from the suite of amendments, that is its decision. It is not a question for the opposition.

The Hon. T.G. Cameron: I do not want to upset the leader.

The CHAIRMAN: Indeed.

The Hon. T.G. Cameron: He might get nasty with me.

The CHAIRMAN: The Hon. Mr Stefani has the call. I am sure he would not bully you.

The Hon. J.F. STEFANI: Certainly, I was under the impression that all the controversial amendments which were proposed by the government and which, as the government minister in the other place has acknowledged, were defeated in this place, were to be included in the second bill to be dealt with at a later stage. They have now been introduced by stealth through the back door in an effort to address what I believe is a political issue, as was clearly indicated by the minister in another place, where she referred to a council's policy being driven by political reasons in adopting a policy of voluntary listing of heritage places. It is quite clear that the government has chosen to proceed with the contentious part of the legislation, which this place clearly said should be dealt with when all the other issues that were included in the second bill are dealt with. I have been lobbied by a number of councils—

The Hon. P. Holloway: I did not say that at all.

The Hon. J.F. STEFANI: You did. The minister admitted in—

The Hon. P. Holloway: I just read from *Hansard*. People asked me to look at these matters. If the member does not like them, let us just vote against them. If the member thinks they are controversial and he does not want them, he should vote them out.

The Hon. J.F. STEFANI: The minister in another place clearly indicated that the controversial parts of the bill would be dealt with in the second bill. That is what she said.

The Hon. P. Holloway: Yes, that was the intention, but I was—

The Hon. J.F. STEFANI: That is in *Hansard*. That is after we said something here, on 17 October. When she snuck the amendments through the back door, that is what she said. I do not want to go back over the record; it speaks for itself. The issue is that this place is being used as a conduit for political purposes after the event. The LGA and a number of councils very strongly object to the way in which the government is behaving in this matter. I concur with their views. They have clearly stated that they are very capable of observing a procedure at this point in time and, if the government wishes to deal with other matters, it can deal with them, including all the other controversial issues that have been put aside for sake of expediency to get something through. That was the idea, otherwise the whole legislation would have failed. The minister in this place threw his hands up in the air when all the amendments came through and said, 'Well, it is going to fail.' So, the government decided to split the bill, and we dealt with the split bills.

I do not take kindly to someone coming in through the back door and trying something on, because that sort of behaviour is unacceptable. As far as I am concerned, if the councils and the LGA were under the impression that this matter would be dealt with at another time after the election, or whenever, that is what the government should do. For goodness sake, let us stick to some principles in this place.

The Hon. P. HOLLOWAY: Those comments are quite offensive and wrong. I have already set out the background to this measure. Yes, I did split the bill: yes, I did leave out the heritage measures. The Hon. Sandra Kanck moved an amendment to it and a number of people, including the shadow minister, said, 'Can you look at these issues between the houses?' and that was done.

If the council does not like it; if we think it is too controversial, let us knock it out and get the other things through. It is up to this council. As far as going through the backdoor is concerned, this is the parliament; parliament either likes it or not or approves it or not; the numbers are there or they are not. To talk about it being through the backdoor—well, this is the parliament! It has been around for a long time. In relation to the Local Government Association, these provisions were in the original bill and as such have been in the public arena in their current form for many months. I have spoken to the Local Government Association in detail, and it is well aware of them. To suggest that the association has not been made aware of them is just not true. Briefings have been given; these were the original provisions. It is up to parliament to decide whether it likes them or not, but to suggest that this has been done through the backdoor when it is a transparent, public process through parliament—heavens above, what are we getting to! If people do not like them then vote against them.

The Hon. CAROLINE SCHAEFER: The minister said that we asked him to look at these amendments between the two houses. With whom did he look at them; with whom did he hold discussions? Did he consult with the Local Government Association or with the shadow minister for

planning? Who was part of his inquiry between the houses into these amendments?

The Hon. P. HOLLOWAY: As I indicated, I have spoken to the Local Government Association about it on numerous occasions. We discussed it when they were in the original bill, and I believe we had at least some discussions following the passage of the bill through this place. The point is that these amendments have been around for a long time; I have had discussions with the LGA and I know that it is against them. One council in particular does not like this measure, and I have had some lengthy discussions with the LGA. However, ultimately it is up to this parliament whether it agrees with the amendments or not.

The Hon. SANDRA KANCK: I am delighted that I finally have a chance to put the Democrat position on record; that is, we intend to support the amendments. I believe it would be unfortunate if we did not take this opportunity to put this heritage protection in, because members know how long it took to get to where we are now, with the Sustainable Development Bill being split in two. My suspicion is that, with an election and parliament not resuming until April or even May, it will probably be this time next year before the protections we need for our heritage will be in place. I do not like to think of just how many buildings and homes and so on that ought to be have been protected will possibly be bulldozed or changed beyond recognition during that 12-month period. Regarding the suggestions from the Hon. Mr Stefani about coming through the backdoor, that was never my intention.

The Hon. Caroline Schaefer: You didn't do it.

The Hon. SANDRA KANCK: Well, effectively I did, because my amendments to Sustainable Development Bill No. 1 caused the undertaking to be given by the Minister for Urban Development and Planning.

The Hon. J.F. Stefani: The government voted against it.

The Hon. SANDRA KANCK: I know that, at the time, but the minister did give that undertaking and I thank him for keeping his word on that. I understand that there is some disagreement about clause 7 in particular, and I have been lobbied by the Local Government Association in regard to this; it is obviously the crucial one. However, previously, when we were dealing with Sustainable Development Bill No. 1, I made it very clear that I do not want to see another Fernilee Lodge happen, and it is only by having protections such as this that we will be able to prevent it.

I know that the opposition does not like the prospect of the council's having to act on the recommendations of the heritage consultant. But look at what has happened with Burnside council. Yes, there was a recommendation to list Fernilee Lodge, but the owner came back to the council and said that they did not want it listed. So, it became a voluntary operation which, in the end, became a comedy of errors and resulted in that beautiful building's being bulldozed. Simply allowing the council to take note of what the heritage consultant says, I believe, would leave us making a big mistake.

I think that members who are undecided on this issue need to understand that, if we make it compulsory for the council to act on it, there is a process involved whereby there is interim listing for those buildings so that no-one can knock them down in the meantime, and then there is a two-month consultation process. For example, it has been put to me that, in the Adelaide City Council consultation that occurred earlier this year, some wrong street numbers were in the McDougall and Vines report. In that two-month consultation period, I am very certain that people who found their homes wrongly listed would be able to go back to the council and say, 'Hey, don't you mean 93? We are 91. This one has no historic merit.' A mistake like that would be easily fixed up in the two-month consultation period.

There is another break in this of which not many members are aware. The Environment, Resources and Development Committee of this parliament, which is a standing committee and which will continue on in the next parliament, has sent to it every plan amendment report gazetted in this state. The members of the ERD Committee can respond to every one, write to the minister and say, 'How about changing this bit?' or, as we did yesterday, move that a plan amendment report be completely disallowed. Twice in the last 18 months, with local heritage plan amendment reports, the Environment, Resources and Development Committee has recommended to the Minister for Urban Planning that one item be taken off the local heritage list in the plan amendment report. On both occasions, the minister listened to what the ERD Committee had to say. So, I think that there are a number of breaks in this. The consultation exists once the interim heritage protection is put in place. I do not see any real capacity for abuse; therefore, because of my concern that we need to get this protection in place, the Democrats will support it.

The Hon. J.F. STEFANI: The information I have received from various councils that have spoken to me, including the LGA, is this: they do not and will not tolerate compulsion. The problem we have is this: once we set this in train, there will be compulsion in the form described by the Hon. Sandra Kanck—that is, irrespective of the heritage consultant's listing a property, there will be a process the owner has to engage in to object to the listing. The reality is this: most local councils today are very conscious and probably much more aware of properties that are valuable in terms of their historic contribution to the area—much more so than perhaps a consultant who is engaged by the government to list properties. I know that this occurred in the Adelaide City Council when there was a voluntary listing of properties. Initially, it was a very large list of properties. When the council decided that that was not the way in which to proceed, it gave the owners the opportunity to list their properties. A good number of the owners did, in fact, voluntarily list their properties.

I find it rather strange that the Hon. Jane Lomax-Smith, who is a minister in another place and who was the Lord Mayor of the City of Adelaide, should make some reference to councils not wishing to follow a policy of heritage listing because of political considerations. We have a minister who has been the Lord Mayor of the City of Adelaide making sweeping statements about councils' intentions or otherwise to follow a procedure which I believe would be in their own interest in their own area and which would be much more attuned to the community's expectations and to the history of their area. That is why I find the process we are now dealing with very offensive. The minister has said that I have made offensive remarks. Well, I am offended that the council is being asked to do something when we thought we had put to bed bill No. 1 and that it was going to proceed in the form this council passed.

The Hon. T.G. CAMERON: When listening to the contribution just made by the Hon. Julian Stefani, I noted that he made the comment that councils will not tolerate compulsion. I guess that, at the end of the day, councils will have to tolerate whatever legislation is put in place by this place, whether or not it compels them to do something. Could the

minister outline for me just what were the objections of the LGA and what concessions, if any, the government made to the Local Government Association in relation to this issue?

The Hon. P. HOLLOWAY: The LGA may have been unhappy about other aspects but, essentially, its opposition was in relation to a problem with amendment No. 3, new clause 3B, which provides:

> The council believes the land should not be so listed. The council may, with the agreement of the minister, release the plan amendment report for public consultation.

It was really with the agreement of the minister. That was one objection; the other was that they did not want to have to adopt the advice of the heritage adviser. Essentially, they were the two matters. It is a pity: perhaps if we had had more time we could have considered individual amendments to those. One could have a debate on this, and that is why it was originally left out of the original bill. But, as I said, I did indicate that we would look at heritage and this is what we sought as the best way of addressing the matter. Again, I make the point that it is really up to the parliament. If it does not like it, throw it out and we will look at it again next year.

The Hon. T.G. CAMERON: For those who have lobbied me on this issue, I have waxed and waned a little bit on it, but I have always believed it is appropriate, at least before you vote, to set down what your reasons for voting are. I say that particularly on issues where the outcome of the vote will probably be determined by the attitude of the three Independents and Family First. There is no doubting where the Hon. Julian Stefani stands on this issue. One could only guess where the Hon. Nick Xenophon is on this issue, and I have not had detailed discussions with the Hon. Andrew Evans.

I have listened very carefully to the contributions made by the Hon. Sandra Kanck. She outlines a very persuasive case for why we should adopt the position that the government is currently putting forward. Whilst the Hon. Sandra Kanck made a passionate plea, if I could put it that way, on behalf of old buildings or heritage buildings in South Australia, I found myself in agreement with what she and the government are claiming to achieve here, and that is to protect heritage buildings.

For me, the debate is about how we go about doing that. That is what I want to address to express some concerns that I have. I suspect that every member of this council, the whole 22 of us, support the contention that we should do everything we can to protect our heritage buildings. Whilst we are looking at a couple of models, at the end of the day, my decision does not revolve around the protection of heritage buildings. I believe that both the models we are looking at would provide adequate protection, but I have decided that I will oppose these amendments, which means I am not supporting the government position and I just want to briefly outline why I will be doing that. I guess you can argue both ways about which of the two models will afford the most protection. The Hon. Sandra Kanck was absolutely correct when she started talking about some of the problems that could be associated with delays in relation to this.

The ACTING CHAIRMAN (Hon. J.S.L. Dawkins): There is too much conversation in the chamber and precincts. The Hon. Mr Cameron has the call.

The Hon. T.G. CAMERON: I have been involved in local government for some 30 years now, since my days as an industrial advocate when I was given charge of local government. I do have a fairly intimate knowledge of local government and what it stands for. Whilst at various times I have not been all that happy with the direction of the Local Government Association, I have always retained my love of local government and what it stands for. I am pleased to say that, from my point of view (and I am only expressing a personal opinion), the Local Government Association seems to be back on course. As an Independent who often has to grapple with the complexities of legislation, over the past 12 months or so I have appreciated the advice and assistance that I have received, in particular from Wendy Campana, who can be quite a formidable person if you happen to disagree with the LGA position.

Be that as it may, I have been lobbied on this position. I would express my disappointment at not having been lobbied by the government. I have had no contact from the minister's office or any representative from the minister's office. I do express my disappointment about that. They may well have secured my vote on this legislation had I been kept in the loop. At the end of the day, my primary reasons for opposing these amendments are that I believe they strike at the very heart of local government. The Hon. Sandra Kanck mounted a very persuasive argument that we will have better and more centralised control if it is left with the discretionary powers reposited with the minister. It is not my intention on possibly my last day here to lecture fellow members in any way whatsoever, but I point out that local government is the third arm of government: local government, state government and federal government.

I have always been a big supporter of local government because I believe that it allows local citizens at a local level to be more intimately involved with what is happening in their community. I have always seen local government not as local government but as community government, where interested citizens who care about their local environment can run for council and actively have a say in what is happening in their area. When one considers the political apathy that we currently have in our community, I believe every effort should be made to encourage community government and empower local citizens to have a say not only about roads, rates and rubbish but about the very environment in which they live. That includes not only roads, rates and rubbish but parks amenities, community services and, in particular, what buildings are allowed to stay in that area and what buildings can be built.

At the end of the day, I am attracted to the model which leaves the principal powers with local government because I believe I am supporting local government. If a local council makes decisions about which the ratepayers are unhappy, they can go along to the next local government election, elect new councillors and change the direction in which their council is going. What worries me a little about this is that we are going one step removed from that.

I am sure that we are going to create a situation that would allow local people in their own community to feel that they have some control over their own destiny. There will always be some friction at state level between whichever government is in power and local government. I have often stood here and accused the Local Government Association of being a self-interested body primarily concerned with the re-election of mayors than the well-being of the local community. However, I appreciate the stance that the Local Government Association has taken on this. I believe it is motivated by issues other than whether or not we are supporting a model which would better protect heritage buildings than other models.

I think part of their defence revolves around the fact that they see the government's move to transfer power from a local community level to a central planning level as removing

the actual decisions too far from the local community. On this occasion it is my intention to side with the Local Government Association, notwithstanding the fact that I have probably kicked them in the backside more than any other member of this house.

It gives me no pleasure to say that I have been lobbied by members of local government whom I know to be card-carrying members of the Australian Labor Party. They are worried that this measure will strike at the very heart of what local government stands for: that is, local people involved in their local community going to local churches and local schools, concerned about issues that affect them, their houses, their environment and their children, and going along and voting at council elections and running for council, etc. Whilst I have every sympathy in the world for protecting heritage buildings and whilst I would like to walk down the path arm-in-arm with the Hon. Sandra Kanck on this issue—certainly not to the altar, but I do support what she is on about—I intend to support the Local Government Association, because I think this will strike at the very heart of what local government stands for. I believe this place should be about protecting local communities and their democratic right to have a say in the matters which influence them.

We have an election coming up on 18 March. If the government's propositions are defeated, it will have an opportunity to go to the next election campaigning for its proposals, but to me it smacks a little bit of the old style Soviet central planning whereby you strip local communities and citizens of their rights, transfer them to the central government and give the minister a right of veto, which then means that if everybody does not fall into line the cudgels will come out and the veto will be exercised. Basically, that is the alternative model that we are looking at. The model that I much prefer is one whereby local government is in control and administers the scheme.

At the end of the day, the elected representatives of local government and the Local Government Association know that, if they step too far away from being responsive to the needs and aspirations of their local community, they will be kicked out of office at the next election. I believe the model that we are now looking at, in the end (perhaps not in the beginning), will deliver a better outcome to local communities in protecting heritage buildings, because if they do not like the decisions that their locally elected representatives are making they will be able to vote them out at the next election. With the model that we are looking at, if they are aggrieved by a decision that a minister has made behind closed doors, far removed from their local community, they are much less likely to want to accept that decision.

In opposing the amendments, I believe that I am supporting a model which will create a more peaceful community with fewer disputes and which, perhaps, whilst not initially, in the medium to longer term will deliver much better heritage protection for some of the beautiful buildings that we need to save.

The Hon. A.L. EVANS: I have listened to both sides of this argument very carefully. I am very impressed by the Hon. Sandra Kanck's presentation, but I am equally impressed by the Hon. Mr Cameron's presentation. As I weighed up the two options, I had to go back to my philosophy of life, which is decentralisation. I do not like centralisation. I believe that it smothers initiative and that it brings it too much under the control of a few people. I have found in life, in organisations with which I have been involved where a decentralisation option has been presented, that it gives greater opportunity for more people to be involved in decision making.

As the elected people, we have to trust them. So, I have reached my decision after thinking about this hard and long, and caring a great deal about the comments concerning heritage. In our council area we have had to work through issues regarding heritage with respect to properties that are owned by the organisations to which I am attached, and I have had to come down on the side of my philosophy of life, and that is: the local government people have been elected to do a job, and I want to support them as they do that job.

The Hon. P. HOLLOWAY: Mr Acting Chairman, I can count the numbers. I understand that means that we do not have the numbers. I will not divide on it. I do not think we should keep the council any longer on this. It has made its decision. The government will accept it. I think it is important that we get the rest of the bill through.

Motion negatived.

Amendment No. 7:

The Hon. P. HOLLOWAY: I move:

That the House of Assembly's amendment No. 7 be agreed to.

We have already discussed this amendment.

The Hon. CAROLINE SCHAEFER: The opposition supports this amendment.

The Hon. T.G. CAMERON: I am pleased to indicate my support for the government on this amendment.

Motion carried.

Amendments Nos 8 and 9:

The Hon. P. HOLLOWAY: I move:

That the House of Assembly's amendments Nos 8 and 9 be agreed to.

These are consequential amendments and it would be ridiculous if they were passed, but I formally move them.

Motion negatived.

The following reason for disagreement was adopted:

Because the House of Assembly's amendments are unreasonable.

TRANSPLANTATION AND ANATOMY (POST-MORTEM EXAMINATIONS) AMENDMENT BILL

In committee (resumed on motion).

(Continued from page 3406.)

Clause 1.

The Hon. SANDRA KANCK: Continuing our discussion about the forms, I am looking at the autopsy post-mortem request (page 7 of 9). Question B towards the bottom of page states:

Please indicate your request for disposal of blocks, tissue samples and slides (which will be retained for a minimum of 20 years):

Before the lunch break, the minister indicated that this related to quality control. The word 'will' interests me. Is it a legal requirement that they must be kept or may be kept for 20 years?

The Hon. CARMEL ZOLLO: I advise the honourable member that it is really to do with national accreditation and we in South Australia wanting to maintain the same standards as other states. Technically, we are not talking about a legality. In addition, there is the possibility for exception, and we talked about that before lunch as well. When some parents particularly want to see something happen differently, I think that there will be the ability on the form to allow those

parents to indicate that. Overall, it is about maintaining a national standard with the rest of Australia.

The Hon. SANDRA KANCK: May I suggest that, in looking at the final wording of the form, the word 'will' ought to be changed to 'may'? The minister indicates that it is not a legal requirement, so there is no definitive statement you can make that says it will be retained.

The Hon. CARMEL ZOLLO: Will the honourable member accept the word 'should'?

The Hon. SANDRA KANCK: Yes; that would be better. On the next page, question 10B asks, 'Do you consent to organs being retained after autopsy for medical education?' I would like to see the words 'and used' inserted after the word 'retained', because there is a difference. They might take out your brain, put it in a jar, and someone might look at it but, if they want to give it to medical students to cut up, it is a very different matter. I think that it needs to be very clear that we are talking about not just retention but also use.

The Hon. CARMEL ZOLLO: Again, we agree with the honourable member's suggestion. As we said before, the form needs to be finalised. I think that the word 'used' is in the section above.

Clause passed.

Clauses 2 and 3 passed.

Clause 4.

The Hon. J.M.A. LENSINK: I have a question in relation to this matter. I believe that it is similar to the previous matter raised by the Hon. Sandra Kanck, that is, that the words 'retained' and 'used' have been expressed as needing to be made abundantly clear in legislation forms and so forth. Can the minister clarify whether that is the intent of this clause?

The Hon. CARMEL ZOLLO: I am advised that proposed new section 5A provides:

> An authorisation in accordance with this act to remove or use tissue for a particular purpose will be taken to also authorises the retention of the tissue. . .

So, it is consistent throughout the bill.

Clause passed.

Clause 5.

The Hon. J.M.A. LENSINK: I move:

> (New section 25), page 5, before line 39—Insert:
> (3a) The minister must—
> (a) within seven days after granting consent to a post-mortem examination of the body of a deceased person under this section, notify the State Coroner of the consent; and
> (b) within six sitting days after so granting consent, cause a copy of the consent to be tabled in each house of parliament.

The purpose for this amendment was outlined in the House of Assembly. I direct members to the debate on 9 November, towards the end of page 3941, where there is an interaction between the Minister for Health and the Hon. Dean Brown. The minister said, 'One option might be that if the minister exercises this power he might be required to table the reasons—after the event, not seeking consent—with the Social Development Committee of the parliament or some other body like that.' The Hon. Dean Brown then said, 'Or perhaps the Coroner.' The minister replied, 'Yes, or the Coroner. So, if the member wants to consider an amendment along those lines, I am happy to work with him.' The Hon. Dean Brown then said, 'I appreciate the minister's working through that, because I think we have looked at a number of different options. It may be that the most appropriate thing is, in the case of a ministerial autopsy, that within a reasonable period [of time] that has to be reported to the Coroner.' I have read that into the record because I think it indicates that this issue has been raised before.

My concern with the ministerial autopsy process is less to do with the preamble or the granting of consent and more to do with what happens once the consent has been granted. I believe that this power sets up a new jurisdiction within the purview of autopsy, and it is somewhat open-ended. I note the comments made by the minister in this place at the start of the debate today, that is, that there would be reporting back via hospital annual reports. I would like to point out that some of those reports take several months, if not well over a year, to come back to this place.

In my view, we ought to have mechanisms whereby the minister first of all provides a very timely report to the Coroner—not having to seek consent of the Coroner, obviously, but at least to report—and also to report, in a public sense, through the parliament. That is the rationale for these amendments. I also have some questions for the minister, which I might leave at this stage until we have voted on this amendment, to clarify, in a sense, what is the process of issuing public health warnings and so forth in relation to public health risks.

The Hon. SANDRA KANCK: I indicate the Democrats' support for the amendment. I think this amendment helps to clarify the situation.

The Hon. CARMEL ZOLLO: We will probably be conferring with the minister in the other place, but it is my view that we would have concerns about accepting this amendment, because we need to keep the person's identity confidential. If we were to allow something like this, it would obviously identify the person.

The Hon. J.M.A. LENSINK: Perhaps I will take advice from parliamentary counsel, who assisted me in drafting this amendment. However, the language is 'granting consent to a post-mortem examination of the body of a deceased person under this section, notify the State Coroner of the consent'. The same language is repeated in the next section. I would not have thought that consent would necessarily need to include the identity of the person but that it would be more a matter of it being a public health issue.

The Hon. CARMEL ZOLLO: We do have reservations about this. Clearly, the numbers are not on our side, so we will lose the vote. Perhaps the minister in the other place will have some other examination of it.

Amendment carried.

The Hon. J.M.A. LENSINK: I have sought to understand what sort of obligations the Minister for Health has in relation to a public health issue. We are talking about some fairly serious matters, without wanting to send out ripples of alarm to people who might be trawling through *Hansard* after this debate. I refer to matters such as Ebola, pandemics and so forth. Clearly, if it is a public health issue, it is something of some significance. I would like to know from the government how the public health issue is established, what notifications there are, and so forth. From my reading of the Public and Environmental Health Act, I understand that it is Part IV of that act and that it starts at section 30, but that refers to advising local government of threats to public health; it does not necessarily refer to general warnings and the like.

In the schedule that follows, there is a list of notifiable diseases which are in the regulations. Whether we rely on the regulations in order to establish that it is a public health issue or not—because clearly it would slow things down if the minister needs to rely on a regulation—it might not necessari-

ly be timely, and parliament might not be sitting at the time of a potential outbreak. I have also looked at the Emergency Management Act and I have not been able to identify which part of the legislation controls that. Will the minister outline which legislation is used to establish public health warnings and what the process is?

The Hon. CARMEL ZOLLO: It would be a potential new threat, I suppose, one that we do not know about, so it would come under both the health act and the public health act. It would come under both acts. I do not have the act with me.

The Hon. J.M.A. LENSINK: If we can have a reply at some stage; it is just for my information.

The Hon. CARMEL ZOLLO: I advise the honourable member that it is in Part IV of the Public and Environmental Health Act. It is under Division 1, 'Notification of diseases', under 'Notification'.

The Hon. J.M.A. LENSINK: My final question is on page 8 of the bill, proposed new section 28A, post-mortem examinations to be conducted with regard for dignity of the deceased. Can that clause be taken to confer some regard for religious and cultural beliefs? I note that that sort of language is referred to in draft form, but could that be taken to provide some sort of legislative obligation in that regard?

The Hon. CARMEL ZOLLO: I am advised that that certainly would include cultural and religious beliefs and handling of the body.

Clause as amended passed.

Remaining clauses (6 to 10) and title passed.

Bill reported with amendments; committee's report adopted.

Bill read a third time and passed.

HOSPITALS, AUDITED FINANCIAL REMARKS

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I lay on the table a copy of a ministerial statement relating to some annual reports made today in another place by the Minister for Health.

WATER SUPPLY

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I lay on the table a copy of a ministerial statement relating to notice of intent to prescribe the ground water resources of the central Adelaide area made today in another place by the Hon. John Hill.

CONTROLLED SUBSTANCES (SERIOUS DRUG OFFENCES) AMENDMENT BILL

In committee.

Clause 1 passed.

Clause 2.

The Hon. P. HOLLOWAY: I move:

Page 4, lines 1 and 2—
Delete clause 2 and substitute:
2—Commencement
(1) Subject to this section, this act will come into operation on a day to be fixed by proclamation.
(2) Section 7(5) of the Acts Interpretation Act 1915 does not apply to schedule 1 part 2A.

This is a technical amendment inserted by parliamentary counsel to deal with the transitional problems when this act intersects with the coming into force of the Criminal Law Consolidation (Instruments of Crime) Amendment Act 2005.

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

Amendment carried; clause as amended passed.

Clause 3 passed.

Clause 4.

The Hon. P. HOLLOWAY: I move:

Page 4, line 26—
After 'cannabis plant' insert:
or a cutting of a cannabis plant (provided that the cutting has been planted or otherwise placed in a growing medium)

I have a series of amendments to clause 4. This amendment was requested by the DPP. The effect of the amendment is that a cannabis plant cutting that has been placed in any growing medium is a cannabis plant and therefore counts as a plant for the purposes of the cultivation offences. However, mere cuttings lying about the floor, perhaps discarded, do not count.

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

Amendment carried.

The Hon. P. HOLLOWAY: I move:

Page 4, after line 34—Insert:
(ca) dry the harvested plant or part of the plant; or

This amendment replaces a phrase in the legislation that is part of the definition of 'cultivation' which was inadvertently left out.

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

Amendment carried.

The Hon. P. HOLLOWAY: I move:

Page 6, line 5—Delete 'believing that another person intends to sell the drug,'.

This amendment was also requested by the DPP. The DPP believes that the phrase to be deleted unnecessarily confines the definition.

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

Amendment carried.

The Hon. P. HOLLOWAY: I move:

Page 6, line 36—After 'finance' insert '(including finance for the acquisition of the drug)'.

This amendment was requested by the DPP. The intention is to catch a situation in which a defendant provides or arranges finance for someone else or provides or allows the use of premises for someone else to do various acts with the intention that later he or she (the defendant) will actually sell the drug.

The Hon. R.D. LAWSON: I cannot quite see how that explanation fits with this amendment, which is to extend section 4(5)(e), which presently provides that, for the purposes of this act, a step in the process of the sale of a controlled drug includes providing or arranging finance, and the words added are: 'including finance for the acquisition of the drug'. The explanation provided by the minister does not seem to address this particular extension.

The Hon. P. HOLLOWAY: That explanation might well refer to my next amendment.

Amendment carried.

The Hon. P. HOLLOWAY: I move:

Page 6, line 37—After 'premises' insert 'or jointly occupying premises'.

This refers to premises.

Amendment carried.

The Hon. P. HOLLOWAY: I move:

Page 7—

Line 5—After 'finance' insert '(including finance for the acquisition of equipment, substances or materials)'.

Line 6—After 'premises' insert 'or jointly occupying premises'.

Line 16—After 'finance' insert '(including finance for the acquisition of the plant or equipment, substances or materials)'.

Line 17—After 'premises' insert 'or jointly occupying premises'.

These amendments are consequential on the previous amendments.

The Hon. R.D. LAWSON: I support the amendments.

Amendments carried; clause as amended passed.

Clauses 5 to 13 passed.

Clause 14.

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

Page 15, line 33—After 'children' insert 'and school zones'.

The reason for this amendment is as follows. Currently, the Controlled Substances Act provides special provisions in section 32 which relate not only to the sale, supply or administration of illicit drugs (prohibited substances) to children but also to the subject of school zones. In the current legislation, there are provisions dealing with to whom one is supplying the drugs as well as the place in which the drugs are being supplied. For example, section 32(5)(a)(ii) contains a specific offence of being in possession within a school zone of a drug of dependence or a prescribed substance.

My amendment seeks to amend the heading of division 3, which is currently headed 'Offences involving children'. We believe that the special provisions ought to apply not only to dealings with children but also dealings within school zones, and it would be appropriate to include that fact in the heading. I will not make this a test clause. Further exploration will be required to later clauses, but this change to the heading anticipates some amendments to be moved later which will have the effect of restoring to this legislation special provisions for dealing within school zones.

The Hon. P. HOLLOWAY: These amendments may as well be treated as a test for amendments Nos 1, 3 and 4 proposed by the deputy leader. It also takes in most of amendment No. 2. They are generally directed at the same end, that is, the reintroduction of the anomalous and unjust sentencing aggravation involving whether or not the offence occurred within a school zone. The school zone aggravation was not part of the Sackville royal commission recommendations that led to the enactment of the Controlled Substances Act 1984. Those recommendations had a very reasonable set of sentencing criteria which passed into law and which resembled, in all but name, the kind of sentencing structure that this bill proposes to reintroduce.

The aberrations that created a completely distorted sentencing structure were the product of the Controlled Substances Act Amendment Act (No. 2), No. 29 of 1990. So, too, incidentally, was the imposition of $1 million fine. So, what was it all about? The second reading explanation began—significantly, as we shall see:

> The purpose of this short Bill is to introduce substantially increased penalties for sale or supply of drugs to children. It is introduced against a background of concern for our young people. . . To those who would seek to exploit the vulnerability of our young people by selling or supplying drugs, the Government, by introducing this legislation, is giving a clear message—such reprehensible behaviour will not be tolerated. . . the message to dealers is unequivocal.

That is from *Hansard*, 22 March, page 788. There is much more in the same vein as may be imagined—but it is, unfortunately, just not true. First, I ask the honourable member whether he can cite any case at all in 15 years in which this exact sentencing criterion has been used, let alone used up to the maximum penalty. Second, we ask why, if the honourable member believes in this message, he seeks in his amendment No. 2 to restore the position whereby children are to be convicted of this offence? The fact is, as everyone knows, that the suppliers of drugs to children in school zones are going to be other children. That is the reality. Mr S.J. Baker MP, as he then was, observed acutely his experience, as follows:

> The next question I asked [of school children]. . . during these little debates was about who supplied the drugs. Invariably [note, invariably] the answer was that it was either another student or a young adult.

That is from *Hansard*, 27 March 1990, page 866. A child supplying another child with a small amount of a drug in a school zone will not get a life sentence or a $1 million fine or anything like it. It brings the law into disrepute.

The minister moving the bill even spoke of the fact that the bill sought to establish drug free school zones. How does the honourable member think that policy has fared under this sentencing regime he seeks to introduce? Has it worked? Do we have drug free school zones as a result? Are predatory adults being sentenced to long terms of imprisonment for preying on schoolchildren in the vicinity of a school? Of course not. Why not, as the original bill did, also specify pinball parlours, amusement halls or other dens of iniquity?

Of course, no-one wants to defend or even be seen to want to defend the sale or supply of drugs to children, but that is not what this is about. The sale or supply of drugs to children will always be an offence—and a very serious offence at that—and so it should be. The government bill contains massive penalties for offences committed against children. You will face a very long prison sentence, and the government will move to reintroduce the $1 million fine for offences committed against children.

The question is not even really about how tough the maximum sentence will be. It will be tough, and the people who the Hon. Mr Lawson targets with his amendment will be affected not one jot by his amendments. What counts is how fair, just, reasonable and rational the penalty structure of the serious drug offences are. This question has been considered on state and national levels for over 20 years. The proposal of the honourable member has found favour with no-one at all. That is because it fails all these tests, and it should be rejected.

The Hon. R.D. LAWSON: The minister should be acknowledging that this bill contains reduced penalties for the sale of drugs to children. The existing legislation provides that the maximum fine for the supply of a large quantity of drugs under the scheme of the current act is either life or 30 years' imprisonment and a fine of $1 million. That has been reduced in this bill to $500 000.

The Premier and the Attorney-General are very fond of saying, when they go on the airwaves, 'We are increasing the maximum penalties available to the courts, and by this means we are sending a signal that the courts are to treat the penalties as more serious than previously.' They acknowledge that courts rarely impose the maximum sentence, but they say that, by increasing the maximum sentence, you send the clear message that the general level of sentences is to be increased; that is the will of parliament.

What do we have here? They reduce by 50 per cent the fine for the sale of drugs to children. What message does that send? That sends to the courts the clear message that this parliament does not consider that the level of penalties being imposed is appropriate and that they should be reduced. It is pretty clear, of course, that the Attorney-General, in introducing this bill, did not even understand that that was the effect of his bill.

The Hon. R.I. Lucas: He probably didn't read it.

The Hon. R.D. LAWSON: He certainly did not read it, because his press release, issued at the time, said 'Tough on drugs', and all the usual rhetoric. We are holding the government to its rhetoric on this. The amendments that I have foreshadowed (and, since I put them on file, the government has now decided to do exactly the same) are to restore the maximum penalty of $500 000 to $1 million but also to restore what is in this current law provisions that relate to being in possession within a school zone of a drug of dependence for the purpose of sale, supply or administration of the drug.

The reasons the government gives for not supporting this amendment—in other words, for wanting to water down our laws—are, first, that it was not part of the recommendations of the Sackville commission that these school zones be included. I might remind those old enough to remember that the Sackville royal commission into drugs in South Australia made a large number of recommendations, which were not adopted at the time and which virtually would have decriminalised the use of marijuana and other soft approaches to drugs. It is of absolutely no surprise to me that the Sackville royal commission did not include any special provision for the sale of drugs in school zones. It was a report that would be described today as being exceedingly soft on drugs.

The minister asks me to point to any case in the past 15 years where someone has been prosecuted under this particular section, and I must confess that I cannot. There might be a number of reasons for that. One possibility might be that the provision is so effective that people have not been supplying drugs within school zones; another possibility is that persons are not charged with this particular offence, that prosecuting authorities choose to charge with other offences, and that is fair enough. Of course, I accept that if a child were to be charged with this offence it is highly unlikely that they would be fined anywhere near the maximum—or perhaps even be fined at all. However, we believe that if this parliament and this government are serious in the rhetoric about being tough on drugs we will not water down the provision by simply relegating the school zone provision to another general section of the act which makes it an aggravating factor.

The Hon. P. HOLLOWAY: I would like to put on record that the government is circulating amendments Nos 11 and 12 to this clause, and these put the maximum penalty at $1 million.

The Hon. R.I. Lucas: You have seen the wisdom of the Liberal Party's position.

The Hon. P. HOLLOWAY: We are trying to get some wisdom as far as the laws are concerned. Again, the reality is that the main suppliers of drugs in school zones are other children, and we have to take that into account in getting the appropriate balance in the bill. However, we believe we can achieve that balance with our amendments.

The Hon. R.D. LAWSON: The minister says that the main suppliers of drugs in school zones are children. That may be the case, but it is because the drug dealers use children for the purpose of these offences. That is no reason to reduce the penalties; in fact, it provides a greater incentive for those who would traffic drugs to use these children for the purposes of peddling their drugs.

The Hon. P. HOLLOWAY: I could not agree more, and they are the people we need to put away. That is why the penalties need to apply to them—and they will, under the amendments. The children themselves should not be the main target of our drug laws.

The Hon. SANDRA KANCK: The whole 'tough on drugs' policy is failed policy; it does not work anywhere in the world. This is another example of 'tough on drugs', and not only is it tough, it is ridiculous. We know that there are drugs in our schools, and with the proposal to strike out part 1 of 33E we face the prospect of children—and we could be looking at 11 and 12-year olds—receiving a $1 million fine or imprisonment for life. That is plain, unmitigated stupidity. You can guess that we are not supporting it.

The committee divided on the amendment:

AYES (11)

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

NOES (8)

Gago, G. E.	Gazzola, J.
Gilfillan, I.	Holloway, P. (teller)
Kanck, S.M.	Reynolds, K.J.
Roberts, T. G.	Sneath, R. K.

PAIR

Lensink, J. M. A.	Zollo, C.

Majority of 3 for the ayes.

Amendment thus carried.

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

Page 16, line 11—Delete '$500 000' and substitute:
$1 000 000

This amendment restores the $1 million fine which applies under the current legislation.

The CHAIRMAN: I have an indication of an amendment in the same area in the name of the Minister for Industry and Trade which is the same. I am relying on some sort of agreement.

Amendment carried.

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

Page 16, after line 11—Insert:

33FA—Sale, supply or administration of controlled drug in school zone

(1) A person who—

(a) sells, supplies or administers a controlled drug to another person in a school zone; or

(b) has possession, in a school zone, of a controlled drug intending to sell, supply or administer the drug to another person,

is guilty of an offence.

Maximum penalty: $1 000 000 or imprisonment for life, or both.

(2) If, in any proceedings for an offence against this section it is proved that the defendant had possession of a trafficable quantity of a controlled drug, it is presumed, in the absence of proof to the contrary that the defendant had the relevant intention concerning the sale or supply of the drug necessary to constitute the offence.

This amendment inserts a provision dealing with the sale, supply or administration of controlled drugs in a school zone.

The terminology of the proposal is somewhat different from the terminology of the existing legislation, but it is consistent with the terminology now used in the new bill. The desire in this matter is, once again, to ensure that the school zone provision continues to apply. I have already said enough on this under my first amendment.

The Hon. P. HOLLOWAY: This amendment is consequential to the previous amendment.

Amendment carried.

The Hon. R.D. LAWSON:

Page 16, line 15—Delete '$500 000' and substitute '$1 000 000'

This is once again to restore the $1 million fine.

The Hon. P. HOLLOWAY: This is the same amendment, and we support it.

Amendment carried.

The Hon. P. HOLLOWAY: I move:

Page 19, lines 40 to 44 and page 20, lines 1 to 3—Delete subclause (1) and substitute:

(1) In any proceedings against a person for an offence against this part relating to a controlled substance, the prosecution must establish that the person knew, or was reckless with respect to, the fact that the substance was or was to be a controlled substance.

This amendment was requested by the DPP, and its effect is to delete the requirement that the defendant be proven to have known or to be reckless as to the fact of the amount of the substance. The DPP did not want to have to prove this element.

Amendment carried; clause as amended passed.

Clause 15 passed.

Clause 16.

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

Page 21, line 15—Delete '32'.

Amendment carried; clause as amended passed.

Remaining clauses (17 to 30) passed.

Schedule 1.

The Hon. P. HOLLOWAY: I move:

Page 28, line 1—

After 'delete paragraph (b)' insert:

and substitute:

(b) an offence of a kind that is required to be prosecuted, and dealt with by the Magistrates Court, as a summary offence under a provision of part 5, division 2 of the Controlled Substances Act 1984; or

Insert:

Part 2A—Amendment of Criminal Law Consolidation Act 1935

2A—Amendment of section 138A—Dealing in instruments of crime

(1) Section 138A(3), definition of 'crime' (b)(i)—delete subparagraph (i) and substitute:

(i) an offence of a kind that is required to be prosecuted, and dealt with by the Magistrates Court, as a summary offence under a provision of part 5, division 2 of the controlled Substances Act 1984; or

(2) Section 138A(3), definition of 'serious drug offence'—delete the definition

My first amendment (amendment No. 14) is designed to ensure that offences which are ordinarily classed as indictable but which will be tried as summary offences in the Magistrates Court under, for example, clause 33C(4) of the bill, will be treated as indictable offences for the purposes of the Criminal Assets Confiscation Act. It was always thought that this was so, but the amendment is made for the avoidance of doubt. My second amendment (amendment No. 15) is consequential to amendment No. 14 in transitional provisions for the Criminal Law Consolidation (Instruments of Crime) Amendment Act 2005.

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

Amendment carried; schedule as amended passed.

Title passed.

Bill reported with amendments; committee's report adopted.

Bill read a third time and passed.

STATUTES AMENDMENT (CRIMINAL PROCEDURE) BILL

The House of Assembly agreed to the amendments made by the Legislative Council without any amendment.

BOTANIC GARDENS AND STATE HERBARIUM (LIGHTING OF FIRES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 23 November. Page 3206.)

The Hon. SANDRA KANCK: The Democrats support the bill. The current situation sounds absolutely ridiculous and laughable, and I am wondering why it has taken someone so long to do something like this.

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): The government supports this bill. To oppose it would be opposing being Australian itself. It is to do with the lighting of barbecues and fires in Botanic Park, and who are we to stand between people having a good time and a barbecue?

The Hon. T.J. STEPHENS: Just to sum up, I would like to thank all members for their indications of support and I look forward to a speedy—

An honourable member interjecting:

The Hon. T.J. STEPHENS: I am not into self-congratulation, but if you want to spend a bit of time on the way I did bring this bill—no, thank you very much. Speedy passage, thank you. Thank you for your support.

Bill read a second time and taken through its remaining stages.

AQUACULTURE ACT

The Hon. J. GAZZOLA: I move:

That the General Regulations under the Aquaculture Act 2001, made on 22 September 2005 and laid on the table of this council on 18 October 2005, be disallowed.

The Hon. IAN GILFILLAN: I would like the opportunity to briefly discuss this matter before us. It does relate directly to the buy-back of netting effort in South Australian coastal waters and the declaration of some prohibited areas, both in Spencer Gulf and Gulf St Vincent. It was, in our view, unfortunate that any false hope was ever given that the declaration of the prohibited areas would be disallowed. The Democrats had a bill before this place to actually ban netting throughout the whole of the waters of Gulf St Vincent, and we are convinced that this must be the eventual situation in all coastal waters of South Australia if we are to have a long-term and vibrant fishery in all the species.

Although this measure and the measure of the buy-back, which actually reduced the number of licensed net fishers in

the coastal waters at a relatively modest cost and the areas that have been restricted do have the potential for some effect, it is our view that they have not gone far enough. The estimate by the industry, however, is that there will be a 45 per cent reduction in effort, and effort supposedly equates to volume of fish. The evidence that was given to the committee by the industry on this matter, I found confusing and unconvincing, and I have no doubt that fish will be provided to the community in South Australia adequately and at a reasonable price by the systems that will continue to be able to operate in South Australian coastal waters.

For members who have taken any note of the recent media stories, the wholesalers and some retailers in South Australia have been quite delighted at the fact that there has been considerably higher priced markets in the eastern states, and for some product even offshore internationally. If there is to be a shortage of fish in South Australia at prices that we have had in the past, to a large extent, the reason for that will be that the wholesalers of the product are exploiting more profitable markets interstate and getting a higher price, and so inevitably there will be some rise in the price in South Australia. However, the South Australian Democrats believe that there has to be some degree of what one could call pain if we are to avoid the inevitable loss of certain species in coastal waters, and that we then return to a situation where we have a thriving and long-term sustainable fishery in South Australia.

The result of this inquiry by the Legislative Review Committee reached the stage where the committee was unanimous that the regulations as promulgated by the government should stay. That should be a very clear message to the industry that there is no soft edge in parliament from any of the parties for any more campaigning to try to reduce the areas which are prohibited for netting or to get further licences for netting effort.

The Hon. CAROLINE SCHAEFER: I certainly had not expected to speak to this, given that I am not a member of the committee. However, the Hon. Mr Gilfillan indicated that some false hope had been given to those who wished to give evidence to the committee. Given that I have been subjected to some particularly nasty emails in the past couple of weeks, to the extent that, in one case, I have threatened legal action, it needs to be made quite clear that the move to disallow was not some sort of political stunt. It was the normal process that this council and this parliament takes in order to give members of the public, who believe that they are aggrieved regarding a particular regulation, the opportunity to give evidence and, as such, I believe that this parliament would have been derelict in its duty had it not suspended in order to take that evidence.

The Hon. Mr Gilfillan has been very consistent in his belief that the only way to have a sustainable fishery is to close the fishery to all commercial netting. I believe that a number of other methods should be looked at. I have not at any stage given anyone the false impression that anything is likely to change at this stage, but when the minister introduced these regulations I questioned the science as to which coastal bays he has closed and which he has left open. Again, yesterday, I asked for him to show me the science as to why some areas were closed and some areas were left open. I again raised the issue that, if our fishermen can travel anywhere in any waters, the effect that these particular regulations have had is to compact effort into a smaller area so that, while the overall effort may be less, the effort in some small areas will be greater, unless we can get this right. The aim of everyone is to maintain a sustainable fishery, both recreationally and commercially. If the Hon. Mr Gilfillan is looking forward to eating fish thawed for his convenience from Taiwan, good luck to him.

The Hon. A.J. REDFORD: First, I will make a couple of comments about the committee. The committee as you know, Mr President, as a former member of the committee, generally, by and large, works in a bipartisan fashion and, indeed, this was no exception. The committee at one stage resolved to take no action. Mr President, you know the volume of regulations that we deal with and I suspect that that was an oversight. When it was drawn to the committee's attention, it unanimously revoked that resolution to take no action. It did so on the basis that we all get paid $10 000 or $11 000 extra to hear submissions from people whether or not we like those submissions. I know under the chairmanship of the Hon. John Gazzola, I would hope under mine and certainly under the chairmanship of the Hon. Robert Lawson, we have always endeavoured to give natural justice to people who want to make submissions to members of parliament regarding regulations.

That is the right of the public and the people, irrespective of what view they have or what position they hold. The Legislative Review Committee has been diligent in ensuring that people exercise those rights. One of the ways we do that is by the moving of a holding motion. A holding motion for those avid *Hansard* readers is simply a device that allows the Legislative Review Committee to take evidence before coming to a final resolution. We probably move, on average, five or six holding motions every single Wednesday of sitting. Since I have been a member of parliament, we have probably done it more than 500 times. However, on this particular occasion, the Minister for Agriculture, Food and Fisheries (Hon. Rory McEwen) decided to politicise what is generally an unremarkable action on the part of committee.

First, he accused the Liberals of taking a position, which was incorrect. Secondly, he accused me of moving a holding motion. That was incorrect and untrue. Thirdly, he misrepresented the position of the committee, which simply had not made a decision except to take evidence from a certain group of people.

If we are going to politicise the moving of holding motions by the Legislative Review Committee, we will inevitably discourage the Legislative Review Committee from undertaking its tasks and giving people natural justice. The committee is critical in its report of the conduct of the Hon. Rory McEwen as the Minister for Primary Industries—and rightly so. If it was not so late in the session and if I was not full of the Christmas spirit we would take this matter further.

The Hon. T.G. Roberts: Or cheer.

The Hon. A.J. REDFORD: No, I haven't got to that yet. The committee said in its report:

> The majority of the committee (Hon. Ian Gilfillan, Kris Hanna, Dorothy Kotz and Angus Redford) noted that in the normal course of the committee it moves hundreds of these types of motions to enable it to perform its statutory functions. It noted that to politicise and misrepresent the committee's view in this context could tend to hinder the committee in performing its important statutory functions.

One of those statutory functions is to be fair. The Hon. Rory McEwen is the first and only minister in the whole time that I have been in parliament who either seems incapable of understanding what the committee does or, alternatively and

more seriously, sought to play political mischief with the proceedings of the committee. That is to be condemned. I have absolutely no doubt that if he does it again the committee will move to set up a privileges committee, and we will deal with this minister if he wants to play, because it is absolutely important.

Mr President, you would understand as a longstanding member of that committee that we have to have time to be able to talk to witnesses. Sometimes we know that witnesses are going to give evidence and that in the end we are not going to do what those people want, but they have every right to come along to parliament, which is the people's place, and say to us what they want, and they have every right to look us in the eye when we say no to them. We do not go crawling under rocks and we do not run away and hide from tough decisions that we might have to make time to time. In the end, we made a decision which was unanimous.

In closing, I say that the whole process amongst all members of the committee was conducted with goodwill and we were as one. The Hon. John Gazzola chaired the committee extremely well, although he did not agree with every single thing that we did—but that is what happens with this committee. I think the committee deserves a commendation for at least taking the trouble and time to listen to people. I think the Hon. Rory McEwens of this world—hopefully we will not be seeing much more of him—are very slow learners, because these procedures have been in place for many years.

Debate adjourned.

EYRE PENINSULA BUSHFIRES

The Hon. CARMEL ZOLLO (Minister for Mental Health and Substance Abuse): I seek leave to make a ministerial statement regarding urgent advice sought by an honourable member.

Leave granted.

The Hon. CARMEL ZOLLO: Earlier today the Hon. Rob Lucas asked a question regarding Mr Leon Bignell and the Eyre Peninsula bushfires and requested that I bring back urgent advice. The question pertained to an email which was also raised by the leader in the other place yesterday and which was discussed on ABC Radio this morning. The common theme by the honourable member and the leader in the other place was that the email was from the CFS. The Hon. Mr Lucas claimed that the original message was from an officer by the name of Craig. The email was obtained under FOI by the Hon. Mr Lucas.

I now have a copy of that FOI and the documentation attached to the email. In the information provided in response to the FOI from the Hon. Mr Lucas, the subject email is attached to other documentation, including a response given to it. The response is provided to Mr Craig Bildstein, the author of the email. Honourable members would be aware that Mr Bildstein works for *The Advertiser*. I am advised that Mr Bildstein is not a CFS or MFS officer. The email from Mr Bildstein has been emailed internally within the services in preparing answers for him.

The allegation in the email is that a particular regional MFS officer had been pressured not to comment adversely on CFS operations. The Hon. Mr Lucas earlier today insinuated that the MFS officer had been pressured by Mr Bignell. As I said during question time, the officer named in the email has provided a statutory declaration denying that he had been pressured. He has also been asked this afternoon whether Leon Bignell ever pressured him in any way, and he has confirmed that he was not pressured by Mr Bignell or anyone else. I have also spoken with Mr Bignell, who assures me that he has never and would never pressure any member of our emergency services in any way. He holds officers, staff and volunteers of those services in very high regard, having worked closely with them.

Mr Bignell spent more than four weeks on Eyre Peninsula after the fire and did a tremendous job assisting those who had lost loved ones, stock and property. The people of Eyre Peninsula know that the work undertaken by Mr Bignell, in particular, and other government officers who helped rebuild the lives of those who lost so much during the devastating fires was invaluable—in fact, it is now the model for disaster recovery in Australia. Mr Bignell was the lead coordinator of this effort.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! I think the minister is probably going beyond the explanation.

The Hon. CARMEL ZOLLO: I am making a statement, Mr Acting President.

The ACTING PRESIDENT: You are, I think, debating the merits of Mr Bignell and others; you ought to bring that to a conclusion.

The Hon. CARMEL ZOLLO: I will bring it to a conclusion. The attempt to smear his name and to devalue his work is plain politicking and a form of grubby attack on government employees for which, unfortunately, the Hon. Rob Lucas has become well known.

DEVELOPMENT (MISCELLANEOUS) AMENDMENT BILL

The House of Assembly did not insist on its amendments Nos 1 to 6 and Nos. 8 and 9 to which the Legislative Council had disagreed.

TRANSPLANTATION AND ANATOMY (POST-MORTEM EXAMINATIONS) AMENDMENT BILL

The House of Assembly agreed to the amendment made by the Legislative Council with the amendment indicated in the following schedule:

Proposed new subsection (3a)—Delete paragraph (b).

Consideration in committee.

The Hon. CARMEL ZOLLO: I move:

That the amendment made by the House of Assembly to the Legislative Council's amendment be agreed to.

The Hon. J.M.A. LENSINK: I indicate that the Liberal opposition will not oppose this amendment. In the interests of closure for the many families who have suffered significant emotional trauma, I understand the importance of the timeliness of this. I place on the record that I ask that the government maintains it commitment that reports will be provided in hospital annual reports, which are tabled in parliament. I also ask whether the government will consider some form of amendment at some other stage which might follow the intent of the amendment we take out—that is, some sort of information, such as a statistical report with the public health reasons outlined to the parliament.

The Hon. CARMEL ZOLLO: Perhaps I should make clear what we are agreeing to. The other place agreed to subclause (3a) moved here but, in the interests of seeing this bill passed, it has deleted paragraph (b). I thank the honourable member for her cooperation and understanding at this time.

Motion carried.

CHILDREN'S PROTECTION (MISCELLANEOUS) AMENDMENT BILL

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I have to report that the managers have been to the conference on the bill, which was managed on behalf of the House of Assembly by the Minister for Families and Communities (Hon. J. Weatherill), Ms Chapman, Ms Redmond, Ms Thompson and Mr Brindal, and they there received from the managers on behalf of the House of Assembly the bill and the following resolution adopted by that house:

That the House of Assembly insist on its disagreement to the amendments of the Legislative Council and insist on its alternative amendments made in lieu thereof.

Thereupon the managers for the two houses conferred together, and it was agreed that we should recommend to our respective houses:

No. 18. That the Legislative Council no longer insist on its amendment but make the following alternative amendment:

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 assessment of or investigation into the circumstances of the child to be carried out or must effect an alternative response which more appropriately addresses the potential or actual risk to the child.

And that the House of Assembly agree thereto.

No. 19. That the Legislative Council no longer insist on its amendment and make the following alternative amendment:

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 assessment of the parent, guardian or other person has already occurred, or is to occur).

And that the House of Assembly agree thereto.

No. 22. That the Legislative Council no insist on its disagreement to the alternative amendment of the House of Assembly.

Consideration in committee of the recommendations of the conference.

The Hon. P. HOLLOWAY: I move:

That the recommendations of the conference be agreed to.

I congratulate those members who have worked very hard all day to seek to find a resolution to this matter. Of course, the bill itself has been the subject of intense negotiations and debate in this parliament over many weeks, and it would be great to get a resolution of it. Certainly, I am very pleased that a compromise has been found that is agreeable to all parties, and I commend the bill to the committee.

The Hon. R.D. LAWSON: I support the remarks of the minister. A considerable improvement of the government's bill has been made in consequence of amendments made in this place. The first amendment (amendment No. 18) arises out of an amendment suggested by the Hon. Kate Reynolds. The government resisted that amendment long and hard and, finally, a varied form of words was agreed to.

Amendment No. 19 is the amendment which was moved by the Hon. Nick Xenophon and which creates a special procedure where 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 is required to take certain steps. The amendment originally proposed by the Hon. Nick Xenophon was somewhat stronger than the amendment now being agreed to as a compromise. However, the Liberal opposition has been strongly supportive of a recognition of the fact that children at risk as a result of the abuse of illicit drugs require special consideration, and we are delighted that the parliament, notwithstanding the fact that the government did not want this clause in the bill, has finally resolved that there be special consideration. It may not have been as much as was wanted, but this is a singular achievement for the Legislative Council. I think the council has fulfilled its traditional role of improving legislation significantly as a result of our efforts.

Likewise, amendment No. 22. This amendment, which was also originally proposed by the Hon. Nick Xenophon and which was supported by the Liberal opposition, has been adopted in a slightly varied form. Once again, it represents a recognition of the fact that this council provides not only the useful but also vital function of improving legislation for the benefit of the community. I commend all concerned with the result of this conference, which has been a triumph for the Legislative Council.

The Hon. NICK XENOPHON: I think the Hon. Mr Lawson has fairly outlined what the new amendment is. It is not in the same form as the amendments I moved (both for assessment); the government's position in relation to treatment is the one that has, in effect, been adopted. I do not resile from my position on the issue of assessments. I believe it is important that, where the thresholds are crossed, both in terms of the chief executive suspecting on reasonable grounds that a child is at risk as a result of the use or the abuse of an illicit drug, there ought to be a drug assessment. The bill still provides for that, but there is an out clause, that is, 'unless the chief executive is satisfied that an assessment of the parent, guardian or other person has already occurred or is to occur'. How that will be dealt with and interpreted remains to be seen. However, it is an improvement on the current position.

The risk to children as a result of illicit drug use—in particular, amphetamines, heroin and cannabis—is a significant issue in our community. The figures from the UN World Drug Report show that we have the highest level of illicit drug use in the OECD, which is a fact that ought to alarm us and ought to be the subject of urgent policy action.

So, I do not resile from my position. I understand the opposition's view that the bill should be passed. It did not want the bill to be withdrawn or to fail because of the deadlock in relation to this clause. I also indicate that I understand that the minister will be making a statement in the other place once the House of Assembly gets the message to the effect that there will be a system of reporting (with the annual reports), so that we will know how many cases have been brought to the attention of the chief executive in terms of the suspicion on reasonable grounds; how many matters were assessed and the consequences; and how those assessments proceeded and on what basis. That is certainly an improvement on what we have now. At least the issue of drug

use and its impact on children is now on the agenda in a way that it has not been before, with some prescriptive measures.

I again endorse the comments of the Hon. Mr Lawson that this is a case where the Legislative Council has improved legislation. I hope that in the following year strong legislation will be introduced to tackle this very serious problem of children being neglected and being at risk because of the drug use of their parents or guardians.

The Hon. KATE REYNOLDS: I also concur with the comments of the Hon. Rob Lawson and the Hon. Nick Xenophon in relation to this being a triumph for the role of the Legislative Council. I think that the process of both reviewing and improving the bill, as it came to us from the other place, has been extremely valuable, and certainly the feedback I have had from the sector interested in child protection has been very positive about the work that has been done in this place.

Briefly, the amendment that I was particularly concerned about, which is the section under 'investigations', has had some minor wording changes as a result of the conference between the two houses. Frankly, I do not believe that the wording changes the intent of my amendment, but I understand that it makes the minister and the department a little more comfortable, so that is very useful. I will just put the whole wording of that clause on the record so that it makes sense to people. In relation to 'investigations', it states:

> 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 assessment of or investigation into the circumstances of the child to be carried out, or must effect an alternative response which more appropriately addresses the potential or actual risk to the child.

I am pleased that this clause has remained in the bill as I intended when I moved the original amendment, but the inclusion of the wording 'an assessment' makes the minister and the department a little more comfortable in that they are more confident that they do not immediately need to kick into a full-on investigation, although I note that 'investigation' is still not defined within the Children's Protection Act.

There was some very useful discussion during the conference about what 'investigation' actually meant and some discussion about the fact that the Children's Protection Act is still based on a notification and investigation model which, in my view, is not particularly helpful and certainly leaves us lagging well behind the other states and international approaches to children's protection. But we have moved a little further forward and that is very helpful. This amendment will complement the amendments which I put forward and which were ultimately accepted in relation to the increased compulsion for the state through the minister and the department to provide services to assist families who have children who are potentially at risk. I thank the members who were involved in the deadlock conference and say again that this is an example of the very important role of the Legislative Council in the law-making process in South Australia.

Motion carried.

[Sitting suspended from 6.35 to 8 p.m.]

CROWN LANDS (PRESCRIBED SHACK SITES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 November. Page 3010.)

The Hon. SANDRA KANCK: In dealing with this bill we have to resolve competing principles. On the one hand, we have the issue of how we get the leaseholders of these shacks to clean up their act but, on the other hand, there are some principles that matter to me about 'first in, first served' in regard to ownership of land. I am aware of some of the history. From 1996 onwards, many shacks in South Australia were freeholded as a consequence of the shack freeholding project initiative of the government at that time. As I understand, upwards of 3 000 shacks were freeholded across the state from that time onwards, but some were not able to be freeholded because of environmental and fire considerations such as has occurred in relation to the Glenelg River shacks. I expect that those particular shackholders feel that they did not get fair treatment.

One of the things that perplexes me about this current move is that nothing seems to have changed since that time except the Liberal Party's position. Earlier this year, the member for MacKillop moved a motion in the House of Assembly about the shacks. One of the things that I found particularly interesting about that was the response that he received (he had lobbied over time for the Glenelg River shack holders) from Liberal Party ministers. In that speech he referred to the fact that he contacted the then minister, Dorothy Kotz, to ask her about support for the Glenelg River shacks and issues of tenure, and he was knocked back by Dorothy Kotz. When the ministerial positions were changed and Mr Evans took over, the member for MacKillop said:

> . . . as hope springs eternal, I wrote to the new minister in August 2000. The 29 September reply was predictable. Life tenure policy does not envisage tenure longer than the life over sites on the Glenelg River. There are several reasons a better tenure would not be granted in this location including, again, the disposal of septic and waste water, which is a significant issue, and construction of shacks. . .

He also mentioned somewhere in there that he made an approach to the then premier, John Olsen, and that did not give him any joy, either. I cannot see what has changed in that period of time when the Liberal Party was in government and when its own premier and ministers were refusing to consider these options and the difference now.

There is no doubt that some of these shacks are in poor condition. The argument that has been given to us is that the owners will not put the effort into upgrading them unless they can be assured of the extension of their tenure, and even a guarantee that they will be able to pass them on to their children. The consequence of this attitude even includes raw sewage going into Glenelg River. It is surprising that so little has been done to bring these people to heel. There is also an issue of how a select group of people get to 'own' land without ever paying for that land.

In 1995 my former colleague, Mike Elliott, spoke about an amendment to the Development Act, and I will read out what he had to say then. He indicated that his family had previously owned one of those shacks so, to some extent, he is talking from experience. He said:

> We will end up with a class of a couple of thousand houses—because they will be 'houses' in the sense of the word—which will have a different treatment in law from all others. If I applied to a council tomorrow to build a house in a similar area to where these shacks are I would be told where I could go very quickly. They would say, 'We cannot allow this sort of thing to happen.'. . . There have never been any major rights in relation to shacks. They are actually rights people have grabbed by degrees. They started off as camping rights with tents in the sandhills, and by degree people have gradually demanded more and more to the point where we now say,

'Okay, you can have a permanent freehold in this area.' In many cases it was initially a right grabbed by squatting.

He is talking about shacks in general and not Glenelg River shacks, but he is talking about the principle of it. The question that arises is: should we grant possession because someone pitched a tent on a piece of land 60 years ago? There are riparian and access rights issues. What rights do the public have because the occupiers of these shacks claimed the land as theirs? Should we allow a building that was effectively built illegally to have permanent status? Should we give in to the shack owners because some of them refuse to observe environmental considerations? If the environmental and fire considerations are such that local government would never agree to allow any new buildings in that same area, are there sufficient grounds to effectively give tenure across generations to the people who got there first? Obviously, I exclude the original inhabitants of the land, namely, the Aboriginal people.

I recognise that there is a lot of local support in Mount Gambier. We have seen in the House of Assembly the tabling of a petition signed by more than 5 000 people in support of tenure proposals for the Glenelg River shacks. The Hon. Rory McEwen (the member for Mount Gambier) introduced his Crown Lands (Glenelg River Shacks Sites) Amendment Bill 2005 on 14 September, but it was defeated only a few weeks later. The bill dealt with only those shacks located on the Glenelg River, whereas this bill is non-specific. It opens up the possibility for shacks in other locations that were not able to get approval for freeholds during the nineties should a relevant local council take it on. I have met with representatives from Grant District Council who have urged me to support the legislation. I have received a letter from the Alexandrina council supporting the bill, because the Milang shacks were not approved for freeholding in the 1990s.

I had a briefing from the government, and it informed me that the environment department in Victoria is concerned about the implications for that state, as the Glenelg River, except for the very short passage in South Australia, is essentially a Victorian River. I find the wording in the bill a little too loose, particularly clause 4(5), and clause 4(5)(d) in particular, which provides:

(5) A sublease granted to the original lessee must—. . .
(d) contain conditions relating to—
(i) access to the shack site;
(ii) infrastructure;
(iii) management of environmental issues;
(iv) effluent disposal;
(v) the built form of structures on the shack site;
(v) safety and security. . .

This really leaves it wide open. For instance, I know from what Grant council has told me that it will build things, such as a boardwalk at the front of the shacks, so that there are some public access rights. It has told me that it will insist on the installation of STED schemes, but it does not say that in this bill, and that concerns me. For that reason, I really would much prefer that we did not go ahead with the bill and that it be reworded at least before it is reintroduced some time in the future. I indicate the support of the South Australian Democrats for the second reading.

The Hon. G.E. GAGO: I rise on behalf of the government to oppose the bill. It is loosely constructed and highly likely to lead to unintended consequences. It also creates a dangerous precedent by requiring the minister to allocate land not 'at arms length' (as recommended by the Land Board) to a specific person or body under favourable terms without regard for pre-existing interests in that land. The bill provides that the minister may not cancel a lease unless the original lessee applies within 12 months. This will result in haphazard and uncoordinated administration. At any one time the tenure map will consist of sites with existing life tenure leases; sites with cancelled leases (but rights to remain in occupation rent-free forever); sites with leases issued to councils; sites with subleases from council; and sites reverted to Crown land.

Proposed subleases will contain conditions relating to various environmental issues (at the sole discretion of council, with no government input), but there is no specified compulsion to comply or penalty for not complying nor, in the case of lease cancellation or non-renewal, is the responsibility for shack removal addressed. Nothing in the bill appears to prevent councils from transferring the head lease to a private body or person. The bill places extreme financial onus and risk on councils' ratepayers—for example, conveyancing costs, stamp duty and insurance, public liability arising from fire, flooding erosion, cliff collapse or structure collapse. It imposes a legal onus to comply with regulations that may not necessarily apply to the Crown, for example, residential tenancies, housing improvement orders, health orders, fire regulation orders, environment protection orders, as well as susceptibility to legal challenge over lease conditions or lease administration.

Council can be required by regulation to service and upgrade sites at considerable cost, but it cannot 'impose any requirements on an original lease'. Any servicing of sites will necessarily involve wholesale, irreversible excavation and the destruction of cliff face and attendant native vegetation. The provision of legal or practical access will be impossible without destruction of the cliff face or multi-layered reciprocal rights over narrow and rickety boardwalks. It is for these reasons that the government opposes the bill.

The Hon. KATE REYNOLDS: I will speak very briefly on this bill. I visited the site at Donovan's Landing last month, I think it was, or it might have been late the month before; I am not sure—

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

The Hon. KATE REYNOLDS: I am sure it was the tidiest town. It is still a very tidy and cute little holiday village. I visited the site because I was aware that the issue had been raised, and I was keen to have a look to see what this was all about. I think at that point the Hon. Rory McEwen had just introduced, or was about to introduce, his bill in the other place. I have some family in Mount Gambier, and they quite like getting out in boats, fishing and so on, and they had some views about how this issue ought to be managed, as did a number of other people with whom I spoke when I spent some time in Mount Gambier on that visit.

There certainly was strong support within the local community to have the District Council of Grant take up the responsibilities this state government and previous state governments had not taken up. I am sure that honourable members who have been in this place for a while will know that the South Australian Democrats are very comfortable with occasionally voting differently. We do not have great stoushes in the corridors or disciplinary action taken outside of this place. The Hon. Sandra Kanck and I have had a considerable number of discussions about this matter. We have shared some briefings and documents, and we have looked at this from various angles. The point at which we diverge is that I think I have a little more faith in local

government generally—and I hope I am not misrepresenting my honourable colleague's views.

Should this legislative initiative ever succeed—and it certainly will not in the lifetime of this parliament—I hope the council is able to achieve its goal of addressing the environmental and recreational issues at the various sites, given that the state government and previous state governments have not been willing to do so. I am absolutely unconvinced that this state government does not intend to do anything except sit on its hands in relation to this issue. I support the comments of my honourable colleague in relation to tenure, and so on. I think those arguments are absolutely valid, and I have no dispute in relation to those matters. However, I do take offence at some of the government's remarks about what I think will be the haphazard and uncoordinated administration that will result, which was one of the remarks made by the previous speaker. I cannot see that the government sitting on its hands will in any way be an improvement.

I congratulate the District Council of Grant for being willing to take up this initiative. It has involved considerable work for the council, which has been attempting for many years without success to get various state governments to deal with the issues. It cannot be a task that they have taken on lightly. This is certainly going to cost them some additional dollars as well as the time of their existing staff, and of course the additional time of community organisations which have provided the advisory expertise. So, if the bill were to be successfully passed in both houses, they would have quite a job ahead of them. But they have been willing to take that on and, as I say, I congratulate them. I congratulate the Hon. David Ridgway for playing his part in attempting to have some action taken on these issues, and I indicate my support for the bill.

The Hon. D.W. RIDGWAY: I thank everyone for their comments, and those who are supporting this piece of legislation. In summing up, I think this is the best outcome for the environmental problem we have at both the Glenelg mouth and Milang—especially around the Glenelg River mouth, which is an area prone to inundation because the river mouth silts up in low flow times and, of course, it is a spring-fed river and, as the water comes down and the sand bar builds up, so the water rises. Of course, then it overflows and there are septic tanks and a range of other environmental issues. It appears from all the information I have been given by the Grant district council, the Alexandrina district council, the Glenelg River Shack Owners Association and the Milang Shack Owners Association that there is new technology available which is, if you like, virtually a sealed receivable system for the household effluent, whether it is grey water or sewage. It is collected so that when the areas are inundated it does not escape back into the river and into Lake Alexandrina. It is then pumped up to a central collection point above the high water mark and dealt with in a normal sewerage system.

I think the major environmental concern with sewage and pollution of the river can be addressed with this latest technology but, of course, the shack owners are not prepared to invest in this technology unless they have some security of tenure. So we are caught between a rock and a hard place. The technology exists but, however, people are not prepared to invest because there are significant costs to do so. Likewise, the council is not prepared to invest in the receiving and pumping stations because they do not know the tenure of the shack owners. So it appears that we are in a difficult situation.

This bill offers an opportunity to fix the situation in the next three to four years. The legislation states that the District Council gets the head lease, then they sublease the site back to the shack owner and they have three years to comply with all the regulations in the agreement which they will sign, which I have provided to all members for them to peruse. There is a copy of what the Grant district council has suggested would be the sort of agreement they would look at. We spoke to parliamentary counsel about including that agreement in the legislation, and parliamentary council recommended that it would be better to be done the way it is done, which is why we have done it in that fashion.

This provides the best possible outcome to get a solution within three or four years and solve the environmental degradation problem. Alternatively, we can do nothing and sit on our hands, and the government can sit on its hands, as the Hon. Kate Reynolds indicated they have been doing, and it will take 30 or 40 years for the shack owners to die and, as they die, someone has to go and remove the shacks, either at council or state government expense.

The Hon. R.K. Sneath: Why are the shack owners going to die? A couple of them were fairly young last time I saw them.

The Hon. D.W. RIDGWAY: The Hon. Bob Sneath interjects that some of the shack owners are very young, so it may be 30 or 40 years: it might be 50 or 60 years. But the doing-nothing option means that we sit back and, as people relinquish their shack sites, mostly due to age and death, they revert to being Crown lands and the shacks rot away and drop into the water and it is an environmental disaster. This bill offers the opportunity to fix it in the next three or four years.

I disagree with the comments that the government has made in that it will be a haphazard and difficult process to manage. The council has the head lease and it will have 60 or 70—Milang has more than that—shack owners with whom it has subleases. I cannot understand how it would be haphazard and difficult to manage. Some shack sites have disappeared already. The District Council of Grant and Alexandrina Council have guaranteed to make those sites public access for other people for boating, fishing and recreational pursuits. All the issues about fire safety and emergency vehicle access have been addressed in the Grant district council proposal.

I think this bill offers the best opportunity possible to shortcircuit the whole system and provide a good environmental outcome in the next three to four years, rather than waiting 30, 40, 50 years or even longer—as the Hon. Bob Sneath said, some shack owners are quite young—before they finally rot away and drop into the river.

Bill read a second time and taken through its remaining stages.

NATURAL RESOURCES COMMITTEE: REPORT

Adjourned debate on motion of Hon. R.K. Sneath:

That the report be noted.

(Continued from 9 November. Page 3017.)

The Hon. SANDRA KANCK: In May this year I attended the Australian Water Conference in Brisbane. The cost of attending that conference was met by both the standing committees of which I am a member: the Natural Resources Committee and the Environment, Resources and

Development Committee. The Natural Resources Committee's annual report includes a small section I wrote about the conference. In supporting this motion, I take the opportunity to report to the parliament about the conference, which I found to be extremely valuable. The attendees were mostly the people who administer our water systems around the country: the engineers who design and operate them, plus researchers who are studying the problem of our depleting water resources and proposing solutions, and a few of the public servants who are trying to implement these solutions against a backdrop of politicians who have not grasped the—

Members interjecting:

The PRESIDENT: Order!

The Hon. SANDRA KANCK: Mr President, is there any problem at the moment that requires me to stop?

Members interjecting:

The PRESIDENT: This is a motion; it is not going to the lower house.

The Hon. SANDRA KANCK: We do not operate at the behest of the House of Assembly. We face the challenge of a growing population, climate change and the need for water conservation, plus increasing public expectations of improved levels of service, healthy waterways and sustainability. The people at this conference were passionate about the problems facing us and very frustrated by the inaction of governments. They showed an understanding of the environmental issues that go beyond most politicians, in my experience.

For instance, one of the speakers argued that the water industry needs to take the initiative, develop the more sustainable systems and then work to carry COAG along. At this point, I want to talk about what people said in their presentations, because there was a great deal of wisdom in so much of what I heard. One of the presenters pointed out that we are not just talking about a water cycle: it is a water, energy, pollutant, economic, political cycle. There is an illusion across the country that fresh water is unlimited, and we must question the way in which water is used. New initiatives will be needed. We will have to stop using potable water for our gardens and for flushing toilets.

Dr Roger Jones, senior research scientist with the Climate Impact Group of the CSIRO Division of Atmospheric Research, presented some modelling about the potential impact on stream flow of climate change. I will not bog down the chamber in statistics but, taking into account the wettest and driest scenarios for the Murray Darling system, and with the water usage occurring in that system and possible climate change, the wettest scenario means that there will be a 2.5 per cent increase in river flow. However, with the driest scenario with their modelling there would be a minus 25 per cent drop in the flow rates in that system, which, of course, has enormous implications for us in South Australia.

He did point out that models give us information about system vulnerability, and, from that point of view, he is saying that you can get variability. He said that very few models anyone has done show an increased rate of flow. What was said, very clearly, was that the low-hanging fruit is gone. We have had a prosperous water past at a cost—the degradation of surface water, salinity and the loss of biodiversity. Nutrient emissions of sewage to the sea is causing the destruction of coral reefs around the world. Some dishwashing powders contain up to 30 per cent phosphorous.

Several aquifer systems in Victoria are highly overused; 5.7 million hectares around Australia is currently affected by dryland salinity, and this could increase to 17 million hectares by 2050. Dams are a key threat to fresh water ecosystems; the situation for marine waters is of equal if not greater concern; and 40 per cent of river sites monitored show ecological impairment around the country. Opportunities exist for enhanced demand management for urban areas. One path systems, as they call it in the industry, are wasteful. We were told a lot about the re-use of water.

The Beenleigh water reclamation facility in South Queensland has a capacity of 15 megalitres a day, which caters for 60 000 people. At present, it is operating at 11 megalitres per day. It is 20 years old and was upgraded five years ago. The particles in water are filtered down to 30 microns, which allows UV sterilisation to be more effective, and the filtered grit goes to a land-based waste facility. Bio-solids to the tune of one truckload per day go to farms west of Toowoomba, where it is allowed to sit for two to three months. It is then tested for pathogens before being spread. Three to four megalitres a day of treated water goes to the cogeneration plant at Rocky Point. That is one water reclamation facility that is very clearly being used effectively.

Speakers at the conference told us that there should be a target of no ocean discharge anywhere in Australia by 2020. One of the interesting things about this conference was that I heard the greatest amount of toilet talk that I have ever heard in my life. It was a pleasure to sit in a conference room with about 300 men hearing about toilets, urinals, urine, faeces, and so on, and not hear them all guffawing. They actually understand the importance of the issue. Most of the nutrient load in sewerage is in the urine and not the faeces. For recycling purposes, a normal flush toilet dilutes the urine too much. We should not mix the black water with the grey water. Bio-waste and black water go together well. The options to address this include flushing toilets, vacuum toilets, separating toilets, waterless urinals and composting toilets. We were told that the vacuum toilet uses 0.7 litres per flush, and the latest developments have made them less noisy than a conventional flush toilet.

One of the issues raised was recycling, and one of the speakers pointed out that since 1993 a very cautious approach about water recycling has turned into a fearful one. He asked what has occurred since 1993. The fact is we did not have the capability of finding the organisms in the past but now, with the huge technology changes and improved analytical capabilities, we can. Now, because we can detect them, we have to remove them. It is interesting that they had a section where all of the industries were putting their wares on display, and there were posters about different work that some of the researchers had done. One of them had done work on rainwater tanks and asked people about their satisfaction with their rainwater tanks. Most people who had them were very satisfied and drank only rainwater and did not use tap water but, when they analysed the rain water, it was of a standard that was lower than the tap water. Yet, despite the fact that it was lower, people far preferred to drink that water.

There are many ways to recycle water by cleaning it up. Membrane technology is already being used effectively for grey water recycling. Reverse osmosis is being used to make grey water as clean as tap water. There is other technology such as ozone, peroxide, UV (and I have GAC, but I cannot remember what it stands for). As a long-term strategy in Singapore, recycled treated water was introduced into reservoirs on 21 February 2003 in small concentrations and no problems have emerged. The US National Research Council says that reclaimed water is a viable option which should be considered on a project by project basis. There is

a need for acceptance of re-use of water as a responsible way forward.

It was interesting to watch ABC news tonight to see a story about a house at Mawson Lakes that had somehow mixed up the recycled water pipes with the tap water pipes. The people in that house had actually been drinking recycled water, and they had no ill effects. To my mind, that really validates what these presenters were saying at the conference.

Pricing can be an effective lever of water conservation. The water industry delivers a tonne of product to a household for one dollar, and they question whether or not we are doing the right thing by keeping the price of water at the level we do. Water pricing, they say, should reflect the cost of infrastructure and delivery. There is a strong case for the price to include external costs such as biodiversity protection. But pricing as a solution may still be futile, because the aspiring classes install spas and other water guzzling measures as their living standards increase.

There was quite a lot of talk about population increase. Several capital cities are currently facing water shortages. Water consumption will need to decrease 40 per cent by 2050 as a consequence of population increase across Australia, if the total water usage is to stay the same. We need to limit population if we are to prolong the use of existing infrastructure. It is interesting for me to consider that the first speech I made in parliament in 1994 was about the need to limit population. More and more people are starting to recognise it.

Dr Bob Birrell, a demographer from Monash University, produced figures that should open our eyes to the impact of population on water usage. He said that Sydney is in a diabolical situation with an expected population increase of 33 per cent in the next 30 years. The consequence will be the population being packed in a la Hong Kong, and it will increase water usage by 30 per cent and effectively remove open space. He had the following to say about Adelaide:

> Adelaide is reasonably comfortable because it does not get a huge number of the international migrants. However, the Premier of South Australia is lobbying for more these migrants so that South Australia can have more problems.

Melbourne water currently uses 278 gigalitres per annum for total domestic use. With projected population increases, an increase in the number of households at 50 per cent by 2031 will see water usage go as high as 395 gigalitres per annum; although, if all new housing takes place using urban consolidation principles (that is, courtyards, minimal gardens and minimal lawns), it can be reduced to 380 gigalitres per annum. That is an expected increase in water usage of between 37 per cent with urban consolidation and 42 per cent without. And he gave similar figures for Adelaide, Brisbane and Sydney, and I will not tell you those figures for Brisbane and Sydney at this point. If somebody wants the figures I can tell them, but for Adelaide the anticipated population increase is 13 per cent by 2031. That will result in a 25 per cent increase in household dwellings, and a 20 per cent increase in domestic water usage, but that will drop to 18 per cent if we use the principles of water consolidation.

When you hear figures like that—and we are talking only 25 years—we are headed for big trouble unless we take some decent action. What are the solutions? Dam construction is a high cost solution for water supply, we were told. People talk about building a canal to bring 200 gigalitres of water per annum from the Kimberley at the same time as 125 gigalitres of waste water goes out into the Indian Ocean. We were told that we should forget the expensive engineering solutions. Presenters expressed disappointment that desalination is getting so much currency because the energy consumption in that is huge. The preferable alternative is better waste management.

Sydney currently uses 625 gigalitres per annum, which will rise to 1 000 gigalitres per annum by 2090. The need for augmentation can be put off until 2090 by using a combination of water saving shower heads, grey water, and the installation of rainwater tanks for flushing toilets, but that has to be basically across the whole of Sydney for that to have a—I use the word advisedly—positive effect.

So, other sources of water must be found for urban areas. Such sources include managing leakage and loss, water mining, recycling, subsidies for retrofitting water saving devices and improving garden watering practices. Most houses need no more than 20 per cent of their water supply to be potable. There is a multitude of regulations across Australia which is a huge impediment to a national strategy. All Australian states have different regulations for the use of the three different types of grey water. Consideration needs to be given to the energy used in water and waste water technologies. Rainwater pumps are very efficient, consuming 300 kWh per megalitre of water pumped. UV disinfection units are also fairly high users of energy. All up, with this technology—and I think this figure refers to across Australia—3 000 to 5 000 MWh of electricity would be needed each year. With off-the-shelf technologies it is possible to reduce potable water use by about 50 per cent and effluent discharge by 30 per cent. Contaminant load reduction in streams is a bonus that comes from that, but there is no doubt that it will cost more up front to be sustainable.

Following the conference, which was a three-day conference, there were three optional technical tours. I chose the Gold Coast Water Innovation tour. The Coomera project, which is a system of water supply, water use and water reuse, is regarded as the gold standard in the industry, and the engineers and technical people on the bus that I was on all knew about it and were very keen to see it. It stems from the fact that three years ago Gold Coast Water recognised that they would hit the wall in terms of water supply, so they devised significant changes to maintain the status quo. The Gold Coast City Council opted for a water sensitive urban design. The Water Futures Committee was set up in November 2002 and it came up with 58 recommendations. From February 2003 all new subdivisions—and this is not like we have done a trial at Mawson Lakes here and have not really extended it—were required to install dual reticulation rainwater tanks and demand management as an absolute minimum. We then visited and viewed a number of real estate development projects to see the ways in which issues of water are being handled in the construction phases of the subdivisions.

They have what is called the three waters system which I believe is similar to what we have at Mawson Lakes. Colour-coded water pipes—white, aqua and lilac—are used to indicate different qualities of water. Lilac piping is used to indicate that the water is recycled and this carries through to the access hole cover which is also lilac with a lilac-coloured square painted on the kerb. Outside the houses the pipes are painted lilac and the taps that use the recycled water also have a lilac turn on the top of them. During the building of the houses, auditors check every house to ensure that there are no cross-connections and each house is checked a minimum of three times. It is a fairly invasive process, but it is necessary in the early stages of this system to ensure

confidence for the future. Again, I reflect on this story about Mawson Lakes on the television tonight. It probably is an indication that we need to give much more training to our plumbers so that they understand the system that is being used.

At the Somerton Ridge subdivision the rainwater pipes will be green. Potable water will be available only through the kitchen tap. The taps themselves are different colours to indicate the type of water. The system was described to us as New World water, which means dual reticulation and smart sewers. Swales 600 millimetres deep and 300 millimetres wide are done before any construction takes place. During building, the area of the swale is marked off so that compaction does not occur. The swales, by the way, go along the footpaths in front of every house. Each house has a swale built into it. Then they are able to grass over the top of it and we were assured it does not affect amenity. Gold Coast Water is not able to levy the builders or the house owners for potential damage to the swale during construction, but the body corporate for each of the subdivisions can do that, and they are levying a $1 500 bond on the builders in case they damage the swales. The consequence is that they are very, very careful about it.

The installation of rainwater tanks is mandatory: 3 000 litres is the minimum requirement, although 5 000 is encouraged. That, of course, is interesting as well, because this is in an area where rainfall is somewhere between 1.1 and 1.2 metres per year. Different sized tanks are being used to accommodate different roof collection areas. Each of the developments has a central lake to pond stormwaters. Salisbury council here has, I think, probably led the way for most of Australia in that regard. Issues have been raised about safety and the possible need to fence the lakes and the storage ponds that are formed following storms, but it was pointed out that fences have the potential to become dams, and this is not what is wanted; they want the water to drain away.

The council is bringing the development industry along with it and concerns have been raised about cost implications, so no headworks fee is being charged for the dual reticulation system at this stage. That would cost approximately $3 000. With the cost of a rainwater tank being about $2 000 and the construction of the swales and the wetlands, the all-up, real cost per allotment is $12 000 to $13 000. It is going to cost a lot of money in order for us to have sustainable water supplies but, given the information about population increase and what this is going to do for our water supply, we may have little choice in the future. At this stage the Gold Coast council and Gold Coast Water are subsidising this because they could not otherwise allow the development of these new subdivisions.

But far and away the most inspiring and provocative of the presentations to the conference was that of Eric Rosenblum, of the Environmental Services Department from the City of San Jose in California. As a water systems engineer, he had discovered that, when he made recommendations up the chain for environmental reasons, the response was always back down the chain in terms of economic rationale. His continuing frustration with that led him to further look at economics and the way it dominates our thinking, and what result this thinking brings about. I am only going to mention a few things in relation to this, but it was so inspiring, he has (on my request) emailed me the whole presentation, which is copyright, and if anyone wants to borrow it he is quite happy for people to look at it, and argue with him as well, if they disagree.

He has concluded that, as economics dictates decisions on the implementation of environmentally friendly water schemes, the consequence is that we wait until things cost 20 times more before implementing the solutions. I think the figures that I gave for the Coomera project housing is an indication of that. It is only when we reach crisis point that we start to do these things and then they cost so much. We make poor decisions about the environment when we base them on economic growth. We do not use economics to decide whether we will continue to support our children. He gave a very humorous presentation about his own family in which he indicated that himself, his wife and daughter were all reasonable economic contributors to the family, so they got a tick. The son, who was still at high school, was a marginal and he got a question mark, and the dog—well, the family dog only cost, and he said, 'Obviously, if we take an economic solution to the family, then the dog would have to be euthanased.'

Economics is limited by its narrow utilitarian base. We are, as a world, creating negative externalities in space and time, but, on Spaceship Earth, there are no externalities, there is no 'away' to throw things to. Development always has consequences. Decision frameworks are not just economical. They should also be, and they are, ethical, political, technological and environmental. He referred to Jared Diamond's latest book *Collapse*, which was published this year, and quoted from that book as follows:

> Societies collapse when problems are not anticipated, when problems are not perceived, and when attempts are not made to solve the problems once they have been perceived.

We need ethical thinking to respond to crisis, and I cite a quote that was made by Eric Rosenblum as the most appropriate way to finish my speech. He stated:

> The present generation may be the first to know the extent of our environmental problems and the last to be able to do anything about them.

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

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: MARINE PROTECTED AREAS

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

That the report of the committee on its inquiry into marine protected areas be noted.

(Continued from 19 October. Page 2792.)

The Hon. SANDRA KANCK: In 2003, I moved a motion in this chamber with the terms of reference that the ERD Committee has now investigated and reported on. I did so then because I was concerned at the slow pace of establishment of marine protected areas (MPAs) in South Australia. I have to say that that concern remains. I have largely agreed with the recommendations of the committee but, in the case of a number of recommendations, I believe the committee has not gone far enough. It is important to put the South Australian situation in a national and international context.

This year the UN Food and Agricultural Organisation released a report that advises that 52 per cent of the ocean's wild fish stocks are fully exploited. At the same time, the United Nations preliminary report by the Millennium Ecosystem Assessment Board records that 60 per cent of the world's ecosystem services, that is, the free benefits we

obtain from the environment, are being used unsustainably or are degraded. This includes marine systems. It recommended the establishment of more protected areas and greater support for managing the existing protected areas. South Australia is a signatory to the development of the national representative system of marine protected areas. However, South Australia is lagging behind the other states except for Queensland, with whom we appear to be contesting for the wooden spoon.

Quite clearly, the longer we take in declaring MPAs, the greater is the potential for them to become or be made into political footballs. To their credit, the Liberals in government undertook to declare the first MPA in the Mid and Upper Spencer Gulf in 2002-03, the Gulf St Vincent and Lower Spencer Gulf by 2003-04, the South-East and Lower East by 2004-05, and the Far Western West Coast by 2005-06. Had the Liberals remained in government, we probably would have had only one or two more areas left to go. By contrast, and disappointingly, the current (Labor) government had undertaken to have the Encounter MPA in place last year and other MPAs by this or next year. The Encounter MPA is still not in place and the timetable for all the others has blown out to 2010.

It appears that there was no public consultation when this new timetable was announced. Having praised the Liberals for the timetable they put in place while in government, it is now disturbing to see them in opposition stirring up dissent about MPAs. That has been seen very clearly with the proposed Encounter MPA, where the local member (Hon. Dean Brown) has played a key role in stirring up that dissent. I have made recommendations disagreeing with the committee. I think this is the first time in the ERD Committee's existence that unanimous agreement has not been reached on a report, but I believe there were important issues that the committee was failing to seriously address.

I have argued that, where there is any doubt about the potential impact of ecological sustainability of a specific MPA, approval should not be given for exploration or mining in that area. This is what is known as the precautionary principle, but members of the committee did not want that observed. I have questioned whether the delays in getting specific legislation for marine protection prepared can be justified when there is power under existing acts that would allow for the creation of MPAs. Neither should the issue of compensation prevent the government from declaring MPAs.

However, one issue particularly concerns me. Dr Karen Edyvane, research associate in the School of Geography and Environment at the University of Tasmania and a former leading light here in South Australia in regard to marine issues, commented in her submission that there was an important question the committee should be asking, and that is:

> Why is marine aquaculture, petroleum exploration (and all other development applications) able to proceed in the interim, outside [and she had underlined the word 'outside'] the regional marine planning process—but not the reservation of marine parks and reserves?

Similar concerns were raised with the committee by the Conservation Council, the Wilderness Society and the Marine and Coastal Community Network in their submissions and appearances before the committee. For those who do understand the importance of marine protection there is real concern, particularly with the time blow-out to 2010, that, while proposed MPAs are on hold, mining exploration permits are being sought in areas proposed for MPAs, as are aquaculture proposals. For instance, two areas on the West Coast have been pinpointed by developers for abalone farms. Yet parts of these same areas are so special that they were nominated as far back as 1998 for protection under the Wilderness Act. Yet while the nominations for Wilderness Act protection appeared not to have been progressed—and I do await answers to questions I asked about this many months ago—the aquaculture applications are being processed, with one of the two already approved by PIRSA.

I have recommended that, where delays in proclaiming MPAs cannot be prevented, other development proposals in those areas should also be put on hold. It is unfortunate that I was unable to convince other members of the committee of the importance of such a measure. What we have been left with is the problem over the next five years for these areas, which are considered to be significant, to become sites for aquaculture or petroleum exploration. The potential exists for these areas to be so significantly degraded that protection may no longer be considered.

I quote Michelle Grady, then executive officer of the Conservation Council South Australia, in 2002 (and she must have almost had a crystal ball). She said:

> In seven years DEH will be breathing the dust of the exclusive rights being given to aquaculture operations—now the only areas left to marine parks will be those not worth having. This 'toe in the water' policy is simply not adequate and does not match Labor's election commitment on marine issues.

Without knowing then that this government's strategic plan would blow out the timetable for MPAs to 2010, Ms Grady was almost spot-on with the time-line. We can only hope that her prediction of aquaculture having taken over the potentially best spots for marine reserves is proven wrong, and that the incoming environment minister, Lea Stevens, has more success in standing up to vested interests than the current environment minister, John Hill.

The ACTING PRESIDENT (Hon. R.K. Sneath): Order! It would be the Hon. John Hill and the Hon. Lea Stevens.

The Hon. SANDRA KANCK: I am sorry. I referred to environment minister John Hill as one continual—

The ACTING PRESIDENT: Lea Stevens, I think, was mentioned.

The Hon. SANDRA KANCK: Again, I said incoming environment minister Lea Stevens, so I was using the title—

The ACTING PRESIDENT: I think you should refer to them as honourable or by their title.

The Hon. SANDRA KANCK: One of the submissions received came from a Mr Michael Moore, who has a Master of Science degree and who has worked in the aquaculture industry. He advised the committee as follows:

> The question should be asked, 'are we stewards of the environment, or do we own it?' If the former is the answer then we need to consider 'are the people who develop and profit from our environment appropriate stewards?

It is a question that the environment minister and our Premier, who, two weeks ago, made the claim that he was passionate about the environment, should ponder. I support the motion to note the report, but I also note the shortcomings of some of the recommendations and hope that the members of this government will yet get around to taking the shades off their eyes and look anew at the problems they are creating with their current approach.

Motion carried.

SOCIAL DEVELOPMENT COMMITTEE: MULTIPLE CHEMICAL SENSITIVITY

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

That the report of the committee, on its inquiry into multiple chemical sensitivity, be noted.

(Continued from 6 July. Page 2345.)

The Hon. SANDRA KANCK: The South Australian Democrats are proud to note this important inquiry of the Social Development Committee. Although I am not currently a member of that committee, I was for quite a few years, and this reference was a motion I brought to the parliament in an effort to do something about this issue for the people who had previously had little voice, little recognition and very little understanding in the South Australian community. In 2001, Mr Peter Evans from the Multiple Chemical Sensitivity Society began emailing MPs, urging them to focus their attention on what he called an emerging public health crisis. Peter, a registered nurse and a sufferer of multiple chemical sensitivity, brought a passion for action to this issue. I thank him for raising my awareness and, in turn, the awareness of the parliament on this subject.

In November 2002, my motion for this inquiry first came to the Legislative Council and was eventually carried on 9 July 2003. I have found that this issue strikes a chord with people from all walks of life, and that people who are stricken with MCS and chronic fatigue syndrome have their lives and those of their families shattered by the effects of their illness. Having the Social Development Committee look at the issue is an important first step for South Australia, in fact, for Australia, because we were the first parliament to look at this issue seriously. We have begun to do something about it as consequence of recommendations from the committee, but I do stress that it is only a beginning. The challenge to government from here is to pursue the implementation of the recommendations with urgency and vigour.

I agree with Peter Evans' description of MCS as a public health crisis. I would add that it is also an environmental crisis. We know that we are surrounded by chemicals in every area of our lives, so much so that it can be a real detective style hunt to track down the cause of a reaction, be it a runny noise, lethargy, rash, nausea, or a condition known as brain fog. The ever increasing reliance on synthetic products creates an environment where new and totally untested chemical compounds are all around us. Children, in particular, are at risk from chemicals in the environment and they need our support to ensure their schools are as safe as we can make them. The South Australian Democrats support all the recommendations of the inquiry, in particular, recommendation 7, gaining recognition of MCS as a disability; and recommendation 8, calling for a coordinated national approach.

Throughout my involvement as an advocate for awareness of MCS, I have continued to receive emails and letters from people in South Australia, around Australia and internationally. People affected by MCS often lead incredibly isolated lives, and use of the internet is a wonderful tool for them to network with other sufferers. I commend the members and staff of the Social Development Committee for their work in this important inquiry and echo the sentiment of the thanks which the committee expressed to the people who gave evidence, despite their own health issues. Whether sufferers are canaries in a cage for all of us cannot be established, yet if they are, we need to listen hard and long to the evidence their bodies are giving us. We cannot be complacent. Moves in other countries to protect indoor air quality, to prevent home gardener use of pesticides, and to create safe access areas especially in health services can all be replicated here. No-one's health would suffer for these changes and some people's lives could be given back to them.

In closing, I also note the need for support for consultant specialist physicians working in this area who are faced with mandatory medical indemnity insurance at the same rate as other doctors, despite the fact that they do not write any prescriptions or perform any procedures. Expertise in this field is extremely specialised and valuable to the health of the community and should not be lost when the risk of litigation is virtually nil.

Motion carried.

GAMING MACHINES (PROHIBITION FROM COUNCIL AREA FOLLOWING REFERENDUM) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 6 July. Page 2347.)

The Hon. SANDRA KANCK: On behalf of my colleague the Hon. Kate Reynolds, I will just say that she supports the bill.

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

EVIDENCE (RETRIAL OF SEXUAL OFFENCES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 June. Page 2232.)

The Hon. G.E. GAGO: I rise on behalf of the government to oppose this bill. We agree with the opposition that there is a problem but we do not agree with its solution. The government is taking action to deal with the problem in a more comprehensive way than that proposed by the opposition. The problem which the opposition's bill seeks to remedy is a serious one: the potential failure of prosecution for a sexual offence because the complainant will not give evidence again at a retrial. Giving evidence in a trial of a sexual offence is an ordeal that many complainants find hard to endure once, let alone twice. One cannot blame such witnesses for choosing not to give evidence at a retrial.

The opposition's solution is to allow the prosecution in a retrial of a sexual offence to tender the record of the complainant's evidence in the original trial as a substitute for the victim's oral evidence at the retrial. We agree with that solution broadly but we think that it is too restrictive. The government proposes a more wide-reaching approach. The government will introduce a bill that deals with this problem within comprehensive changes to the laws of evidence as they affect children and honourable witnesses.

The government's main criticisms of the opposition's bill include the following. We do not agree that this law should apply to the evidence of alleged victims only; it should also apply to child witnesses whether or not they are alleged victims of the offence the subject of proceedings and adult witnesses who may be vulnerable for some other reason than being the victim of an offence. We do not agree that this law should be restricted to proceedings for sexual offences. A

witness in a murder trial, for example, may suffer severe distress because of having to give evidence again at a retrial.

We do not agree that this law should allow the substitution of a record of evidence from the original trial, only at the retrial. It should be possible to use all or part of this record in other proceedings that are related to those in which the evidence was originally given. The evidence a witness gives in a criminal trial might, for example, be relevant to civil proceedings for the injuries caused by the criminal act. Most importantly, we do not agree that a court should be compelled to admit evidence taken at an earlier trial in place of the witness's direct oral testimony, as would happen under the opposition's bill.

We think the court should have a discretion to admit this evidence. Relying on a written transcript from a previous hearing instead of hearing and watching the witness in person may distort the witness' evidence. There is also the question of the ability of a jury to assimilate long transcripts. Sometimes a witness may give evidence for weeks, and the transcript may run into many hundreds of pages. Lawyers and judges, who are trained to read such transcripts, often find it difficult. Our final reason for opposing the opposition's bill is that this law will work better if accompanied by a range of other amendments to the Evidence Act 1929 that are designed to improve the way in which courts take evidence from children victims and vulnerable witnesses, and we believe that the government's bill will do this. It is for these reasons that the government opposes the bill before us.

The Hon. IAN GILFILLAN: The Democrats support the second reading and look forward to the committee stage on the next Wednesday of sitting.

The Hon. R.D. LAWSON: I thank members who have spoken on the second reading of this bill, which was introduced by the Liberal opposition in July this year. It is deeply disappointing that the government, through the Hon. Gail Gago, did not see fit to support this measure. Indeed, I believe it is somewhat churlish of the government at this very late stage to be indicating a failure to support this important measure, which is based upon the detail of experience of an appropriate response to this problem in New South Wales. This government, having failed, for the four years it has been in office, to address this important issue, put out a press release a couple of weeks ago, when it believed the Legislative Review Committee was to table a report in parliament dealing with the unacceptable position with respect to sexual offences generally in this state. It is deplorable that the government, in order to blunt the Legislative Review Committee's important report, should put out a press release saying, 'We are going to do something next year. We are not going to do anything this year. We have not done anything for the past four years: we will do something next year.' I look forward to the committee stage of this bill.

Bill read a second time.

BAIL (LIMITATIONS ON BAIL AUTHORITY'S DISCRETION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 December. Page 807.)

The Hon. IAN GILFILLAN: The Democrats support the second reading. However, in making that observation, this bill is like the curate's egg: it is indifferent in some parts and lousy in others. There is nothing flawed in our bail system in South Australia; mostly the flaw is in the way it is lampooned in a most irresponsible way by the Premier. We had an example of that on Tuesday this week, when the Premier, Mike Rann, leapt (as he is wont to do) to the fore to try to get some hysterical headline, and put out a release 'Bail for notorious paedophile'. He went on through this farrago berating the DPP, which he seems to find a happy sport. Unfortunately, he has now come up against a contestant who is, I think, leading about three sets to nil, according to the last score that I took account of, so he will have to lift his game. He will have to get some cooperation from the Attorney-General. On the same day, in this release, having put in the text the hysterical attack on the administration of bail in this state, he says:

> At this time, I have not had the opportunity to view or let alone consider the DPP's response to that request.

Wow! What responsible timing that is from the leader of the state! On the same day, the Attorney-General of this state makes a quite well-moderated ministerial statement (which may be a surprise but is nice to read). He states:

> I wish to report to the house that I have now considered a minute provided to me this afternoon by the Office of the Director of Public Prosecutions concerning the release on bail yesterday of a person charged with child sex offences.

One would think that, in a mature society, a mature parliament and a mature government that has been elected to govern in the best interests of the people of the state, the Premier would at least have had the sense to find out what the basis was for the bail allocation or the bail decision before shooting his mouth, but no; fortunately, the Attorney-General does. He continues:

> I am advised that the prosecutor who attended on the bail review received instructions from a senior officer that:
>
> 'bail was not to be opposed so long as strict conditions were imposed. The basis of these instructions were the following:
>
> · the offences were dated;
> · [the accused] was not alleged to have reoffended;
> · that he had no previous convictions for breach of bail;
> · there did not appear to be any risk that he would interfere with the police investigation;
> · that he had resided at the same address for the preceding 7 years;
> · a guarantor of bail had been offered and he seemed to be a person of good character;
> · the progress of the case through the court system could be protracted'.
>
> The Office of the Director of Public Prosecutions also considered 'what bail conditions would be appropriate in the circumstances' and concluded that:
>
> 'These conditions were a residential condition, a guarantor, reporting a police station, a prohibition on contacting the complainants and a prohibition on the accused having any contact with minors.'
>
> The accused was granted bail on the above-mentioned conditions.

All those conditions were applied to bail. What the Premier is so keen on doing (apart from shooting his mouth off) is making sure that the taxpayers of South Australia have to pay for the remanding of this person. We have the highest percentage of people in remand in Australia, and we do not have adequate resources to house any more. The Premier does not say at the same time, 'I am not going to, through my government, allocate funds so we have adequate prison capacity, both in remand or at Yatala.' Mr President, there seems to be a bit of yapping going on.

The PRESIDENT: Order!

The Hon. IAN GILFILLAN: Unfortunately, I am too polite. I listen to these people when they talk, but they cannot be bothered to listen to me. I am about to finish. I was having

lunch today with prison chaplains as a group, and what they bemoan is that Yatala now houses an enormous number of remandees. When the Premier shoots his mouth off about bail and insists that people go on bail, why does he not have enough responsibility to say, 'This is where they're going to go. This is how they're going to be looked after, and this is the money that's going to do it'? No wonder we have moves for a bill to reform the bail conditions. Unfortunately, this bill is not very effective, and I do not admire it much. However, we will support the second reading.

The Hon. P. HOLLOWAY (Minister for Industry and Trade): The government opposes the second reading of the bill. The bill inserts two new subsections into section 10 of the Bail Act. New subsection (2a) provides that, where a person is in custody on a charge or conviction of murder, a serious drug offence, including the offence of conspiracy, attempt or being an accessory to a serious drug offence, or an indictable offence committed while on bail, a strong presumption against bail applies. In such cases, bail is not be granted unless the applicant establishes that there are exceptional reasons why bail should not be refused. New subsection (2b) provides that, where a person is in custody on a charge of or conviction for an offence alleged to involve violence, a serious criminal trespass or stalking, or has a conviction for one of these offences within the previous two years, or has been returned to custody on breach of a condition of a previous bail agreement, a presumption against bail applies. In such cases, bail is not to be granted unless the applicant establishes that there are no reasonable grounds for refusing bail.

The opposition offers no persuasive evidence in support of its amendments. Its spokesman Robert Lawson cites two cases and some police statistics on breach of bail. He also refers to the legislation in other jurisdictions where different presumptions are applied to different offences. Under these new provisions, the factors that determine whether an applicant for bail must overcome a presumption against bail are the seriousness of the offence and the applicant's prior criminal and bail history. The Bail Act already permits bail authorities to take the gravity of the offence with which an applicant for bail is charged into consideration when determining an application for bail. A person's prior bail history may also be considered. Where the applicant has been convicted and is applying for bail, a bail authority has an unfettered discretion subject only to the act as to whether bail is to be granted. Irrespective of whether the applicant is charged or convicted, a bail authority must give primary consideration to the need the victim may have or perceive for physical protection from the applicant.

Where a bail authority inappropriately grants an applicant bail, the Crown has a right to seek a review of the decision, if necessary, to the Supreme Court. Where a person on bail is charged with or convicted of further offending, they must be brought before a court and their bail may be revoked. These existing provisions are the foundation for one of the toughest bail regimes in the country. Relatively speaking, bail authorities in this state remand more people in custody than their counterparts in any other state. South Australia's remand rate is well above the national average and is second only to the Northern Territory. South Australia also has a higher remand population within its prison system than most other jurisdiction and, again, higher than the Australian average.

Subsection (2a) is aimed at persons charged with or convicted of more serious offences. The inclusion of murder and serious drug offences makes this clear. What is not clear and is not explained is why, given the already high remand rate in South Australia, the opposition thinks a tougher test need apply. The government is advised that very few people who are charged with serious offences are granted bail where opposition is warranted and, of those who are granted bail, strict home detention bail conditions are generally imposed. The Crown can and does use the review provisions where bail is inappropriately granted. Furthermore, applications for bail post conviction, particularly where the applicant has been found guilty of a serious offence by a higher court, are very rarely successful.

Honourable members should understand that the opposition's amendments will not just apply to serious offences. Subsection (2b) applies a presumption against bail where the applicant is charged with, or has been convicted of, an offence of violence. This presumption also applies where the applicant is in custody charged with any offence, no matter how minor, and has within the previous two years been convicted of an offence of violence. 'Offence of violence' is not defined but would include minor assaults. Arguably, it could also include the offence of making unlawful threats. We cannot be sure, because the opposition's bill does not define the term. The new presumption also applies to an applicant returned to custody for breach of bail, no matter how minor. The government is advised that most charges of breached bail relate to minor levels of offending, that is, offending that of itself would not ordinarily result in a term of imprisonment on conviction.

The government accepts that there have been cases, one of which was referred to by the Hon. Mr Lawson when speaking on this bill, where serious breaches of bail involving victims do not appear to have been given the prominence they should have been. To this end, the government has introduced into another place amendments to section 10 of the Bail Act to require a person charged with a breach of bail condition imposed for the protection of a victim to establish that there are exceptional reasons justifying his release on bail. The terms of procedures—the onus imposed on an applicant for bail under subsection (2b)—are confusing. The applicant must establish that there is no reasonable ground for refusing bail. The applicant must therefore prove a negative. How is he to do this? It would appear that the applicant will have to raise all possible grounds on which he could be refused bail (that is, identify the Crown's case) and then establish that none of these grounds apply. This will drag out and complicate bail hearings.

In terms of comparing this state's legislation to that of other jurisdictions, the Hon. Mr Lawson makes much of the approach taken in New South Wales, Queensland, the ACT, Western Australia and Victoria. It is instructive to note that South Australia's remand rate is considerably higher than all of these jurisdictions. Quite aside from the weakness of the opposition's arguments and the technical difficulties with the provisions, there are other important reasons why the opposition's bill should be opposed.

Figures provided by the Office of Crime Statistics and Research show that each year approximately 600 to 700 people who are currently granted bail would come within the category of bail applicants to which a strong presumption against bail applies. The government expects that very few of these people would be able to demonstrate that there are exceptional reasons why they should be granted bail. Furthermore, approximately 5 500 people who are currently granted bail would come within the category of bail appli-

cants to which a presumption against bail applies. If only a small percentage of these people were remanded in custody rather than bailed, as they are now, the impact on remand numbers will be large. Similar, though less draconian, amendments in New South Wales in 2002 resulted in increases in bail refusal rates for the categories of bail applicants targeted of between 7.3 per cent and 15.5 per cent. Overall, bail refusal rates in that state's courts increased by 7 per cent.

These figures indicate that the opposition's amendments could result in many hundreds of extra remand prisoners needing accommodation each year. Sections 10(2a) and 10(2b) apply where the applicant for bail is in custody on a charge or conviction of a specified offence. It is the former group that will make up the bulk of the new remand prisoners. Of these, many will be from disadvantaged groups. People with mental health problems and intellectual disabilities, indigenous people and the poor are disproportionately represented in the criminal justice system. It is to be expected, therefore, that a disproportionate percentage of the extra remand prisoners created by the opposition's amendments will be from these groups.

In New South Wales, despite amendments specifically aimed at reducing the number of Aboriginal defendants remanded in custody, the 2002 amendments led to a 14.4 per cent rise in the number of Aboriginal defendants refused bail in that state. The Department for Correctional Services advised that women are also likely to figure disproportionately in any increase in the number of remand prisoners. Children, too, will be hit hard by the opposition's amendments. Subsection (2b) applies a presumption against bail where a child is returned to custody on breach of bail. The Youth Courts's judiciary often imposes quite extensive conditions on children's bail that would rarely be imposed on adult applicants, including obeying house rules and attendance at school. Imposing a presumption in favour of bail when a child is arrested for a minor breach of bail will see a rise in the number of children in custody.

The social impacts of the opposition's amendments are one matter. A second matter is the high cost to the taxpayer of incarcerating large numbers of extra remand prisoners. It is important to understand that remand prisoners must, wherever possible, be kept separate from the general prison population and must be accommodated near the courts. This reduces the Department for Correctional Services' ability to absorb a large increase in remand numbers across the prison system. In any event, the department advises that the state's prison system is close to capacity. It is not possible, without significantly increasing the rate of doubling up (which risks overcrowding and therefore prisoner unrest), for large numbers of additional remand prisoners to be accommodated within existing correctional facilities.

As I noted earlier, the number of bail applicants to whom the two new presumptions will apply runs into the thousands. If even a small percentage of these applicants are refused bail, the department will have to accommodate many hundreds of additional remand prisoners per year, something it would be unable to do with its existing facilities. These factors indicate that, should South Australia experience similar increases in remand rates to those in New South Wales following the 2002 amendments in that state (an outcome that the government believes is entirely possible), the taxpayer would have to find a substantial increase in the capacity of the state's remand system. The Department for Correctional Services advises that a new facility able to accommodate an additional 350 remand prisoners would cost the taxpayer $80 million to construct and $10 million a year to operate. A smaller facility would be less expensive; however, construction would still be in the tens of millions and operating costs in millions per year. I stress that this facility will house remand prisoners, most of whom will not have been convicted.

Of course, even if the necessary additional resources to increase the capacity of the prison system can be made available and a site chosen, the increase in the rate of remand prisoners will start flowing through relatively quickly. The Department for Correctional Services advises that there is a four year lead time from the date of approval for construction to the time that a major remand centre will be ready for occupation. Perhaps the Hon. Mr Lawson can advise where these extra remand prisoners are to be accommodated in the interim. There are many other resource implications to the opposition's amendments that will have to be borne by the taxpayer.

Any increase in the number of remand prisoners places pressure on the prison medical service. Remand prisoners must be transported to and from court. Bail authorities, particularly courts, when considering whether there are exceptional reasons in favour of bail, or no reasonable grounds to refuse bail, will be more likely to order the preparation of bail reports. It is also to be expected that bail authorities when granting bail to applicants who come within the new presumptions will be more likely to impose strict conditions on bail; for example, intensive supervision or home detention bail. Although cheaper than remanding a defendant in custody, these options are considerably more expensive than releasing the defendant on bail without such conditions.

Any increase in the number of defendants refused bail will lead to more applications for review of bail. This will have resource implications for the courts and the Legal Services Commission, which represents many of the defendants who will be subject to the new provisions; and the police prosecution service and the DPP, which represents the crown on review applications. Not knowing the exact number of extra remand prisoners makes estimating these additional costs difficult. However, advice from custodial agencies, in particular the departments for correctional services and health, SAPOL and the courts indicates that on an annual basis these costs could run into many hundreds of thousands of dollars, even if the overall percentage increase in the number of remand prisoners is small. When added to the cost of constructing and operating a new remand facility, the government believes the opposition amendments would drain millions of dollars from the public purse. I remind members that South Australia's remand rate is already well above the national average and the highest of any state.

These amendments are unnecessary; they are arbitrary; they will result in large numbers of people being imprisoned before they are convicted of any offence; they will disproportionately impact upon the most vulnerable in the community; and they will be extremely costly to implement. They ignore the fundamental justification for bail, and it should be up to the crown to justify why a person, who has not been convicted of an offence, should be detained in custody rather than granted their liberty, albeit under conditions. For these reasons the government opposes the bill.

The Hon. R.D. LAWSON: I thank members for their contribution. I particularly thank the minister for placing on record the reason why the Premier's faithful promise to

review the Bail Act and tighten the bail rules in the sight of many will be seen as empty rhetoric for the empty rhetoric they indeed are. However, it is interesting that the government has been reactively selective in changing the onus in bail reviews. For example, only a couple of weeks ago the government announced that the onus in bail applications would be reversed for a particular type of offender; that is, an offender who engages in a car chase with police. Why that particular type of offending should be seen to be so heinous that it warrants a reversal, amongst all the offences in the criminal calendar, is easy to find. It is simply a matter of political rhetoric and opportunism by the Premier. The Attorney-General promised a review of the Bail Act earlier this year; he never produced it. He issued a discussion paper proposing a review; he never released the result of that discussion. I look forward to the committee stage of this debate.

Bill read a second time.

AUDITOR-GENERAL'S REPORT

Adjourned debate on motion of Hon. R.I. Lucas:

That the report be noted.

(Continued from 13 October 2004. Page 263.)

The Hon. A.J. REDFORD: I particularly want to refer to page 168 of the Auditor-General's Report, under the heading Education and Children's Services, and in particular 'employee expenses', which sets out the wages of teachers in the education system of something of the order of $1.1 billion. I also draw the attention of members to the various programs that are set out in Vol. 2 of the Auditor-General's Report and, in particular, I draw attention to pages 434 and 435. I refer members to the 'grants and subsidies' line on page 435, where it reports that some $33 million is spent in relation to grants and subsidies for various programs to deliver education outcomes to various groups within our community.

That brings me to a specific issue, which is the Hallett Cove Pathway Choices Program. The Youth Choices program commenced in 1998, with a special grant from the Minister for Education. In 1999 an arrangement was made with the Christies Beach High School and the Southern Vocational College to access DEC's funding through the off-campus enrolment of their students. In that respect, the Hallett Cove youth project has continued and, at the moment, it is funded to the tune of some $298 888. This program is directed at young people who have difficulty in their normal schooling. A range of difficulties might arise.

Some of these kids might well be victims of certain abuse or deprivation. They may just simply be kids who do not fit in with the normal school curriculum and, for various reasons, struggle in the normal school environment. It disappoints me to report to the Legislative Council that the program is under severe financial pressure. In that respect, this program is under-funded significantly, almost to the tune of $200 000 to $250 000. The program is very successful; and, indeed, I attended its graduation ceremony last Monday night.

I will give members a couple of examples of the outcomes that this program achieves. Bill and Den are aged 16, and they have just completed a video project together. They have been inspired to move on to bigger and more challenging projects. Bill had trouble with anger management and was expelled from school after a physical altercation with a teacher. He had no time for adults or peers who did not conform to his narrows views on the world.

Den was bullied at school and seen by his peers as a weak link, quiet and introverted. He had trouble making friends and was very anxious about his world. Through Youth Choices, Bill has become an outgoing, social, young person who has learnt to manage his anger well. Den has become more confident. He is still quiet and aloof, but he is seen by others as being the 'cool dude' who can do anything with computers. They have gained many new skills.

Another example, 'Zac', started with the program in 2004 at the age of 16. He was referred to the program by a local school, as he had spent most of 2003 in a program for students who were not able to operate in regular school classes. He was considered uncontrollable, and would not communicate with youth workers running the program in any productive way. He had a very low self image and believed he was destined to become a homeless itinerant. He slowly developed some positive work processes in the peer support Youth Choices program but was still reluctant to communicate with teachers and youth workers in a positive way. He has slowly developed various skills, particularly in video, and he successfully completed his year 11 studies and will continue into year 12.

Another student, 'S', commenced the program in 2004. He had significant antisocial attitudes and a total lack of willingness to do anything other than self-expression through art. Again, a success story through this program. 'Y' has been a ward of the state since the age of 12 and had to live an independent life most of that time. She joined the program at age 15 in 2003, and completed 12 SACE units after a very disruptive start. Drugs, alcohol and violence had been a regular part of her life. In 2004, the program assisted her to obtain independent accommodation, a significant improvement from the shared situation she lived in with potentially violent house mates. She left the program in late 2004 to take on some part-time work and returned at the beginning of this year to complete her SACE.

There is example after example of success stories with these kids who would otherwise fail. So, it is an extremely important project with kids coming in from all over the south. It disappoints me to have to advise the chamber that, despite numerous amounts of correspondence, the program has not been able to receive a satisfactory outcome. I understand now that, responsibly, they have had to stop paying their teachers. Incidentally, the teachers are underpaid. They are not paid at the same rate as other teachers in the education department. These teachers are dedicated. There is Geoff Slater, coordinator; Michael Yeoman, teacher; Janet West, teacher; Heather Ithel, teacher; Donna Burgmann, teacher; Elizabeth Wellington, teacher; Ashley Whelan, counsellor; Dara Clark, youth worker; Julieann Moyle, youth worker; Vikki McMahon, administrative/finance officer; and Fennessah Carter, administrative officer.

These are very dedicated people who work extraordinarily hard to achieve proper and positive outcomes for kids who otherwise would be lost to our community. Two weeks ago, I delivered to the minister a letter in relation to the difficult funding position they find themselves in. I understand the minister is seriously considering it. I have also spoken to the Hon. Steph Key, a minister for whom I have great respect. I understand that she will be looking into this matter as well, and for that I thank her in advance. The other day I received an email from the coordinator, Mr Slater, which states:

The Youth Choices program has been closed for 2005 as of last Friday and with only essential teaching staff retained next week to work with the students completing final aspects of work.

The email goes on to state:

The bottom line is a program designed to achieve incredible success with young people who have already been written off by 'the system' as being screwed. To fund on the basis that you are paid only for students who stay for the full year with no credit for operating a rolling intake of students and seeking positive outcomes at all times during the year is not viable. I had planned to start at least 54 students in 2006 and hope that at least 12 students will achieve good job outcomes by the middle of the year. Under the current funding system we will be funded for 42 students and this would not provide sufficient funds to support 54 in the first half of the year.

The email continues:

We would like to have more flexible funding basis linked to the participants actual involvement and achievements in the program.

He points out that they do not control the difficult lives of the students that they have under their responsibility. These are genuine people who are genuinely doing a good thing for our community and, quite frankly, saving us some significant costs down the track if these kids were not saved in terms of crime and various other things. He talks about his staff in the following terms:

As an example of the commitment of our staff I have had offers from two staff members to commit up to $40 000 of their own money to ensure the program commences in 2006. They will be there on Monday whether they have been paid or not.

He finalises it by stating:

If you can assist in any way, your help will be greatly appreciated.

I call upon the minister in a bipartisan way to urgently look at this. It is a fantastic program, and I am happy to take the minister up there. I am happy to introduce the minister to the dedicated staff and some of the kids. Last Monday night I attended the graduation ceremony, and we saw some terrific kids graduating—kids who would have been lost without programs such as this.

It is a good program. It has received bipartisan support in the past, and I urge the minister to seriously consider the application for funding. I particularly urge the minister to acknowledge the dedicated work of the teachers, staff and counsellors at the program and do something so that they are paid in the same way as school teachers who operate in our schools, because these people are saving you and me, Mr President, a lot of heartache by the dedicated work that they do.

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

McEWEN, Hon. R.J.

Adjourned debate on motion of Hon. D.W. Ridgway:

That this Council condemns The Hon. Rory McEwen, Minister for Agriculture, Food and Fisheries, Minister for State/Local Government Relations and Minister for Forests and Member for Mount Gambier, as the longest serving rural member of the National/Labor Coalition Cabinet, for neglecting the needs of all rural and regional South Australians.

(Continued from 7 July. Page 2427.)

The Hon. D.W. RIDGWAY: I rise this evening to conclude remarks I made some weeks ago regarding the deplorable—

The Hon. R.I. Lucas: It was months ago.

The Hon. D.W. RIDGWAY: The Leader of the Government tells me it was months ago that I made remarks condemning the member for Mount Gambier for neglecting the needs and concerns of all rural and regional South Australians. I accept that it is very late on the last night of this parliament—

The Hon. Caroline Schaefer: This year; we are sitting in February.

The Hon. D.W. RIDGWAY: This year's sitting. I may, Mr President, seek leave to conclude for a second time, if that is possible. If it is not, then I will have to wrap up this evening.

The PRESIDENT: You sought leave to conclude; that means conclude.

The Hon. D.W. RIDGWAY: Perhaps I should have sought leave to continue my remarks, not to conclude. I refer to the member's maiden speech where, in particular, he was referring to the preselection process where he was not successful in the Liberal Party. There seems to be a familiar trend in his behaviour. He stated:

I marched a different road, and to my mind I can proudly say the result was a far more satisfying one.

I am sure in his mind he believes that the road that he has marched into the Labor government has been a far more satisfying one for him.

The Hon. A.J. Redford: And lucrative.

The Hon. D.W. RIDGWAY: And, as my colleague the Hon. Angus Redford interjects, lucrative. Indeed, it is very lucrative for a backbencher—an Independent member—to become a minister in the Labor government and have all the trappings that go with that particular position. I also draw the chamber's attention to another statement he made in his maiden speech. He states:

I am proudly independent. I will proudly vote on my conscience on every issue. I will vote with my conscience and nothing else because I have to go back to my electorate. I do not have the privilege of hiding behind the old excuse that it was the party line.

He has done nothing but hide behind the Labor Party line ever since he has become a minister in the Rann Labor government. The statement he made in his maiden speech is in direct conflict with his actions two weeks ago when he voted with the government to allow the trams to go around Victoria Square. In doing so, he gave his approval to the tramline extension.

What does that achieve for the electors of Mount Gambier? It represents $21 million of investment but nothing for Mount Gambier. This man was elected to represent the people of Mount Gambier, not to waste $21 million on extending a tramline. The Premier has suggested that there should be a study into an extension to Brougham Place which, I suspect if it is ever undertaken, will cost some $50 million. What has that got to do with Mount Gambier? Nothing. He has sold out to them again but, of course, he has kept his white car and his $75 000.

The Hon. A.J. Redford: They get to see the white car, don't they?

The Hon. D.W. RIDGWAY: I am not sure how often the people of Mount Gambier see the white car that the minister drives, or is driven in, and I am sure that none of them ever get the pleasure of riding in it. Mr McEwen has voted with the government on almost all occasions since 2004. Aside from the Fair Work Bill, where he did exercise his conscience and stood up for small business, Mr McEwen has voted with the government 85.4 per cent of the time since February 2004. That says a lot about his independence. For

14.6 per cent of the time he is an Independent, but 85.4 per cent of the time he is a member of the Labor government. There is a lot of anecdotal evidence of Mr McEwen's threatening and bullying behaviour. I have heard it from people in the electorate and members and staff, and I have seen with my own eyes a Liberal press release where the member for Mount Gambier and the minister have written abusive remarks all over it, then faxed it back to the Liberal Party. This suggests that he may not be coping terribly well with his portfolio responsibilities.

The Hon. Caroline Schaefer interjecting:

The Hon. D.W. RIDGWAY: The Hon. Caroline Schaefer interjects to say that I have only seen one of them. I can only guess that there must have been dozens of them. I, myself, have been the victim of a rude, abusive and abrupt phone call. In addition to this, he is trying to cope with his electorate responsibilities at the same time which is not proving to be particularly easy for him. People have told me that he rarely attends the Premier's Food Council because he is always in his electorate on Fridays. You would surely think that, in representing the residents of rural and regional South Australia, the Premier's Food Council is indeed a very important meeting—

The Hon. Caroline Schaefer interjecting:

The Hon. D.W. RIDGWAY: My colleague the Hon. Caroline Schaefer interjects to say especially when you are the minister for food. The Premier's Food Council hosts industry leaders from both South Australia and interstate as guests and is a vital part of South Australia's food industry. It does not make a good impression of South Australia when the minister cannot be bothered attending or sending a representative. Of course, this is in direct conflict with the view that most people in Mount Gambier have of him. The letters that follow a member of the House of Assembly's name are MHA, but in Mount Gambier the Hon. Rory McEwen is known as Rory McEwen MIA, standing for Missing in Adelaide. He is never home. Mr McEwen should be aware that he represents a seat that has a lot of food producers who would like to see their representatives at the types of food functions that he does not attend and cannot be bothered being at.

The Premier has constantly overlooked talent in his party only to promote those who might further his own interests such as the members for Chaffey and Mount Gambier. The ALP is yet to preselect a candidate for Mount Gambier, although some of the talk in this chamber during the evening has led me to believe that the ALP has preselected somebody from the seat of Mount Gambier who will be endorsed on 10 December, unfortunately, on the day that our President, the Hon. Ron Roberts, will be disendorsed.

The Hon. R.I. Lucas: They might offer him a preselection.

The Hon. D.W. RIDGWAY: My colleague the Hon. Rob Lucas says that they might offer it to the Hon. Ron Roberts.

Members interjecting:

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): The honourable member will continue and ignore the advice and interjections from his own bench.

The Hon. D.W. RIDGWAY: It will be surprising if they run anyone other than a dummy candidate. Earlier this year, during the regional sitting of parliament, the Premier addressed the Mount Gambier sub-branch and said that they would not be preselecting their own candidate, they would have somebody from Adelaide. It surprises me that they preselected somebody from within their local area.

In an election campaign—as we all know—often there will be government announcements and the minister of that portfolio will make the announcement, or in fact the local candidate. I wonder what this government is going to do in Mount Gambier, when they have any announcements that affect Mount Gambier or, in fact, Mr McEwen's portfolios. Are they going to let him announce it in Mount Gambier, as he says he is an Independent—he is not really a member of the Labor government—or are they going to let their local candidate make those announcements? I think we can all see through that, and we all know that it will be Mr McEwen, and it will not be the Labor candidate.

Mr McEwen said in the *Border Watch* earlier this year, 'If I haven't done my job properly, then I'm in trouble.' There is an increasing amount of evidence that Mr McEwen has failed his own electors and those in regional and rural South Australia. It looks like he will be in a degree of difficulty in March 2006. We only have to look at the Premier's and the government's pledge card to realise that this member from Mount Gambier is happy and content to support somebody who has not delivered on a single promise made during the last election. He also supports people like the Treasurer who have the gall to stand up in the House of Assembly and say they have the moral fibre to go back on their promises. I do not believe that, in the last four years, the member for Mount Gambier has represented the views and concerns of rural and regional South Australians, nor do I think he will do so in the future.

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

ATTORNEY-GENERAL

Adjourned debate on motion of Hon. S.M. Kanck:

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

which the Hon. R.D. Lawson had moved to amend by leaving out all words after 'the night of' and inserting the words:

21 November 2005 and condemns him for recent acts of bullying and intimidation and other behaviour which has brought discredit to the office of Attorney-General.

(Continued from 30 November. Page 3377.)

The Hon. SANDRA KANCK: I indicate that I am comfortable with the amendment moved by the Hon. Robert Lawson. With his amendment and the contributions that were made as a consequence of that, I think we saw a fairly clear pattern of behaviour by the Attorney-General emerging. That relates to the acts of bullying and intimidation. Clearly, there is another pattern emerging, and that is a pattern of denial. If you look at comments that the Attorney-General has made in relation to witnesses before the Atkinson/Ashbourne/Clarke select committee—

The Hon. P. HOLLOWAY: On a point of order, the Hon. Sandra Kanck is out of order in referring to matters before the select committee.

The ACTING PRESIDENT: I do not believe that she was actually referring to the proceedings of the committee and I do not believe that she will.

The Hon. SANDRA KANCK: No. I was in fact referring to the comments made by the Attorney-General about that committee, which is a very different thing. He has made some of those comments in the media and some in the parliament,

and I believe that they are on the public record and I can discuss what is on the public record.

The Hon. P. HOLLOWAY: On a point of order, the other day I was prevented from reading a statement from the Attorney-General into this place—

The ACTING PRESIDENT: There is no point of order, because the honourable member was reading that, given leave and leave was revoked, which is the right of any member in this chamber.

The Hon. SANDRA KANCK: In relation to reports of the evidence given by Gary Lockwood, Ralph Clarke and Edith Pringle—

The Hon. P. HOLLOWAY: On a point of order, the Hon. Sandra Kanck is referring to evidence given at the select committee, and I would ask you to rule it out of order.

The ACTING PRESIDENT: I will rule on that. I heard the name mentioned of someone who was a witness at the select committee. I have not yet heard any reference to the proceedings of that select committee and I am very sure that the Hon. Sandra Kanck is not going to refer to proceedings of the select committee.

The Hon. SANDRA KANCK: I have not and will not be referring to proceedings of the select committee. What I am referring to is the comments that the Attorney-General has made about the reports that were made by the media on the select committee in relation to reports about evidence given by Gary Lockwood, Ralph Clarke and Edith Pringle. In each of those cases the Attorney-General's public response has been that these people are fabricators, defamers, making things up, fantasising and lying. I dare say, because of the events on 21 November, that because the Hon. Michelle Lensink confirmed my version of events last night she will also be placed into this category. It seems that everyone else is always wrong. There is an absolute pattern of denial.

Members interjecting:

The ACTING PRESIDENT: Order! The Hon. Mr Sneath had the opportunity to make a contribution and apparently decided not to.

The Hon. SANDRA KANCK: To have so many people who would not even pass the time of day with each other, such as Ralph Clarke and Edith Pringle or even myself and Ralph Clarke, in agreement with each other about the Attorney-General's behaviour must surely give cause—

The Hon. P. Holloway: You can't find any hard evidence.

The ACTING PRESIDENT: Order!

The Hon. SANDRA KANCK: I have always felt that people who make the most noise have the most to hide. Obviously, there is a case to question the Attorney-General's understanding of events. I personally believe, from all that I have experienced and from information that has been conveyed in this chamber—

The ACTING PRESIDENT: Order! I think the Hon. Sandra Kanck is battling against a fair bit of conversation and I would prefer it if she did not have to do that.

The Hon. SANDRA KANCK: The behaviour of the Attorney-General is not what we should consider as being suitable for the first law officer of this state. Last night during the debate when I moved this (although it does not appear on the *Hansard* record), the Hon. Mr Sneath was interjecting, saying that I was telling 'porky pies'. Now we all know that the expression 'porky pies' is rhyming slang for lies, so I walked over to the member and stated categorically to him that I was not lying. I state that again, and—

The Hon. R.K. SNEATH: I rise on a point of order, sir. Coming from the woolshed I was not going to—

The ACTING PRESIDENT: Resume your seat. The Hon. Mrs Kanck has the call.

The Hon. SANDRA KANCK: Thank you, Mr Acting President. It is not my habit to lie; I find that lying gets you nowhere in life and, in fact, it always ends up with you having to cover up. It just does not work and I—

The Hon. R.K. SNEATH: I have a point of order, Mr President. By making that comment the Hon. Sandra Kanck has indicated that the Attorney-General has lied and—

The PRESIDENT: Order! The honourable member did not say that; she made a comment about her own behaviour and her recognition that she should not lie. She has not suggested that anyone else has at this stage.

The Hon. SANDRA KANCK: Thank you, Mr President. I certainly appreciated the comments that the Hon. Rob Lucas made last night about my integrity. The events of the night of 21 November occurred as I have stated. It would be rather difficult to fabricate the Attorney-General's presence in the members lounge. This has been backed up in the chamber by the Hon. Michelle Lensink and by my colleague the Hon. Kate Reynolds—presumably the Hon. Mr Sneath would suggest that all three of us must be lying. If he is correct, one would have to wonder why.

The Hon. R.K. SNEATH: I rise on a point of order. I did not indicate that all three people were lying at all. They are the words of the Hon. Sandra Kanck, and a porky pie can mean anything—a meat pie with pork in it!

The PRESIDENT: Order! The Hon. Mr Sneath is continuing to try to enter the debate on the back of a point of order. He has to stop that.

The Hon. SANDRA KANCK: I think that the *Hansard* record will show, for anyone who reads it, that there are some interesting interjections that make one wonder why there is so much so sensitivity. When I spoke last night I told the chamber—

Members interjecting:

The Hon. SANDRA KANCK: Mr President, I am having difficulty speaking.

Members interjecting:

The PRESIDENT: Order! I can feel an amendment coming on; the honourable leader and the Hon. Mr Sneath may be on the bullying charge as well. The Hon. Mrs Kanck has the call; let's get if over with, folks.

The Hon. SANDRA KANCK: When I spoke to my motion last night I put on the record what I believed the Attorney-General said on 21 November, and I remind the council of part of what he said when talking to Matthew Loader: 'You should remember that this bill still has to get through the House of Assembly.' I went on to say that, 'I also took the second part of his comments to be a threat to the further passage of the bill.' For those who do not—

The Hon. P. Holloway: What you think, Sandra, does not really matter. You have led your party into oblivion.

The Hon. SANDRA KANCK: May I have your protection, sir?

The PRESIDENT: Order! The honourable the leader is not covering himself with glory at the moment.

The Hon. R.K. Sneath: The Leader of the Democrats is not covering herself with glory.

The PRESIDENT: Order!

The Hon. R.K. Sneath: Just singing—no wonder she took singing lessons.

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order! There has been a great deal of decorum and praiseworthy adherence to the standing orders until the last night. I think we can go another couple of hours and get it over with.

The Hon. SANDRA KANCK: In relation to the comments that the Attorney-General made on the evening of 21 November and the knowledge that the House of Assembly failed to pass the same sex bill, I can consider that my assessment that this was a threat that the Attorney-General made to Matthew Loader was accurate.

The Hon. R.K. SNEATH: Mr President, I rise on a point of order. It is total speculation that this had anything to did with the same sex bill. I think the leader of the Democrats is making it up as she goes along.

The PRESIDENT: Order! The Hon. Mr Sneath has to stop entering the debate on the flimsy charge of a point of order. If it is a point of order, the honourable member will state what the point of order is. If the honourable member is saying that it is relevance, there is no point of order.

The Hon. SANDRA KANCK: Thank you, Mr President. I have not spoken to Matthew Loader about what happened on that evening, but I am sure he saw it as a form of intimidation—

The Hon. T.J. Stephens interjecting:

The PRESIDENT: Order! The Hon. Mr Stephens does not need to enter the fray, either.

The Hon. SANDRA KANCK: —and intimidation was one of the words that the Hon. Mr Lawson has used in his amendment to my motion. In the light of what has happened given that the Attorney-General is the person who had carriage of the bill, in the light of the fact that that bill passed here on the night of Monday 2 November and in the light of the fact that there have been seven days to progress this bill in the House of Assembly, there is no doubt in my mind—I cannot say this is a fact, Mr Sneath—that that was a threat made to Mr Loader, and it is a threat that has been carried out. I commend the motion to the council.

The Hon. R.K. Sneath interjecting:

The PRESIDENT: Order! That concludes the debate.

Members interjecting:

The PRESIDENT: Order! Let us get through this.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.K. Sneath interjecting:

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

The council divided on the amendment:

AYES (11)

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

NOES (6)

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

PAIR

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

Majority of 5 for the ayes.

Amendment thus carried; motion as amended carried.

STANDING ORDERS SUSPENSION

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

That standing orders be so far suspended as to enable me to move a motion without notice forthwith.

The Hon. P. HOLLOWAY (Minister for Industry and Trade): Mr President, I rise to speak to the motion. We have no idea what this is about. It used to be common courtesy in this place that if someone wished to move a motion to suspend standing orders they would notify members. This is a gross abuse of courtesy, and it is typical of the Leader of the Opposition. I think we are entitled to know exactly what this is about. On the very last night of the 50th parliament at 10.30 p.m., the Leader of the Opposition comes in here and wants to suspend standing orders, but he does not have the decency even to tell us what it is about.

The Hon. R.I. LUCAS (Leader of the Opposition): This is not an issue of a recent revelation to the Leader of the Government. It has been debated publicly in the newspapers, it has been debated privately with him and with other members and it has been debated in the parliament, albeit by way of reference in other debates that we have had. The opposition is moving, in a series of motions, that this parliament reconvenes early next year. The opposition will also be moving, and this is the purpose of this particular—

The Hon. IAN GILFILLAN: Sir, on a point of order, is the clock meant to be counting down, or is it static?

The PRESIDENT: At the moment I am giving—

Members interjecting:

The PRESIDENT: Order, the Hon. Ms Gago!

An honourable member: You're a bloody disgrace.

The PRESIDENT: Order! All honourable members will come to order.

Members interjecting:

The PRESIDENT: Order! The debate on the issue—

The Hon. R.K. Sneath interjecting:

The PRESIDENT: Order! The Hon. Mr Sneath will come to order. There is still the opportunity for the President, if this council is unruly, to suspend the sitting of the council until such time as he is satisfied that decorum will be maintained. Honourable members will show courtesy to the council—

An honourable member interjecting:

The PRESIDENT: Order! There will be some dignity in the council. The situation we are facing is that the Hon. Mr Lucas has sought leave to move a motion without notice. It has been seconded. He has a right to do that under the standing orders. The Leader of the Government has expressed a view that there is normally the courtesy that they are told what the substance of the motion will be. The Hon. Mr Lucas is explaining what it is about. The clock will start when the debate begins. After the Hon. Mr Lucas has moved his motion, there will be a 15 minute debate on that and then the question will be resolved. At the moment, the Hon. Mr Lucas is taking up the invitation of the leader, as far as I can see, to explain to the council what his motion is about. He will then move the motion accordingly and the debate will start against the clock.

The Hon. R.I. LUCAS: Thank you, Mr President. My understanding of the standing orders is that I am seeking to move two motions. The first is the suspension of standing orders, for which an absolute majority is required, but the substantive debate on the issue is the subsequent motion,

should I be given permission by this chamber, through its standing orders, for the suspension of standing orders. So, it is inappropriate for the Leader of the Government or others to want to have the substantive debate on the issue on this motion. It would be contrary, to my understanding, to the standing orders.

The PRESIDENT: I am ruling that way.

The Hon. R.I. LUCAS: Mr President, I am pleased to hear that you are ruling that way. That is my understanding of the standing orders. I am seeking leave to move that standing orders be so far suspended as to enable me to move forthwith a motion without notice. For the benefit of the Leader of the Government, I am indicating that it is nothing new to the Leader of the Government. He is aware that we will be moving a motion, should the Legislative Council allow it, to provide for the continued accountability of the Rann government through the various select committees. However, I am not to debate that issue during this particular motion; that is in the subsequent motion. That is the explanation with respect to the original motion. The substantive debate, Mr President, as you have ruled, and as is my understanding, is to proceed on the second and subsequent motion.

The PRESIDENT: The question before the council is that the Hon. Mr Lucas be given leave to move his motion.

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I strongly object to this, because it breaches all convention. I think that I am entitled to put my objections on the record, because this is unprecedented. This is disgusting. This is the sort of behaviour that is putting the existence of the Legislative Council in jeopardy. These people opposite have no respect whatsoever for convention. They have no respect whatsoever for the parliamentary system. They have no respect whatsoever—

The PRESIDENT: There is debate now on the motion for the suspension of standing orders. The debate starts now: 15 minutes, with five minutes for each speaker is what we normally do. If honourable members want to mix it up differently in their contributions, the total will be 15 minutes. The minister is now speaking on the motion for the suspension of standing orders to allow the Hon. Mr Lucas to move a motion. He has asked for a suspension, and the minister is now debating against the suspension of standing orders to allow him to move the motion. The debate starts now.

The Hon. P. HOLLOWAY: I strongly oppose the suspension of standing orders. We still have not heard what the precise motion is. I want to place on record (and I do not think that we should take undue time of this parliament) that it is quite ridiculous that, at 25 minutes to 11 on the last day of the 50th parliament, we should be having this debate. The Leader of the Opposition has been trying all sorts of devices. As I will point out shortly, constitutionally there is no power whatsoever for this parliament to do it, whatever his motion might be (and I have no idea what he will put). Continually pushing this council to the limit is putting this place in jeopardy.

I think it is highly regrettable that this should occur at this stage of a parliamentary session. In every other parliament probably in the history of this state, normally we would be spending this time congratulating those members who are retiring. But, no, not with the Hon. Rob Lucas. He is a game player. For him, the only thing that matters after 22 years in parliament is just playing this political game. Everything has to go through the political spectrum. What is a tragedy is that the Hon. Sandra Kanck has been such a willing accomplice in this. I do not think that she understands the damage she is doing. We certainly know the damage she is doing to the Democrats. The trouble is that she is doing enormous damage to the political system of this state in the process with her obsession with Attorney-General—her total, absolute obsession for getting the Attorney-General. How else could someone go to the court case, spend every day in court and fail to do her duties?

The Hon. R.I. LUCAS: I rise on a point of order, Mr President.

The PRESIDENT: Order! Stop the clock.

The Hon. R.I. LUCAS: This is a motion about the suspension of standing orders. It is not an opportunity for the Leader of the Government to denigrate or attack the Hon. Sandra Kanck or, indeed, any other member in relation to the debate.

Members interjecting:

The PRESIDENT: Order! The point of order called by the Leader of the Opposition, I believe, is about relevance. He has raised the point order that we are talking about the suspension of standing orders. He has pointed out that the minister is talking about matters that are not to do with the suspension of standing orders. I think that the minister ought to make the connection about why the suspension of standing orders should not be made, because it is getting very close to a ruling on relevance. The minister is entitled to make the connections and make other observations within that contribution.

The Hon. P. HOLLOWAY: I again make the point that it is quite unprecedented and detrimental to the political system that at this stage of a parliamentary session we should have these political games being played. I guess there is no point in continuing. We know where the numbers lie. We know the obsession of these people opposite. We know how totally desperate these people are.

Members interjecting:

The Hon. P. HOLLOWAY: Yes—we have had 31 more days sitting than you ever had. Perhaps we can do it on the substantial issue.

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: I guess we will have to go through this farce yet again, but at least it shows two things to the people of South Australia. First of all, how desperate and out of touch these Liberal people are. Notwithstanding that we have sat 31 more days than the previous parliament, although it sat for three months less and the fact that the previous parliament, under Rob Kerin, rose on 29 November and did not sit again until 7 May. All these facts have been distorted and twisted. We could go on, but I guess nothing is going to stop the Hon. Rob Lucas from playing his games, and I guess nothing will stop the Hon. Sandra Kanck, other than perhaps the discipline that will come from the electors of South Australia.

The Hon. SANDRA KANCK: I suspect that the motion we will debate after this is the much spoken of move to allow the select committees of the Legislative Council to continue sitting. On that basis, because there has been so much said about it in the media, I will be supporting the motion. If I am incorrect, once the content of the motion is revealed, I will stand up and move that the debate be adjourned. It is that simple.

The council divided on the motion:

AYES (12

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

NOES (5)

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

PAIR

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

Majority of 7 for the ayes.

Motion thus carried.

Members interjecting:

The PRESIDENT: Order! This schoolyard behaviour is extremely—

Members interjecting:

The PRESIDENT: Order! This is happening on both sides of the council. Both sides are acting like schoolyard combatants in some childish fight. I have spent three years, bar one day, trying to maintain the dignity of this council, and I do not want it to deteriorate below the level that it was yesterday. If you want to talk about your schoolyard bullies and your shearing shed experience, I have been in the school of hard knocks, too. So, if you want to play that bloody game, we will play that game. I am not going to cop that sort of crap from my colleagues.

An honourable member interjecting:

The PRESIDENT: I am not talking to you. I am talking to the other side.

The Hon. R.K. SNEATH: I beg your pardon, Mr President. You mentioned shearing sheds. I do not know whether or not you were having a go at me, but I take offence at the remarks you just made, and I ask you to apologise.

The PRESIDENT: The Hon. Mr Sneath continues to talk about the shearing sheds and experience, and one thing and another, and in this debate tonight the state of the council has deteriorated into a rabble. But the shearing sheds are not the criteria for the standards that are normally met throughout society. They are certainly not the standards that I expect in this legislative chamber. You can be as rough as you like. I am not going to put up with it.

The Hon. G.E. Gago: Shearing sheds are dignified places.

The PRESIDENT: So is a lead smelter.

The Hon. G.E. Gago: That is right. There is nothing wrong with a shearing shed.

The PRESIDENT: Nobody said there is anything wrong with a shearing shed. What I am saying is people want to justify their bad behaviour by indicating that people would not last in the shearing shed. That is the only reference I am making. I have defended more shearers than most people in this room.

SELECT COMMITTEES

The Hon. R.I. LUCAS (Leader of the Opposition): If I can assist the process, I move:

That, on prorogation of the parliament, leave be given to the select committees on Mount Gambier District Health Service; Electricity Industry in South Australia; Allegedly Unlawful Practices Raised in the Auditor-General's Annual Report, 2003-04; Assessment and Treatment Services for People with Mental Health Disorders; Collection of Property Taxes by State and Local Government, Including Sewerage Charges by SA Water; Atkinson/Ashbourne/Clarke Affair; and Pricing, Refining, Storage and Supply of Fuel in South Australia to sit during the recess and to report on the first day of the next session.

This is the substantive motion in relation to the suspension of standing orders. As I have said publicly on a number of occasions, there has been much media discussion and discussion in this chamber about this issue. This is a transparent attempt by members in this chamber to try to keep the Rann government accountable through the coming months. As has been widely publicised in the morning newspaper, and indeed other media outlets, this government's intention, should it be elected, is that the parliament would not sit for almost five or six months, because the parliament will not reconvene, should this government be re-elected, until late April or early May.

Here we are on 1 December, and it is clear that this is almost an unprecedented attempt by a government to close down public accountability. While we will have a subsequent debate in relation to the endeavours by at least members in this chamber to try to keep working during the coming months and to allow the Legislative Council to sit, the government does have the capacity to close down the Legislative Council. Even if the Legislative Council decides on subsequent motion to sit in late January or early February, the government, if it has something to hide, will be able to move prorogation possibly within the next two to three weeks. It would be almost unprecedented for this government, but it may scurry down that particular burrow and seek to hide by seeking to close down this democratically elected chamber in terms of its capacity to sit and hold this government accountable for the many political sins it has committed and continues to commit.

I give notice that there is another motion to come after this motion. These motions are intended to allow a continued accountability of this government during the coming months leading up to the 18 March state election. We are talking about a state election, which is almost four months away—3½ to four months away—and this government is desperate to prevent accountability in relation to the decisions that it makes, or endeavours to make, over the coming months.

As was raised by my colleague earlier today in question time, the Hon. Mr Ridgway indicated that the Mount Gambier District Health Service has been conducting hearings for just over two years. It is at a stage where it is in the position, possibly, to conclude its report as to its findings in relation to the Mount Gambier District Health Service. That is an issue of some significance—let me assure you—to the people of Mount Gambier. As a former resident, with family members still in Mount Gambier, that is an important issue for the people of the Lower South-East and Mount Gambier in particular. This government is seeking to shut down those committees and shut down the parliament to prevent them from reporting. That is what the Leader of the Government wants to do. He does not want any of this embarrassing evidence to come out. He does not want any of the information that has come through these select committees. He does not want the facts to be revealed. He does not want—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: The Leader of the Government is like a wind-up doll: you turn the key at the back and the same parroting phrases come out. I will not be diverted by the Leader of the Government in relation to this. I will address the issues of substance that are in this particular motion. The

Leader of the Government, the Premier and other ministers do not want to be held accountable for the sorts of issues that these committees are looking at. The electricity select committee is one of the more important select committees that this chamber has established.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: And the reason we did not sit for six months is that the Leader of the Government and government members refused to sit the committee.

The Hon. P. Holloway: That is just a lie.

The Hon. R.I. LUCAS: The Leader of the Government is making accusations and using unparliamentary language. It is a fact that the critical electricity select committee could not meet because the Leader of the Government and other government members on any number of occasions were unavailable for particular meetings. The only way that we have been able to continue some of these committees is by forcing government members to meet by establishing future meeting dates. The electricity industry committee is a critical committee, because, during this coming summer (and I will not go through all the details because we have talked about it before), we are facing potentially significant blackouts.

The Leader of the Government does not want to be able to meet during that period. He does not want the parliament to sit during that period. We may have major blackouts during the coming summer because of the incompetence and ineptitude of the minister and this government. They do not want to be questioned, and they do not want the forum of the parliament to be available to them through a select committee for evidence to be taken and for the incompetence and ineptitude of this minister and this government to be revealed to the people of South Australia.

Let me assure the Leader of Government that he does not have the support of the public of South Australia in relation to closing down this parliament. I challenge the Leader of the Government to go out and see whether or not he can get majority support for his position and Mr Rann's position that this parliament and all the committees should be closed down until the election. The Leader of the Government knows that there is no support for his position. The people of South Australia want this parliament to continue to work and to continue to operate.

In relation to the specifics of this issue, the Leader of the Government has been making veiled threats (and so have other government members) about how this is unconstitutional, how it is unprecedented, how this is terrible, how this is awful and 'isn't it mean'—all those sorts of terrible phrases I am sure that the Leader of the Government—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: As I said, he is like a wind-up doll. I am sure that they are the sorts of things that will come from the mouth of the Leader of the Government.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: I will not be diverted by the personal abuse from the Leader of the Government. I will not take objection. I will not descend to his level of personal abuse on these issues. I will ignore the Leader of the Government. He can continue with his personal abuse and unparliamentary language, but I will not be engaging in that sort of demeaning behaviour.

The Hon. P. HOLLOWAY: I rise on a point of order, Mr President. I suggest that the Leader of the Opposition is effectively reflecting on you, sir, because he is suggesting that I have used unparliamentary language; I do not believe that I have.

The Hon. R.I. Lucas: You did; you called me a liar.

The Hon. P. HOLLOWAY: No.

The Hon. R.I. Lucas: Well, you did.

The Hon. P. HOLLOWAY: Mr President—

The Hon. R.I. Lucas: Well, you did.

The PRESIDENT: The Hon. Mr Lucas will come to order.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Mr President, I ask the Leader of the Opposition to withdraw that comment.

The Hon. R.I. Lucas: What?

The Hon. T.J. Stephens: What? That you called him a liar?

The Hon. P. HOLLOWAY: You know what he called me. He has used it before. It is an unparliamentary comment, and I seek his withdrawal. Even at this late stage of the evening, I believe—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Well, I did not. The Leader of the Opposition is continuing to make false accusations. I said that he had made a false accusation—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: —and he just made another one.

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order! There has been too much interjection on both sides of the chamber. We are trying to get through this procedure. Some people do not like it, some people think that it is necessary. At the end of the day, it will be resolved more quickly by sensible and cogent argument and a democratic vote. There has been far too much personal abuse across the chamber tonight. It has been most unedifying. It is the most unedifying day that I have experienced in the Legislative Council in 16 years. That is the level to which members have descended. I think that if we apply the standing orders and, if members disagree, that is fine, but there is no need for the snide remarks across the chamber, and it is happening from both sides. There has been personal attacks, innuendo and quite disgraceful language.

I have heard unparliamentary language on both sides. Most of it has been by interjection, which is out of order. If somebody does it by interjection and it is out of order, and a point of order is raised, I will rule immediately. But, at this stage of the game, if I hear unparliamentary language—I do not hear it clearly half the time because there is too much background noise—when a member is orderly debating a matter, as the leader on this occasion is trying to do, interjections are out of order. It has been my rule of thumb, when someone is trying to engage in orderly debate—I am not talking about provoking the other side—that I try to offer the protection of the standing orders. If you provoke someone else and they respond, I tend to go deaf on that side. I think, if I could prevail upon honourable members to approach this debate in an orderly way in compliance with the standing orders, it will be over quicker, and a result will be achieved, and everybody will maintain their personal dignity and integrity.

The Hon. R.I. LUCAS: Mr President, it has been standard practice for quite some time for Legislative Council committees to continue to operate and proceed after prorogation. As members will know, there is prorogation in between various sessions of the parliament—the Legislative Council sittings in particular—and it would, indeed, be foolish in the extreme for the Legislative Council committees that have been duly established to automatically die or lapse at

prorogation as one moves through a four-year parliamentary term. It has been a long established precedent and practice in the Legislative Council for the committees to continue to operate. I also refer to page 975 of the sixth edition of Odgers Senate Practice 1991, as follows:

> It has now become standard practice for Senate committees to be authorised, by standing order or resolution, to function notwithstanding any prorogation of the parliament. The House of Representatives, also by resolution, authorises select committees to sit during any recess. Joint committees of both houses are also so authorised, some by statute, and others by resolution of the houses.

It goes on to talk about Canada and other examples, but I will not bore members with the detail. So, this notion from the Leader of the Government, that in some way this is unconstitutional, in some way it is unprecedented, in some way it is terrible practice, and in some way it is demeaning to the longstanding conventions of the Legislative Council, is nonsense. Let us deal with the facts in relation to this. It has been longstanding practice in this parliament. It is, indeed, a longstanding practice in the Senate, and many other similar institutions throughout the world. When one thinks in commonsense fashion rather than just in terms of the standing orders—and we obviously have to abide by the standing orders, Mr President—the whole notion that you would close down parliamentary committees through prorogation, in my view, is simply a nonsense, because it would mean that, during a four-year parliamentary term, we would be closing down Legislative Council committees at each prorogation, and then having to establish them again, and that makes no sense to me. It certainly makes no sense to my members, and I hope it makes no sense to a majority of members in this chamber. I urge members to support the motion.

The Hon. R.K. Sneath: What are Mr Cameron and Mr Evans going to do? They have not got a say on this. Are you going to do something without them? You got plenty of our stuff adjourned when they were not here, and you used them as an excuse.

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I think the point that the Hon. Bob Sneath makes is worth noting. The hypocrisy that we have seen time and again throughout this parliamentary session has been staggering. The number of days that this parliament has sat is unprecedented. The Legislative Council has sat more often during the past four years than any other parliament in this state's history. In the 50th parliament, the Legislative Council sat for 239 days. Under the previous government, Rob Kerin hung on desperately for four years and four months—four months longer than any other parliament in recent times—

The Hon. J.S.L. DAWKINS: I rise on a point of order, Mr President. Earlier today the Leader of the Government rose and objected to the Premier being described as Mike Rann. I am asking the Leader of the Government to be consistent and, rather than talking about Rob Kerin, he refers to him as the Hon. Rob Kerin.

The Hon. P. HOLLOWAY: The Hon. John Dawkins is correct. The Leader of the Opposition in another place hung onto office for over four years and four months. It went from October 1997 to 9 February when the election was held, and then a further month beyond that in 2002. In that time, the Legislative Council sat 208 days. The House of Assembly may have sat a slightly different number of days. We sat 208 days.

An honourable member interjecting:

The Hon. P. HOLLOWAY: Well, talk about accountability at question time. There have been 31 more question times; 31 more hours and days of more accountability under this government than the previous government. I think that these facts need to go on record. There is also this nonsense that somehow or other this break is unusual. Let us look at what happened just four years ago. Let us ignore what *The Advertiser* said in its incorrect claims. Let us just look at the facts. The previous parliament rose on 29 November 2001. This government had its first formal day of sitting on 7 May 2002. Of course, there was one day on 6 March which was to determine which party had the power.

There it was; the parliament went. The state did not break down. We had that time from 29 November. Under the previous government, parliament rose a couple of days earlier than this before Christmas and, as I said, the parliament did not resume until 7 May. No one was crying then. The Liberal Party and the Democrats were not crying then that, we had to have parliament sitting. It was not the Rann government that fixed the date of the next election at 18 March. That was fixed in statute prior to the previous election.

The Hon. R.D. Lawson: You fixed this date, though.

The Hon. P. HOLLOWAY: We have not fixed it. It was fixed under the previous government. It was the third Saturday in March. The fact is that this council has sat for 31 more days than any other parliament, or any previous parliament, in this state's history. If we went back to the Bannon government, I think it was 225 days. Labor governments consistently sit for longer and provide more opportunity for the parliament than Liberal governments. It is 239 days—31 days more. Instead, this opposition is saying that we should sit for longer. It is the same for select committees. There is an unprecedented number of select committees. We had 11 select committees in the chamber of 22 people, if you can believe that, and that is on top of eight standing committees. With 22 members in this place, we have all these different select committees.

In the past, select committees—and I think this point needs to be understood by the public outside, in particular—have traditionally fulfilled a very important role. It has been their role to analyse evidence. With this opposition, with this Liberal-controlled Legislative Council, we have seen the use of select committees for political denigration. They have simply become places to provide parliamentary privilege for people to be maligned. Of course, the particular target has been the Attorney-General. The Attorney-General has been targeted time and again. People who have had some grievance against him have been allowed to come in and, under parliamentary privilege, make comments. Consistently, the Attorney-General, to his credit, has been able to discredit the evidence that has gone before it.

Nonetheless, these people opposite keep trying, and that is what they want. They want a vehicle to continue the abuse of parliamentary privilege against individuals. That is something that no healthy democracy can tolerate. If we had a system where parliament is just used as a forum to allow any member of the public to come in and abuse (in a de facto sense) parliamentary privilege to defame people without any penalty, then we really are headed for trouble. We have even had a situation where, under select committees, police interviews have been released to the public, and you yourself—

The Hon. R.I. LUCAS: I rise on a point of order. The Leader of the Government is breaching his own request in

relation to evidence before a particular select committee, which he has just revealed to the Legislative Council.

The PRESIDENT: I have not heard him refer to the evidence or the deliberations.

The Hon. P. HOLLOWAY: If you have a situation where parliamentary committees are used to make public police interviews, we have a situation where law and order in this state is in severe jeopardy, because it will mean that people will be very reluctant to come forward and assist police in their inquiries if they know that it is going to come up in parliament, be made public, end up on the front page of the newspapers because it suits an opposition to play political games with that evidence. That is a very dangerous development that has happened within this very parliament. It is one that essentially the Leader of the Opposition wishes to continue. I would suggest that that changes the rules. It is that which is the big threat to the continuity of select committees.

Let us get back to the substantive motion. The tragedy for the Leader of the Opposition is that his motion will not work. Constitutionally, it is inadequate. It is not surprising that the Leader of the Opposition would have referred to Odgers' Senate Practice. But sadly, for him, this is not the Senate. We have a different constitution in this state. We have section 38 of the Constitution Act which is quite different. I would like to go through some of the constitutional arguments that illustrate how futile the Leader of the Opposition's arguments are because the reality is that what he is seeking to do will not succeed and perhaps should not succeed. If we look at some of the information that has been put on the record, firstly, consider no less an authority than Brad Selway, a former solicitor-general of South Australia. He stated in *The Constitution of South Australia* at paragraph 4.2 that prorogation ends the session of both houses simultaneously and terminates all pending business. It also ends the session of parliament.

If we look at the New South Wales position, in *The Constitution of New South Wales*, at page 463 Anne Twomey states that the effect of prorogation is to put an end to every proceeding pending in the house and to vacate all orders of that house which have not been fully executed. She goes on to state that for this reason it was considered 'unconstitutional' for a house to permit a committee to sit during the recess after prorogation and inappropriate for a statute to be enacted to permit this to occur. She relies for that statement on Todd, *Parliamentary Government in the British Colonies*, when she continues that a committee derives its powers and authorities from the house or houses that established it or from statute. It cannot exceed the authority of the body which created it.

That is very important. A committee cannot exceed the authority of the body which created it. Thus when a house is prorogued a committee may not sit unless legislation specifically so provides. She then refers by way of example to two statutes enacted in New South Wales that permit certain committees to sit after prorogation.

If we look at the South Australian statutory committees, we do have some committees in this state that can continue to sit. Legislation that authorises statutory committees to sit after prorogation has been enacted in South Australia. Section 25 of the Parliamentary Committees Act 1991 provides that a committee may sit and transact business during any recess or adjournment of parliament and during an interval between parliaments. The reference to a committee relates to those committees created under that act and listed in section 3. The act does not apply to select committees or for that matter to standing committees. I think that is important. We also have the Joint Parliamentary Service Committee and others.

There is nothing in the Constitution Act or in any other state legislation that provides for a select committee to continue after prorogation. I note that section 57 of the Constitution Act provides a mechanism to restore bills that lapsed upon prorogation. The enactment of that provision to deal with one of the effects of prorogation and also the enactment of section 25 of the Parliamentary Committees Act suggests that the parliament has turned its mind to the question of the effects of prorogation but has not gone so far as to provide for the continuation of select committees. The approach to statutory committees that is adopted under section 25 is consistent with the commonwealth approach, which is described by Pettifer in the House of Representatives. One could spend some time on that, but I will not do that now.

If one looks at the Senate position, when we had Odgers' Australian Senate Practice, he alternates, without clear distinction, between discussion of the position where only the House of Representatives is prorogued, and that where the parliament has been prorogued. It is also unclear at many points in his discussion whether he is referring to committees appointed for the life of the parliament, or to statutory committees or other committees. So I would suggest that the leader's use of Odgers' Australian Senate Practice does not really help us much here.

If one looks at the position with the Legislative Council, there is no statutory provision that purports to authorise select committees to sit after prorogation. The question then arises as to whether the council could amend its standing orders, and that is what the leader is now seeking to do to allow that to occur. It is certainly the view of Crown Law that a resolution or a change to standing orders that purported to give a committee power to sit after prorogation would be attempting to vary the effect of prorogation. The power of the governor to prorogue parliament or its houses is a fundamental aspect of the relationship between the executive and the parliament. One house, acting alone, cannot vary an essential component of that relationship. Moreover, section 10A(c) of the Constitution Act provides that the powers of the Legislative Council cannot be varied, other than by a bill approved at a referendum.

Given the practice of the House of Commons and the views expressed to me by Pettifer, Twomey, Selway and Todd—all published commentators—a select committee of the legislative committee is not entitled to sit after prorogation. Indeed, by enacting section 25 of the Parliamentary Committees Act, the parliament itself recognised that its committees cannot sit after prorogation in the absence of a statutory authorisation. Why else would we bother to pass a statute allowing standing committees to operate outside prorogation if we did not recognise that? The advice that the government has is that a select committee of the Legislative Council is not entitled to sit after prorogation, but it may sit after an adjournment. Committees appointed by standing order or by resolution of a house or both houses, for the life of the parliament, may not meet after prorogation.

Perhaps more importantly, the opposition might care—if it tries to play games with this, as I am sure it will—to understand that the privileges which attach to committee proceedings, unless provided by statute, cease to exist upon prorogation. Thus, members who purport to comprise a committee that sits after prorogation put themselves at risk

of being sued for defamation. By all means, if the Leader of the Opposition wants to pass this motion he can have all the committees he likes, but what he will not be able to do, I would suggest—or he will be at great risk by doing, if he does—is to invite people to come and make the defamatory comments that we have seen in the past, because they may lack the protection. I just put that warning.

An honourable member interjecting:

The Hon. P. HOLLOWAY: Yes, that would be the case, but the thing is that it also applies to you and any other member.

An honourable member interjecting:

The Hon. P. HOLLOWAY: Indeed, but I will not be there. I put that advice on the record because that is the view of crown law in relation to this. It is extremely well based and that is why, if the opposition or this parliament wishes to go down this track, it needs to be very careful indeed because, if it continues the practice of using these committees as a vehicle for people to come in and make all sorts of comments that are irrelevant to the terms of reference of the standing committee, to invite everybody who has a grievance with the Labor Party, for example, to come in and make comments, then if they do that in the future, then those people will be at risk. If the advice we have is correct they will not have the protection of parliamentary privilege. The opposition can do what it likes. I do not know that we should necessarily bother dividing, given that the opposition clearly has the numbers. Let it do that, but I just wanted to put on record that this brilliant tactic of theirs may not work, because there is a higher authority than them, and that is the constitution of the state of South Australia.

The Hon. SANDRA KANCK: I indicate Democrat support for this motion. When I first became aware of what the opposition was planning, which occurred through reading the *Advertiser*, what really surprised me was that apparently the select committees would not be able to meet without such a motion. I take my committee work very seriously, and I am on three select committees and two standing committees. Except for extreme cases of illness and so on, I attend all of them. I do a lot of research associated with them and I believe that they are an important adjunct to the parliament. They fulfil a role for the Legislative Council that many people say we should have, that is, to be a house of committees.

If this is what it takes to have committees meet, particularly when parliament is unlikely to meet for 4½ months or so, I think it is an important thing and something that the public would expect of us. Therefore, I and my colleagues will be supporting the motion.

The Hon. R.I. LUCAS (Leader of the Opposition): The issue I put to the Leader of the Government by way of interjection to which he chose not to respond is that if he has this wonderful view of the world now, in relation to the proceedings of this Legislative Council of which he has been a member for the last four years since he has been in government and prior to that, what is his position in relation to the Legislative Council committees that have been continuing to meet after prorogation for quite some time? The Leader of the Government comes in with these views. He refers to the Senate but he does not refer to the longstanding practice and convention of this Legislative Council.

He has been part of that longstanding practice and convention both in opposition and in government, so I place no weight on the views that the Leader of the Government is putting. The proof of the pudding is in what we have done as a chamber for many years, in relation to the continuing operation of Legislative Council committees. I noted that he gave an opinion from crown law, which we have not seen, and we accept that. He did not indicate whether it came from the Crown Solicitor or who provided that opinion within crown law.

The Hon. R.D. Lawson interjecting:

The Hon. R.I. LUCAS: Indeed. He did not know what I was moving but he had a three-page speech written for him on the issue. I will not delay the proceedings. I put that question to him by way of interjection and he chose not to respond. I think his non-response is quite telling.

The Hon. P. HOLLOWAY: On a point of order, the Leader of the Opposition has invited me to interject and he knows full well that I am not entitled under standing orders to respond to interjections.

Motion carried.

STANDING ORDERS SUSPENSION

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

That standing orders be so far suspended as to enable me to move a motion without notice.

That relates to the operations of the committees and the presentation of reports.

Motion carried.

SELECT COMMITTEES

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

That, upon presentation to the President of reports in the select committees on Mount Gambier District Health Service; Electricity Industry in South Australia; Allegedly Unlawful Practices Raised in the Auditor-General's Annual Report 2003-04; Assessment and Treatment Services for People with Mental Health Disorders; Collection of Property Taxes by State and Local Government, Including Sewerage Charges by SA Water; the Atkinson/Ashbourne/Clarke Affair; and Pricing, Refining, Storage and Supply of Fuel in South Australia, the reports be deemed to be laid upon the table of the Legislative Council and the President is hereby authorised forthwith to publish and distribute such reports.

I will speak briefly to this motion. I referred to it obliquely in the debate on the first motion when I mentioned the question asked today by my colleague, the Hon. David Ridgway, about the Mount Gambier District Health Service. Over two years' work has been done on that and it is in the process, hopefully, of concluding a final report. I believe that the people of South Australia, and in particular the people of Mount Gambier, would want to see the final conclusions of the select committee that has been established on that issue. This device would allow that to occur.

As you would be aware, Mr President, there have been many examples in recent times. Indeed, the now Labor government, when in opposition, used these motions or amendments to have reports presented when the parliament was not sitting. In recent times we have seen similar amendments moved in, I think, the gaming machines legislation in relation to a report on the trading system for gaming machines. That report, which will be completed before the end of this year, must be presented to you, Mr President, and the Speaker during the parliamentary break so that honourable members and the community can see the results of that committee. There are many examples, but I do not believe

that I need to explain the necessity for this resolution in any further detail.

The only other point I make is that I believe a number of these committees will not be in a position to present a final report. I understand that the Mount Gambier District Health Service committee is very close, but some of the others may not be in a position to present their final report. I am sitting on the property tax select committee, for example, and I believe that so far we have had only two or three meetings and are a fair way from any final report. I am not familiar with the actions of the Hon. Mr Xenophon's committee on the petrol industry, but it is quite a specific issue and it may want to report during the coming break as well.

The Hon. P. HOLLOWAY (Minister for Industry and Trade): Clearly the Leader of the Opposition wants this motion so that he can continue the defamation against people such as the Attorney-General.

The Hon. R.I. LUCAS: I rise on a point of order, sir. I believe that the Leader of the Government is, in an unparliamentary fashion, imputing improper motives to me in relation to this issue. If he wants to do that he can do so, but he needs to do it by way of substantive motion and certainly not by way of comment in this debate.

The PRESIDENT: I have to uphold the point of order.

The Hon. P. HOLLOWAY: The Leader of the Opposition is correct, Mr President. I have to word my arguments more carefully.

The PRESIDENT: I think you should withdraw your remarks, as well.

The Hon. P. HOLLOWAY: Mr President, I withdraw the remarks. Of course, one reason an opposition may wish to have this sort of power may be so that statements can be made inside the parliament that might be subject to legal action if they were uttered outside the parliament. I think what we have seen with the operation of certain committees, particularly those related to the Attorney-General, are very good examples of that. Obviously the opposition has the numbers on this. I just conclude by making the comment that there may be legal issues here along the lines that I stated earlier regarding whether, if these reports were to come out after parliament was prorogued, they would be protected. However, that is a matter for others to look at.

The Hon. SANDRA KANCK: I indicate Democrat support for the motion.

The Hon. NICK XENOPHON: I also indicate my support.

Motion carried.

ADJOURNMENT DEBATE

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

That the council at its rising adjourn until Monday 19 December 2005.

I am sure that at half past 11 on the last night of the 50th parliament people do not want long speeches. I thank everyone involved with the 50th parliament. I thank you, Mr President, members of the table staff, the messengers and all the other people involved with the running of this parliament. One should also mention Hansard, the catering staff, the building staff and, indeed, everyone associated with the operation of parliament. I thank the members of the parliament, the whips in particular for organising business during what has been a very hectic parliament, as I said, an unprecedented 239 days—a lot of sitting days. I thank everyone for their cooperation.

Of course, it is inevitable that, as we approach an election, members will be distracted by that and obviously that has had an impact upon discussions in this parliament and debates such as we had previously, but, nevertheless, at this time of the year I do sincerely wish all members of the council a restful and peaceful break over the Christmas period. Perhaps not all of us will be doing what *The Advertiser* suggests that we should be doing, but I do not even think we will necessarily all be having holidays either for that matter. However, I do wish members a restful break.

In particular, because this is to be the last night of the sitting, I acknowledge a number of members who will no longer be in this place. I guess there might be some who do not come back because of election results, but certainly we at least know that some members are retiring, such as the Hon. Julian Stefani. I pay tribute to the contribution that he has made over many years. Also the Hon. Angus Redford, who may or may not be seen around this parliament, but he certainly he will not be seen in this chamber—or at least I guess he will not. Again there is no doubt that the Hon. Mr Redford has certainly made a significant contribution, certainly during the time that I have been here and I pay tribute to him.

The Hon. Ian Gilfillan is a politician whom I think most of us would greatly admire because of the consistency of his views. It is probably not easy being a defender of civil liberties in this day and age, but, while I have not always voted with the Hon. Ian Gilfillan, I greatly admire his courage in defending those values so consistently over such a long period. I pay tribute to the enormous contribution he has made to this parliament and also in a number of policy areas such as the Adelaide Park Lands Bill which we debated the other day.

Many members have made a contribution. There may be others who do not come back, but to those three members in particular, I personally pay tribute to their significant contributions to the Legislative Council over many years.

The Hon. R.I. LUCAS (Leader of the Opposition): I seek your guidance, Mr President. I want to speak to the motion but I do have an amendment to the substantive motion which I perhaps formally flag.

The PRESIDENT: It might be an appropriate time.

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

Leave out 'Monday 19 December 2005' and insert—
'Monday 30 January 2006'

Very briefly, we have had the debate before about the issue and I do not intend to speak about that issue: the numbers in the chamber will determine it. I join with the Leader of the Government in thanking all the staff, particularly the long-suffering table staff and all the other staff of Parliament House who assist the Liberal members in this chamber and, indeed, all members of the Legislative Council. This is an important time for the Legislative Council as an institution. Those who believe in the worth of the Legislative Council will need to fight hard for it. I will not expand during this debate on that issue, but I know that within this chamber there are many who share the same passion for the necessity of a second chamber, for a bicameral system, for a Legislative Council.

Whilst we have different views, depending on whether we happen to be in government or in opposition at the time, I can say that through all my years I have been a staunch and passionate defender of the Legislative Council. Yes, it was frustrating in government, but never once did I ever doubt the need for the retention of and the importance of this institution. Frustration and all, great things can be done if one persists with good humour, firmness in disagreement on occasions, but never taking the eye off the ball in the importance of defending this institution for the people of South Australia. That is enough of that for tonight.

I want to spend a few moments paying tribute to individual members who we know will be leaving this chamber. I turn, first, to a friend and colleague—I say that advisably—the Hon. Julian Stefani. I forget the exact year, Julian, but it was 1987 or 1988, somewhere around that vintage, and a number of us were in the Legislative Council lounge when that great Liberal Murray Hill indicated to us that he was retiring. He, in particular, believed that the Liberal Party needed to replace him and to ensure that someone with a tremendous understanding of the importance of migrant communities and multiculturalism in South Australia would come into the Legislative Council.

It was on that occasion when I first became aware that he and others were strongly supporting the preselection of Julian Stefani for the Legislative Council. I believe that was an inspired choice of Murray Hill and others who worked hard to support Julian in joining the parliament and, in particular, the Legislative Council. I believe Julian has been an outstanding legislator and an outstanding member of parliament. Some of us are aware of the work that he has done for individuals, groups and families, not just through his work with multicultural communities—he has obviously specialised in that area—but in many other areas as well.

To this day, I still receive from Julian advice and information on the successes and failures that he has with projects. Sometimes he might say, 'I have been working on this one for two years and it's finally come through and we have been successful in relation to this particular issue.' I will not go into the details as many members of this chamber will know of the work that Julian has undertaken. He will be greatly missed by my party for the tremendous work that he has undertaken over many years with multicultural communities in particular.

Obviously, we do not get to as many functions as Julian Stefani has attended over the years, but from the ones my colleagues and I have attended we know that the Hon. Julian Stefani is held in very high regard for the work that he has undertaken for those communities and for our side of politics. He has been a hard worker, and not only in those areas. I am paired in the electorate of Norwood at the moment, and for many years he has worked assiduously assisting Liberal candidates in that area in terms of campaigning, fundraising activities and the like.

It is fair to say that the Hon. Julian Stefani's relationship with the Liberal Party on occasions has had its crests and troughs—as, indeed, is the case for all of us. We go through the highs and lows in terms of the interrelationship with our own party on our side of politics. The Hon. Mr Stefani will know that he has many friends in the party, but he also has the occasional enemy—as, indeed, we all do within the Liberal Party. I know that I speak for all my colleagues in the Legislative Council—some longstanding friends and colleagues, others who are only recent friends and colleagues—when I say that we see him as a valued friend and colleague. We will miss his contribution to the Liberal Party and to this chamber. We wish him well in the challenges ahead. I know that he will not be going into lawn bowls in retirement. Whatever it is that he moves into, those communities or organisations will, I am sure, appreciate the value of the work and the contribution he will make in the future.

I also pay tribute to Di and ask you, Julian, to pass on our thanks to her for attending all those functions for many years and being such a loyal supporter to you during that period. I have great admiration for what she has done, not just for you but also for the Liberal Party, and I ask you to pass on our thanks and best wishes for that. I join with the Leader of the Government in paying tribute to the Hon. Ian Gilfillan, the grandfather of the council. I am not sure how he compares in age with the Hon. Andrew Evans. I think he outranks him in terms of age.

The Hon. Sandra Kanck: Experience.

The Hon. R.I. LUCAS: Certainly, experience, compared to the Hon. Andrew Evans. My first recollections of the Hon. Ian Gilfillan (he may or may not remember) go back to the 1970s and his old Australia Party days when he, with a number of other people (whose names I will not mention), was one of a hardy group that sought to get that party not only up and running but to continue its existence not only in South Australia but, I guess, also nationally. Of course, he came into the parliament, and our careers in the Legislative Council have broadly traversed the same period—although he did have a brief aberration where he decided to head off to what I would have characterised as less friendly pastures. Obviously, at that time he had an aberration in his thinking but, thankfully for this chamber—and, I hope, for himself and his sanity—he came back to the Legislative Council to continue his service in this chamber.

I could not agree more with the comments that the Leader of the Government made in relation to the Hon. Ian Gilfillan. He has been as consistent as one can be. One can never always be perfectly consistent in politics but, within those parameters, he has been as consistent as he can be to his own personal views and values and the views and values of his party. In the early days he educated me, prior to my taking on the education shadow portfolio, about the importance of correctional services issues. In that little mud brick place in the inner eastern suburbs he would convene meetings of interested groups—prison chaplains and others involved in prison issues—even in those days, and that must have been the early 1980s. On a Saturday morning occasionally I would attend those forums with the Hon. Ian Gilfillan and others who had a similar passion. And that passion remains. We have heard it in the past few days. He continues with broadly the same views as he was espousing to me as a young yellow back in the early 1980s in relation to those issues.

I think that the Hon. Mr Gilfillan has also been a voice of relative reason (I do not want to go too far) in relation to industrial relations matters. There have been many important debates in this chamber, when the Labor Party and the Liberal Party have come from their particular perspectives. On a number of occasions over the years, in the huge debates about contractors, contracting out and all those sorts of issues, the Hon. Ian Gilfillan has, in essence, not only been the balance of reason (the final vote, I guess) but I think he also brought a sensible balance, by and large, to many of those debates.

Of course, in recent years, as a non-lawyer he has engaged the great legal minds and those of others in debate on legal issues. He has traded blows with Chris Sumner, Robert Lawson, Trevor Griffin and, indeed, others on these issues

over the years. As the Leader of the Government indicated, the Hon. Mr Gilfillan has maintained an integrity generally on all those issues. I guess that I will never get a straight answer from him, but I always had the view that, during the great electricity privatisation debate (fuelled in part by close friends and colleagues of the Hon. Mr Gilfillan, but not parliamentary colleagues), his views and those of the former Liberal government were much closer in those days than perhaps were the views of his party. But, ever loyal as he was to his own views, and to those of his party, he opposed that position. As I said, we had some very important and interesting debates in those early days. I was disappointed when, in the end, the Hon. Mr Gilfillan went the other way on that issue.

In conclusion, on behalf of all Liberal members I thank you for the contribution you have made to this chamber, to your party and to the community over such a long period of time. I have not touched on many of your other passions, such as the Parklands and a variety of other issues. I will not enter that area at all. We wish you well in whatever you choose to do next, Ian. We hope that they are long, productive, interesting and healthy years for you.

As the Leader of the Government indicated, the only other member whom we know will definitely be leaving the chamber (for different reasons, of course) is my friend and colleague the Hon. Angus Redford. I will not be rude enough to say that it is an aberration that he would want to leave the hallowed walls of the Legislative Council, but each of us to our own destiny. Certainly, on behalf of your friends and colleagues in the Legislative Council, I know that we have admired your contribution on so many issues over your period here in the Legislative Council. I have certainly admired your combative nature, but that is my bias in relation to these issues; as you know, Mr President, I do not mind the occasional exchange between members in the Legislative Council. Certainly, the Hon. Angus Redford has been more than willing to participate in those issues.

I know from within Liberal Party forums and the Hon. Angus Redford's contribution to policy debate on those issues about which he has strong views that he argues his views passionately. Again, like all of us, he does not win them all, although he wins his fair share, I am sure. He has his ups and downs, as we all do in our party, but his contribution is certainly admired by me and my colleagues. Angus, we wish you well in the challenge you have ahead in the coming election.

I conclude by saying that there are a number of other members (to whom I will not be indelicate enough to refer) who might not be with us should we not meet again on 30 January. It is not appropriate, of course, to specifically refer to those members on this occasion. For those who might not be with us after the election, I am sure we will have an opportunity after the election to make comment and pay tribute to those members' contribution to the Legislative Council, should their career in the council have concluded.

Finally, Mr President, thank you for your generally good humoured presidency and chairing of the Legislative Council. It is not an easy task; we understand and accept that. It does get a bit scratchy towards the end of the parliamentary session. We generally behave well. However, I hope that, if this is to be your final day, you enjoy the remaining minutes of this session. Whatever the future holds for you, Mr President, we wish you, your family and your friends well for the future.

The Hon. SANDRA KANCK: I will begin by thanking the table staff—Jan, Trevor, Noelene and Chris—and others in the background, such as Claire and Margaret, who do not get to come into the chamber but who are an important part of keeping the wheels of this place going. I also thank the people in Hansard and in the library, the caretakers who keep the place running, and the catering staff; without all of them, things would fall apart. I also thank the messengers, led by Todd, wherever he is. They are a wonderful, always helpful and ever patient group. It has been great to see the arrival of Mario and Sam onto that team this year. They really are an asset.

We have people who are retiring, and obviously Julian Stefani is one of them. To me, Julian is like a terrier. He has his passion for multicultural affairs, and he has done a great job on that. However, when he gets hold of an issue, such as the soccer stadium or, more recently, Monsignor Cappo, it is like having a terrier grab hold of your ankle and having those teeth around both sides of the ankle that just do not let go. I am not sure we have seen the last of the Hon. Mr Redford, one way or another. If he makes the transition to the lower house, he will be a real asset. I think he has what is probably needed to enliven his party in the House of Assembly. It has been interesting to observe him as a campaigner in a local electorate—to see how he has warmed to the task and really taken on those local issues. He is already showing the capacity to represent that electorate well.

There are some members who may not be retiring voluntarily, and one of those is our President, the Hon. Ron Roberts. I understand that he may be at threat in his party's preselection, and I think that is a little unfortunate. However, that is how that party system operates, and there is little we can do about it. Before he became President, Ron had the role of the attack dog for the Labor Party (the role I think Bob Sneath plays at the present time), and he did a mighty job. It has been interesting over the last four years to see this man, who I think tested every standing order at different times, become a paragon of virtue. Nevertheless, we all seem to have survived each other's individuality. You have not thrown any of us out, Mr President, and I think at times that has taken a great deal of patience.

The Hon. Nick Xenophon interjecting:

The Hon. SANDRA KANCK: Oh, right; sorry. Almost didn't throw anyone out. We have a number of other members who are up for re-election. The Hon. Nick Xenophon is one of those. I am very confident that he will be back. I do not accept the statement that some have made that he is the underdog or, as—

The Hon. Nick Xenophon: Under-Chihuahua.

The Hon. SANDRA KANCK: —I was going to say, as he self-titled himself, the 'under-Chihuahua'. I think with eight years of very well judged publicity he will be close to getting a quota in his own right. I do not think any other members of this chamber face any problems in terms of their pre-selections and ability to come back.

In my own party I am not going to farewell Kate Reynolds, because she and I and my colleague Ian Gilfillan will be working damned hard over the next four months to ensure that she is elected. So there will not be any tributes to her now, other than to say that she came in and filled Mike Elliott's shoes and she has grown into the job. I sit down in my room sometimes and listen to her competently taking on everyone in the chamber in the bills that she is dealing with, and you can see how much she has learnt. It would be a

terrible loss, I believe, if she was not to be re-elected. As I say, we will all be working very hard to ensure that she is.

Now, of course, I turn to my colleague Ian Gilfillan. Ian was elected in 1982 and, shortly after that, he approached me to come and work for him. Back in those days there were two Democrats, he and Lance Milne, and between them they shared a secretary, or a PA as we now call them. So Ian paid me out of his own pocket for almost four years to work as his researcher, media liaison and all that sort of stuff. But they were very unusual conditions, I think, compared to what we have now. If you go up to the first floor and up a little flight of stairs to get to the Plaza Room, there are three small offices to the left. Ian had the smallest of those three offices (they are not all the same size), and he and I shared the same desk. It was not a large desk. Ian sat on one side and I sat on the other side, and we had to shuffle our papers and so on and work very diplomatically around each other so that we could achieve whatever we needed to achieve. And we did it very well, I have to say.

Perhaps the only complication was that he started a corporate cup team which involved messengers and a few others, and when he had been out for a run he used to go and have a shower and come back wrapped in his towel and get dressed. So I had to learn to keep my eyes very discreetly to the work that was in my lap at the time. Another of Ian's habits was he used to order a sandwich and some fruit every day from the refreshment room, which I would go and collect, and the fruit always included an apple. He loved cutting off segments of the apple and suddenly throwing them at me to catch because he did not approve of how little fruit I ate.

The Hon. Ian Gilfillan interjecting:

The Hon. SANDRA KANCK: Yes, I did catch them. I learnt after a while. Ian has made a tremendous contribution to politics in this state, and to this parliament. He introduced a bill—and was the first in Australia to do so—to prohibit advertising on tobacco products in South Australia. In 1986, I think, they were changing the workman's—what was it?

The Hon. Ian Gilfillan: You've got the memory. I can't remember.

The Hon. SANDRA KANCK: It was the version of WorkCover, whatever it was, and the Labor government was changing it in the WorkCover bill. It was highly controversial. Employers were up in arms. The employers' chamber and a number of others were very angry about it. So, Ian set up his own inquiry—a really very expensive one, which involved bringing gurus from interstate. There was meeting after meeting on this, and ultimately he produced a very large volume, I would say probably three centimetres thick, with analyses and all the costings of what that bill would mean to the South Australian economy. Subsequently, on the basis of all that information, he assisted in amending that bill to the point where afterwards everyone said that this was the best workers compensation act in Australia. It was those amendments that ensured that, where others were floundering financially, South Australia was not.

Another thing Ian did was to set up an energy select committee on South Australia's future energy needs. It was set up in 1985. That report is still relevant. If the recommendations made in that report had been implemented back then we would not be facing the sorts of problems we now have with the threat of blackouts in summer. That report was able to prove that, if we put in a range of energy conservation measures—and they were the off-the-shelf technologies available—in all houses and businesses in South Australia, we would have saved ourselves the cost of building a new power station. Another of Ian's passions has been the Parklands. He was responsible for calling the public meeting that led to the formation of the Adelaide Parklands Preservation Association. He has kept a very involved watching brief of that association for 20 years, and he is President of that organisation at present. We have seen proof of that endeavour with the Parklands bill that finally passed yesterday, because they have been able to keep up the pressure.

ICAC is another of his passions. He has been advocating the setting up of an independent commission against crime and corruption for 15 years. While it has not got 100 per cent support in this chamber, the opposition last weekend said that, if it forms government, it will certainly investigate it. Many people in the community do recognise the value of it. Ian has taken a contrary view to both the government and the opposition in regard to the race to get brownie points for law and order initiatives; instead, he has argued for balanced justice. Over the past couple of years he has held seven balanced justice conferences here in this parliament. At the last conference, for instance, he had Stephen Pallaras from the DPP—and he has had Frances Nelson from the Parole Board—challenging what might be the mainstream views about law and order. I think Ian has been a marvellous contributor to this parliament; he has been a great contributor to democracy; and he has been a great friend. I do wish him and Hazel a wonderful retirement together.

The Hon. R.K. SNEATH: I would like to make some remarks about the Hon. Mr Gilfillan. I am sorry he is retiring. Since I have been in parliament I have found him a thorough gentleman and a great person with whom to talk at any time, especially when he was in the lounge watching Sky Channel or anything else that might interest him.

The Hon. Ian Gilfillan: The races.

The Hon. R.K. SNEATH: Yes, the races. He has promoted Kangaroo Island very well. He is one of the nicest people I have met since I have been in parliament. He is always willing to have a yarn and pass on his experience, which I have much appreciated since I started in parliament. I wish him all the best in his retirement. He thoroughly deserves a long and happy retirement with his family and promoting the goods from Kangaroo Island, which I am sure he will do.

I must say that, when it is the age of the Hon. Mr Gilfillan, the wine from Kangaroo Island will taste a lot better than it does currently. It needs about 75 years in the flask at the moment, but it is improving. He promotes it very well in the same way that he has always promoted Kangaroo Island. I know that other Labor colleagues have appreciated the contact they have had with the Hon. Mr Gilfillan, and I have appreciated his friendship over the time that I have been here. I wish him all the best in retirement.

The Hon. R.D. LAWSON: I want to make a few brief remarks. In view of the time, I will be shorter than I might otherwise have been. I commence by paying tribute to the Hon. Julian Stefani, who is retiring at the end of this parliamentary session. I have enjoyed the friendship of Julian Stefani as a colleague. My leader, the Hon. Rob Lucas, has mentioned many of the fine qualities of Julian Stefani. The Hon. Sandra Kanck described him as a terrier. I think that he is more a cross between a bulldog and a bloodhound. I acknowledge Julian Stefani's integrity, intelligence and his

experience across a wide range of affairs in business, the community generally and in churches and sporting clubs.

He is a parliamentarian who has brought to this chamber a truly wide range of perspectives; and his capacity to stay on the case, the dogged way in which he has fought many battles, is quite admirable. He has made, I believe, a greater contribution to multicultural affairs in this state and in this parliament that is unlikely to be bettered by anyone. Certainly, I will miss Julian Stefani.

My path did not cross much with the Hon. Ian Gilfillan in the early years of my membership of this council. However, certainly over the past four years when our portfolio responsibilities have been similar, I have come to greatly admire his intelligence, courtesy and his fearlessness (fearlessness in the face very often of intense public denigration by certain people), his energy and his honesty. I have admired his first-class understanding of legal issues and public policy generally and his very fine perceptions. Again, I think that he is a member of parliament who can be truly proud of the contribution that he has made.

My colleague the Hon. Angus Redford is leaving, not for quieter pastures but for a different form and style of political and parliamentary representation where all who know him are sure that he will be highly successful. I look forward to my continuing association with the Hon. Mr Redford as he is playing a major part in the other house. I think that he will bring to that house some of the experience and constitutional understanding that is sadly lacking there at the moment.

Mr President, I admired your robust parliamentary performances when you were a leading member of the opposition in this chamber. I must confess at this moment to having a few doubts about how you would fair as President, but, in the four years that you have occupied the chair, you have been a most fair and skilful President. You have shown great good humour and presided without rancour. I think that you have upheld, as you have always sought to do and said that you were doing, the great traditions of this council and the high office that you have held. I also say thank you to the Clerk, the Black Rod, chamber staff, messengers, attendants and the like, for what I believe has been a great effort in the way in which they have supported us as members.

The Hon. A.J. REDFORD: I rise to make my last speech to the Legislative Council and—subject to the will of the people of Bright—it may be my last speech to the parliament. First, I thank those members who have spoken and said some kind words about me. I am not the sort of person who attracts kind words normally. I would like to pay tribute to some people who have played an important part in my life. First and foremost I would like to pay tribute to my wife Fina. Fina and I have been together now for five years, and they have been the happiest five years of my life. I know that there are many who have said that she has had a very positive impact upon me, upon my life, and upon my attitude, and I readily acknowledge that. She is fine woman; a woman I am extremely proud of; and she is a wonderful mother to my son, who turns one tomorrow.

I would also like to pay tribute to my three children from my first marriage, Craig, Fiona and Scott, who have been a wonderful support to me. It is not easy to be a child of a member of parliament, and there are occasions where children can be subjected to certain things as a consequence of what their father or mother might do. There is not a lot of fairness in it, but it can happen. I particularly would like to pay tribute to Scott, my youngest son, who, for twelve out of his sixteen years on this planet has had a member of parliament as his father, and sometimes I reflect that I have not been as fair on him as I should have been.

I have also been blessed with some fantastic staff over the years: Tori Hodgman, who came to my office as a comedian, and is now rating very well as a radio announcer in Hobart; Audrey Donsen; Raelene Zanetti, who is working with Robert Lawson; and my current personal assistant, Janet Milton. I pay particular tribute to her. She works extraordinarily hard for me. I think our office produces a fair bit of work, and I could not do it without Janet, and she shows tremendous loyalty and tremendous intelligence, and it has been an extraordinary privilege to have her as my personal assistant. I also thank all my colleagues. I know when I first entered, I was in some awe because Chris Sumner was the Attorney-General when I first came here. Chris was a pretty strong performer, a very principled man, and a man I grew to respect and like. We also had other significant performers and I will not go through each of them, but I would particularly like to thank those members who have either been here before me, or came in with me on my side: Rob Lucas, Di Laidlaw, Caroline Schaefer and Robert Lawson.

The Hon. Sandra Kanck and I were elected on the same day. We have had our differences, but I think we share pretty similar values most of the time. I think the most fascinating night that I had in here was when Sandra gave a fantastic speech in tribute to the Hon. Di Laidlaw, who is a politician whom I admire and look up to. I think that there are two sorts of politicians in this world, and they are not Labor or Liberal or Democrat. There are those politicians who go into politics and see politics as an end in its own right—and I will not name those people, but they usually finish up being time servers—and there are those people who actually want to achieve something. They see being here, and the power that we have—and it is a privilege and it is a power—as something to be used for the benefit of the people whom we represent. I know that Sandra and the Di Laidlaws of this world fall into that category.

I have made a lot of friends in politics. I was told that you do not make many, but you do. I have made friends with people such as John Quirke. I recall going up to the Flinders Ranges with John Quirke. At that time, he was a federal senator, and he used to collect all the bottles from the first class part of the plane. He did not drink. We saved them all up, and we took them to the Flinders Ranges. I do not remember very much about that weekend.

Terry Roberts is a wonderful contributor. I know that he has had his health problems, and we all pray and hope that his recovery will continue. Terry is probably the best master of the one-liner, although we have not seen much of it of late. He used to crack us up, particularly when he was in opposition and we were taking things seriously. Terry Cameron has also been good to me. I know Terry can be hard to get on with for some people, but I have never really had a problem with him, except for a couple of times, and I will not go into that. Heini Becker has been a tremendous support to me and the sort of politician that I like. He gets out there, and he really does not care about philosophies much, or left or right, or anything like that. He sees a problem, he sees a constituent, and he says you go out and help them. He is certainly the person upon whom I would model myself in the course of trying to win a lower house seat.

I pay tribute to Dean Brown. I heard his speech this afternoon, and it was magic. Dean has been a fantastic contributor to this state and deserves every accolade he can

get. I also pay tribute to John Meier, Wayne Matthew, Dorothy Kotz and Mark Brindal. I will not go into any individuals except to say that I think we will miss Mark's impassioned speeches, particularly in the party room. A lot of people never got that, but Mark was quite impassioned and principled. He is one of those politicians who can take both sides of the argument. I must say, there were a number of occasions where he in fact did, much to the confusion of some of us in the party room. In terms of retirements, I pay tribute to the Hon. Julian Stefani. He has always been dignified, genuine and principled. Again, we might have had disagreements, but he deserves all the accolades that he has received from members who spoke earlier.

I also pay tribute to the Hon. Ian Gilfillan. He has consistently put principled views with which I agree. I am also grateful to him for some of the advice and support he has given me, particularly in my role as shadow corrections minister. I will say to the Hon. Mr Gilfillan that, if I do become corrections minister and he does take the trouble to pick up the phone and ring me, I will take his calls, because I do respect his view. I know there are some that are up, and there is some controversy about whether or not they might get there. The Hon. Kate Reynolds is a friend. I hope she gets up. I think she has a fair bit to offer this place. She talks sense, she is passionate, she believes in what she is saying, and she sincerely wants to help people.

'St Nick', as I dubbed him today, I think has also been a fantastic contributor. Over the past 18 months, Nick has been more than just a politician who has managed to attract publicity, and I know that he gets criticism for that. What we did yesterday with asbestos is something we can all be proud of, and it would not have happened but for Nick. I think there are so many things Nick has contributed to in terms of public debate. I can look at the numbers and think there may be some problems, but I just have this sneaking suspicion that the Hon. Nick Xenophon will back, and I think it will be good.

The Hon. Mr Cameron will be seeking to come back. I suspect that his electoral chances are not as good as some others. He has made a contribution and, certainly, his courage in supporting the electricity sale is not to be under-estimated. He went through an extremely difficult time as a consequence. Politics does that; it will not change. You can say it is awful and criticise, but it will not change. To you, sir—and, indeed, Mary—you have been a terrific President. You have been very supportive and upheld the traditions of the upper house. I would like to think that I was your shop steward, and I would like to think that I did well.

I will make some general comments about the future of the Legislative Council. I have not said this publicly before but I have always been of the view that eight-year terms are too long. I think they should be four-year terms. I have not had the opportunity to vote on that at all, but that is my position. I think that the Legislative Council has a very important role to play in the constitution of this state. Interestingly enough, after the headline last week—and I know that *The Advertiser* has been running a 30 or 40-year campaign to get rid of us (and I am still one of us)—the people who came up to me on the weekend were not political junkies but ordinary people. I counted about 15 people over the weekend who came up and said, 'You can't do that to the Legislative Council.' They actually like us. We might get denigrated by our lower house colleagues and *The Advertiser* and ignored by the bulk of the media, but we are respected and liked, and I think that the people of South Australia like the fact that there is a Legislative Council. I think we do good, and I will always say that. There will be times when I might get annoyed at the Legislative Council, and I have been annoyed about it in the past, but that is the way it is.

I thank the Hansard staff, the kitchen staff, the table staff, the bar staff, the cleaners and everybody involved. Sometimes you get busy and you get a bit gruff. You walk around the chambers and you are probably not as courteous to these people who are here to serve us as you should be, and I am probably guilty of that. I really have enjoyed the service and assistance that they have provided. The table staff, in particular, have always done their job vigilantly.

Mr President, in closing, I wish you all the best. We have had our disagreements at times. I think that you and I finished up on the front page once with palm trees. I will not go into the detail, because I do not want it to be in a brochure, but you might recall it. I always look back with a wry sense of humour about our vigorous exchanges. I thank all members for their ongoing courtesy. We engage in vigorous debate. As I said in my maiden speech, debate is a very important way in which we, as a parliament, come to the best decisions. If we do not test our arguments with contrary arguments, if we cannot justify our positions, if we cannot listen what is being said by the other side, we do not get the best decisions for the people of South Australia. I know that a lot of people say you should not be combative and a lot of people say you should be able to do this by consensus, but, when you have clashes of great ideas with passionate people who believe genuinely in their causes, that is how you get the best results. That is how you get better decisions for the people of the state. I defend that significantly.

I said a number of things in my maiden speech. I am pleased about the work that some of us did—and the Hon. Sandra Kanck was with us when we did it—on domestic violence, because I think we do have a better legal system. For the future, there are a few challenges. I will not go through them all, but certainly there are local challenges at Hallett Cove and Brighton, and I work very hard on those. There are some general challenges. I want to make one final comment on my profession—that of being a lawyer. We make great advances in our society in technology and the way we deal with each other, and professions such as medicine, engineering and social work have all made great strides. We know we live in the 21st century, but, when we look at the legal profession and our legal system, we are still wallowing around in the 17th century. We are not delivering justice cheaply and quickly to the people of South Australia.

I suppose one challenge I regret not taking up more strongly, but I would urge other members to take up, is to have a really good, hard look at how we can deliver more affordable justice and dispute resolution to the mums and dads, the middle-class people, the poor people of this state; a fairer justice system and access to justice. We need to drag the legal profession and the legal system, whether kicking or screaming, into the 21st century. Mr President, it has been a privilege.

The Hon. IAN GILFILLAN: Mr President, it is a rather poignant moment for me to be making my last speech that is actually going to be recorded in *Hansard*. There seems to be a certain significance in that. I must say, over all the years that I have spoken, I have never lost that slight sense of nervousness and apprehension that I had when I first rose to my feet in a much more hostile chamber than has evolved over 20 years. I think that it is a good thing, and I hope that

all of you feel and continue to feel that sense of special occasion whenever you do speak to this parliament. It is really on that point that I would like to spend a few minutes, but not many, because one of the things I have preached over the past 20 years is brevity, and I want to practise what I preach.

An honourable member interjecting:

The Hon. IAN GILFILLAN: Yes, now. If I were attracted and tempted into moving back even just to select the anecdotes of the time, it would be a lot longer time than either I or you would want to hear, but they do come flooding back when Sandra reminds me of some of them; the times when we took over the billiard room, Bob Ritson came storming in and there was a cartoon in *The Advertiser*. I could not fit all my staff in so I put Eileen Farmer out into the passageway with a telephone on an extension—and Jan Davis did not approve.

Mr President, I am not going to be drawn into anecdotes, because I think far more important to me is to firstly indicate how much I have really enjoyed, in fact been thrilled by, the chance of being a member of parliament. After quite a long life on the farm and not expecting to get elected, following six weeks of counting I edged out a well-known friend to all of us, Terry Roberts—his name was actually on the door—and then I was elected, so Terry had to wait for a while.

The opportunity for all of us to do what we have done and are doing—and are going to do in the future for many of you—is such a privilege. It is an exciting occupation and an exciting opportunity that very few people experience. The opportunity that I have had in this particular chamber, of course, I would not possibly have been able to have if we had been only a single house parliament. A single house parliament with single member electorates would never let any Democrat or minor party get elected on the prospects that I had.

It is not personally just from my own experience that I argue very strongly for the retention of this chamber, but for my conviction that better legislation evolves from the interplay of the two chambers. To those members, who are going to carry on in this chamber, and for those of us who care about it outside, we have to mount an aggressive campaign to stop the denigration of this place. We cannot just sit down and take it. It is not just for us, although certainly for this chamber we do. It is a very acceptable blood sport for any who are not politicians to ridicule and deride the whole profession of politicians.

For a lot of the time it is insignificant and it does not really matter very much, but when *The Advertiser* feed its electorate the lowest common denominator and succeeds, the cost of that reckless media irresponsibility is threatening the very structures that this society is built on. I do not admire the *Advertiser* in its approach to its reporting of politics, and many other aspects of news. It might have been the Hon. Angus Redford who was observing how the media had been irresponsible and who mentioned the *Advertiser* and other areas of the media. I must say from personal experience that the other areas of the media have been, in the main, balanced and prepared to cover the upper house, and I do not spread my criticism to the other areas of the media in anything like the degree I do to the *Advertiser*.

I believe that the challenge for the next life of this parliament, of this particular chamber, is to try to evolve ways that will make the work and the end result more efficient and more balanced. The most rewarding periods that I have felt have been the committee stages when we have dealt with legislation, committees themselves, select committees and the Legislative Review Committee, when representatives from the various political parties actually as individuals wrestle with attempting to get to the right solution for the people of South Australia. You might say that is highfalutin language but, unless we are basically motivated for that, we are letting down the profession of being a member of parliament and representing the people of South Australia.

I would rather leave my comments on that. I thank those people who have said nice things about me. I feel it has been a privilege and pleasure for me to have been part of that. I also thank those outside this chamber who have come and wished me well. It is tempting to have the fun of going through and saying what my feelings and recollections are of all of you. I am very fond of you all, I put it that way, and think that you will see me back again. The staff who are here I hope feel, as I do, that we are friends and that friendship will go on. I appreciate the wonderful dedication and professionalism. A lot of us perhaps do not realise that if we had not got that sense of duty and dedication to running this place along the proper, rigorously meticulous lines, it could fall into disrepute, if it was just a slipshod 'well, it may be or may not be and we're not quite sure how the paperwork has been done.'

It is because it is so efficiently done that we and the public have the confidence that that aspect of it is being done to the very best of human capability. I think that extends to all those people involved: obviously, Jan, Trevor, Chris and Noeleen and others. I do not think it is a time for me to try to identify all the people. My final words on *Hansard* will be: it has been a great privilege, it has been great fun and I have no regrets, and I look forward to catching up with you all and giving you a little bit of advice, maybe, from time to time, because I do have to correct the Hon. Bob Sneath on some sort of misconceptions he has about Kangaroo Island wine. I am not singling him out, but I do hope to see more of you in future months and years of my life, and all the best to all of you.

The Hon. KATE REYNOLDS: The contribution by the Hon. Ian Gilfillan illustrates very well why he will be sorely missed. I was reading earlier tonight my first speech, which was almost three years ago, and I have to say that I could make it all over again, although members will be pleased to know that I will not. I would like to say that the issues that drove me then drive me as much now. In fact, the list of issues and ways in which I would like to change the world has probably grown tenfold over the past three years, so the fire in my belly still burns strongly.

In that first speech I was talking about distributing the personal and social benefits and privileges and costs of paid work and how we must reform that, but I was also talking about how we must reform this parliament. I would just like to put on the record that, if I could change the world tomorrow, I would change this parliament so that we had proportional representation in the lower house and so that we had four-year terms and optional preferential voting for the Legislative Council, I would ban dorothy dixers (in fact, I would probably do that first), and I would establish a committee system such as the federal parliament uses to examine bills—with, of course, a robust exchange of good ideas, the Hon. Angus Redford will be pleased to know—before their introduction to the parliament to minimise some of the hairy-chested behaviour we are all forced to endure under the current system.

I would like to put on the record my thanks to my family, in particular my children Mieke, Jack, Josh and Jordan. They have often had to make do with text messages instead of telephone calls and telephone calls instead of conversation around the dinner table—and that is rough. I think the Hon. Angus Redford explained very well what it sometimes means to families. I have to put on the record also my thanks to Mike; he has borne more than his fair share of parenting in the past three years. And, if I did not put on the record my thanks to Megan Folland, I would regret that forever. She has been an extraordinary person and I have so much valued her work with me—'personal assistant' does not begin to cover what she has done. Hendrik, Claire and Lechelle have also been with me—Lechelle for the first two years, Hendrik this year, and Claire for part of this year as our trainee. I cannot express how much I have valued their work, commitment, their energy, support and friendship as well as the work, support and friendship of our entire state parliamentary office and the volunteers down there in what we call 'the bargain basement', because so many people tell us that you get twice as much work out of a Democrat as you do anyone else.

I have to put on the record my thanks to my colleagues: our state leader and my colleague the Hon. Sandra Kanck, and also my colleague the Hon. Ian Gilfillan. I hope the comments and speeches I have made will go some way to reflecting how much I value their contributions, support, advice and encouragement over the past three years. I have to say that the Hon. Ian Gilfillan's contributions have always been eloquent and mightily worthy to the parliament of South Australia, and I think that his statesman-like qualities are something of which the South Australian Democrats will always be very proud, and we will always be proud to claim him as one of our own.

I would like to echo the Hon. Sandra Kanck's comments and thanks to all the staff of the parliament, including the people we do not see very often, such as the switchboard operators. I have to say that I see the cleaners a lot because I am often in fairly early in the morning and sometimes I think I have made them jump. I offer my thanks to every single person and, as I said, I support Sandra's comments. To the staff of the Legislative Council I offer my special thanks, too; it would have been so much harder to come in here part way through a parliamentary term if you had not all been so supportive and helpful.

Mr President, for your courtesies and your tolerance, your fair calls and your guidance, I say thank you, and I say thank you particularly for your protection on those occasions when other members have descended beyond debate into some of the vicious commentary and innuendo that, sadly, we have come to expect in our South Australian parliament. I would like to say thank you to the Opposition Whip, the Hon. John Dawkins; he has made our life immensely more comfortable when we have been attempting to manage business. I would also like to say thank you to Natasha in his office, because she works incredibly hard managing the operations of the *Notice Paper,* and makes getting people in the right place at the right time so much easier. I thank her for that, and I know that my staff would also—in fact, I think all the state parliamentary office staff for the Democrats would offer their thanks to Natasha.

I would like to place on the record my thanks to those members of the media who have given us a fair go. I thank all the community organisations and other people who have provided me with advice and assistance over the past three years. In these three years, I have had some of the best times and some of the worst times of my life, and I thank all those people in this place who have contributed to the best times. To those members who know that they are not returning here, I wish you all the very best. I am sure that the Hon. Angus Redford will make a terrific member for Bright and I wish him the very best, too. I wish everyone a well deserved, albeit short, break over Christmas. I do not know whether I will be here after the election on 18 March. If we have our way, then I will be back here with bells on. Either way, in the words of the late Janine Haines I say to you—I hope everyone here gets exactly what they deserve.

The Hon. NICK XENOPHON: I, too, join with members in thanking the staff of the Legislative Council for their hard work and, indeed, all the staff of the parliament who make this place tick. I thank Hansard who make us look much better on paper than we sound on many occasions. I did not realise our grammar was that tight; that our syntax was so perfect when you consider what goes on here. I pay tribute to the three members who will no longer be in this chamber after the next election. I begin with the Hon. Julian Stefani. I knew him before I was elected to parliament. He has been a very good friend of my family, in particular my mother, and that friendship has been very much valued. Some of the words which describe the contribution of the Hon. Julian Stefani include hard work, dignity and incredible integrity. I have always regarded him as a very firm friend and someone who, whether he likes it or not, I will be having contact with for years to come.

I cannot imagine that he will be retiring in the conventional sense because he simply has too many projects on and too many things that he wants to do. He will always be an agitator. I think there will always be a council out there somewhere that will have the benefit of his forensic skills and his skills as a bloodhound to keep them on their toes. There is one council in particular in the north-eastern suburbs with which he might have a bit more to do in the next 12 to 18 months. To the Hon. Julian Stefani, it has been an absolute privilege to have counted you as a friend. The contribution he has made to the multicultural life of this state should not be underestimated. Whenever I go to functions, whomever I speak to from all walks of life, from the many cultures that make South Australia the vibrant society it is, I hear how much he is respected.

His contribution has been very deeply valued and that is something that cannot be understated. To the Hon. Ian Gilfillan, I think the word 'fondness' was used, and it is a good word to describe my relationship with the Hon. Ian Gilfillan. I pay tribute to all the work that he has done, but in particular in relation to the issue of genetically modified foods on which we have shared a platform on a number of occasions. I hope that this is an issue on which he will continue to speak out publicly from Kangaroo Island (or wherever he may be), because this is an issue on which there ought to be a greater degree of vigilance and an issue which is very important in a public health context.

In relation to the Hon. Angus Redford, we have had some feisty debates, we have exchanged words and we have had significant disagreements, but I will say this: when the Hon. Angus Redford is in fine form he is absolutely fantastic, especially when it comes to analysing legislation, asking forensic questions and being unrivalled in freedom of information requests. I wish him well in his campaign for the seat of Bright, because I believe the Legislative Council will be a lesser place without his contributions—when he is in fine

form. We might have different definitions of 'fine form', but in terms of the forensic analysis of legislation and the policy debate, the contest of ideas, which is what a parliament should be about, he has made a very real contribution.

Mr President, I know that whenever you see that I am about to do a media interview, you shake your head and say that you have taught me everything I know. I do not know whether that is quite true in relation to the media—I think I am self-taught—but I appreciate your advice over the years. To those members who are facing a contest, I wish them well, in particular, my colleague the Hon. Kate Reynolds whose passion for and commitment to the issues of child protection and Aboriginal land rights deserve to be acknowledged.

Regarding the role of the Legislative Council, I endorse the comments of many members who have made the point about the importance of a bicameral legislature and the checks and balances that the Legislative Council can provide in a democracy. I think $10 million or $12 million a year, which is what the Legislative Council costs, is a very small insurance premium to pay to ensure that there is a level of accountability and that there are checks and balances and safeguards in our system, when you consider the $10 billion or so that the government controls with respect to its budget.

In relation to the goodwill in this place, I want to reflect on what happened yesterday when this parliament passed the Dust Diseases Bill in just three weeks. We brought in some sweeping reforms for the benefit of people such as Melissa Haylock, who has been stricken with the terrible disease of mesothelioma. She has three young children, and we actually did some good, not just for her but for thousands of others who will be stricken with asbestos-related diseases in years to come. I thank the government, the Hon. Angus Redford and the opposition, all the crossbenchers, my colleagues the Democrats, and all members of this parliament who, with goodwill and grace, did something of which I think we can all be proud in terms of helping some very deserving South Australians.

Finally, for those of you who do not know, over the holidays, while some will be relaxing, my version of relaxation will be doing a couple of weeks on 5AA as the morning announcer. I welcome my colleagues to call, but I have the benefit of the seven second dump button. I do not know whether I will need to use it, but I would welcome their calls for the couple of weeks that I will be doing that. I wish everyone well, and by the grace and the will of the people of this state I hope to be back here next year.

The Hon. J.F. STEFANI: By the time the election is called on 18 March at midnight I will have served 17½ years as a member of the Legislative Council. Reflecting on this period of my life, I recall the late the Hon. Murray Hill encouraging me to become a member of parliament and to serve in this place, which I considered to be a great privilege. The Liberal Party was also a great encouragement to me, because it is the philosophy of the Liberal Party to which I align myself. I am grateful for the confidence of the delegates who at the time endorsed me as a member for this place and gave me the opportunity to serve in this very privileged position.

As a migrant I came to Australia at the age of 11 with my family. We had no money, a suitcase, no language and no house. It is truly a remarkable event that someone in my circumstances could reach a position of privilege to serve the people in public life. I think this is typical of South Australia, which has given many migrants such as I the opportunity to achieve. When I entered this place, I pledged that I would be the voice of the migrant people and minority groups to address their concerns, to serve them and to be loyal to the principles that I endorse. I hope that, with respect to all those groups and people with whom I have come in contact in my 17½ years, I have not let them down. I certainly have adopted an attitude of loyalty, integrity and honesty, and perhaps at times that has led me to differences with my own party. However, it is the Liberal Party which allows that individual expression of views and which has always afforded me the friendship, the guidance and the support to do my work.

I have been extraordinarily fortunate in that, in serving as a member of parliament, one learns to be self-reliant. I can recall coming into this place, having been a public company director and having started my own business, and discovering that the opposition at the time did not have a fax machine. I just could not believe that, so I bought a fax machine for the opposition.

The Hon. R.I. Lucas: You've still got it.

The Hon. J.F. STEFANI: Yes, I still have it. Thankfully, the Clerk, Jan Davis, managed to convince the government of the day to provide the paper rolls for it, because it was really something to get some paper rolls for the fax machine. We are very spoilt now, because back then we were sharing offices—although the Hon. Anne Levy did offer me a very small office that was previously a toilet, but I considered that office to be too small for the work and the files that I was going to accumulate. In fact, I think it is probably true that, when I leave this place, I will need a big truck to get it all out.

Looking back, I can recall being involved with many issues. There was the time when the speed cameras were introduced; the issues of the State Bank; the Beneficial Finance debacle and the tax evasion to the tune of $240 million; the Remm site; Marineland; and the South Australian Housing Trust debacle. Some of the issues that we deal with as members of parliament have given me great experience in another area of community work.

As a member of parliament, I have been very privileged to come across so many people: German, Italian, Greek, Vietnamese, Ukrainian, Estonian, Lithuanian, Latvian, Slovene, Polish, Spanish, Portuguese, Dutch, Russian, Austrian, Chinese, Filipino, Khmer Buddhist, Cambodian, Khmer Kampuchea-Krom, Indian, Arabic, Bulgarian, African, Czech, Greek Cypriot, Croatian, Serbian, Sri Lankan, just to name some of the people with whom I have had the privilege to serve and be in contact. I have had great encouragement from most of those community groups to have their needs and concerns addressed.

I have been truly privileged to give them that commitment and to try to do whatever I could personally. In some instances, I have given a great deal of support to individuals, and those individuals to me have been in great need—what I call 'the little people', the people who have nowhere else to go. I can recall clearly one night receiving a phone call from a lady in tears. She told me that her husband worked at Simpson Pope at Dudley Park and rode his bike there. They had no money, and they had no food. My immediate reaction was to get her address, to go to the Blue Room to buy whatever I could and to go there. I knocked on the door, she opened the door, and she opened her fridge door as well, and the fridge was totally empty. That really hit me as a member of parliament—that in today's world there are still people who suffer and who have no food.

It is a sobering thought for all of us who occupy this place of great privilege, of comfort and of good facilities and who,

in my view, are well paid. It is with those principles that I say that all of us have an obligation to serve when we offer ourselves as volunteers as members of parliament to serve the community. It is incumbent upon us all to deliver what the community expects of us, that is, to be servants of the people. I have felt that more than anywhere else before in my working career. I will certainly never forget the privilege and satisfaction I have had in serving the people to the best of my ability. Certainly, there have been occasions when I have not been able to deliver and when perhaps some people have been disappointed, but it has certainly not been through the lack of trying.

The Legislative Council is the master of its own destiny for a number of reasons (and at times I have shared these thoughts with my colleague the Hon. Ian Gilfillan), not only because it is an independent chamber and a house of review and has the capacity to represent the people wherever they come from in South Australia but also in terms of integrity, honesty and the way we are seen by the community. I appeal to everyone in this place to continue the tradition. I have certainly endeavoured to uphold standards and, at times, it has been difficult to maintain a certain approach, particularly during boisterous debates. However, I think that when we cross the threshold we have lost, as members of parliament, just a little bit more respect with the community. I think that it is important to maintain that integrity and that dignity. I think it falls upon us all to work towards those aims, because it is through that that we are able to retain some respect from the people and certainly build on the principles of the respect we should all be given through our conduct.

I want to thank the parliamentary staff, and my very sincere thanks go to the Clerk, the Black Rod, the assistant staff and the table staff. My thanks also to Hansard—I sometimes get stuck on a word, and they know what I mean, or I come up with some foreign words that are not easily translated—and to the staff of the dining room and the Blue Room, who have always been extremely courteous, even when we are here until this hour—and I am sorry that I am keeping everyone here longer.

I also thank my three personal assistants, Celia Falconer, Kate Cunningham and Marlene Tribbeck, who have shared my work. Without a personal assistant who shares your work, you are a less efficient person. They take on those causes you take on, and they always endeavour to give some feedback as to how you should be approaching certain aspects of your work, which I appreciate. I have had very reasonable and productive contact with a lot of media people and, when I look back at the cuttings I have kept, there are a good number which show that the media, electronic and print, have been interested in the work I have taken on.

Finally, I want to thank my family—my wife, Diana, and my two sons, Stephen and Julian, and their families. They have been a tremendous support to me. I would not have been able to achieve all the work I have attempted or had the involvement in the community without their tremendous support. They have always been there for me, even when I had four functions on a weekend to attend. Dinner was always kept between functions for me to heat up in the microwave. I have always had that support from my family, particularly my wife Diana.

In conclusion, I want to wish everyone in this place the very best of health, because I think all of us appreciate that that is the most precious thing we have. With that sincere wish to all my colleagues here and to the staff, my very best wishes for the festive season.

The PRESIDENT: As the last speaker, I am going to take a slightly different tack than the Hon. Julian Stefani and do the family stuff first, because that is when I generally get emotional. I want to end my contribution by saying some things about this place.

I came to this parliament 16 years ago as a working class kid from Port Pirie. I did not have a great deal of education, other than from the school of hard knocks, the university of adversity and the trade union movement at the smelter. I did not start out to be a member of parliament; I started out to be a union official. I was sort of tapped on the shoulder by a guy called Mick Sly when I was about 19 years of age, and he got me involved in the trade union movement. When I was 21, he said to me, 'Don't go getting a big head, son,' as all older guys say to younger guys. He said, 'You're reasonably good on your feet, and one day you could finish up in parliament.' I never thought that would happen, but approaches were made and I found myself a member of the Legislative Council. It was a fairly interesting situation because, as you are brought up in the firebrand trade union movement, you always want to get rid of the Legislative Council. Let me hasten to add that I have changed my opinion completely.

Right throughout my life—and I will do the family stuff now—you have your examples in your life and, I suppose, as with everyone else, it is your mum and dad. They are still there and are still members of the Australian Labor Party at 82 and 83 years of age. Every time there is a meeting, they are there. (I told myself I would not get emotional.) Then there are your individual families. Being a country member of the Legislative Council is not an easy task. There is a hell of a lot of travelling in it, and for 15 years I have been coming down here. I have always maintained the faith.

I told myself at the start I would never forget where I came from. I am still an electrician, and still from Port Pirie. That means that every week the bags have to be packed and when you are in Adelaide someone has to look after the kids, and when Esther was younger and still at school bags were always packed and everything was in its place. I used to go crook if there was a tie missing. But the ritual went on. There is one person, I am sure, if in the next few weeks I make a decision (or a decision is made for me) that I retire, who will be very pleased about that, and that is Janice. However, if I was to go on, I am certain she would go on.

The kids, of course, have always been terrific. They have done their stints at letterboxes, as do all the families. They have suffered the slings and arrows of being the kids of members of parliament, as the Hon. Angus Redford has talked about. We have always tried to protect the youngest, Esther, from politics, and guess which one is involved. She is the one who has gone on with it. The first Roberts, Esther, is going to university, and doing very well.

Let me also say that when I came into this place I met a lot of wonderful people who were friendly, courteous, loyal and cheerful at all times—and a lot of members of parliament. I have to say that I have always enjoyed a wonderful rapport with the staff here at Parliament House. I get spoilt, I think, probably more than anyone in the Members' Bar and because, as a country member, I have been around for a long time, I am always there. I know when all the birthdays are, who is getting married, and who is having babies. It is valuable information. By maintaining the friendships with the staff I have found, since you have given me the great honour of being the President, that there is not too much that happens in the building that I do not find out about. Most times I do not even have to ask. It is nice to have

that confidence and that friendship. I will miss all of those people. Some of them were constituents. They came to me with constituent problems and they became friends and work colleagues, and they have always given me wonderful service over the last 16 years.

Of course, there are the colleagues (I call them colleagues) who are the table staff or Parliament House staff—we are all on the same team—and they give 100 per cent dedication. Jan fusses about me and makes sure I do the right thing. In fact, I probably have more mothers than anyone in parliament. The girls mother me in the Blue Room. Jan makes sure I do the right thing at the right time. I know she is angry when she rubs her hands together. She is absolutely dedicated to us all and the Legislative Council. She probably knows more about the practices and procedures in this part of the parliament than anyone. One can drag out a constitutional lawyer but, at the end of the day, that experience and on-the-job training, combined with her considerable academic successes, make her a most valuable asset to the Legislative Council.

I have been blessed, as have others who have made contributions tonight, with personal staff. I started off in the office which Julian Stefani rejected and which Chris Schwarz now occupies. I arrived here at Parliament House and Anne Levy said, 'We have a special office just done up for you,' and I thought, 'God, I must be important, they must be expecting great things of me.' When I arrived in that office it had a desk with half the three ply off the back of it and a new chair. I thought, 'This is not as good as I thought it would be,' but it was a great location because I could see out over Government House and the Festival Centre. I started in that small office.

Warren Smith, who was my personal assistant at that time, shared an office with three others. We did not have a lot of resources in those days, as has been outlined by the Hon. Mr Gilfillan. Warren was a natural politician. He should have gone into politics. He was working for Trevor and me. I do not know whether it was that combination that moved him off into the Public Service. He has done extremely well since he has been there. He is now doing very well in the Housing Trust.

Then I had Tara McKnight, who was a young lawyer. I could not understand why a young lawyer would want to be a personal assistant. Then I found that, even though she had done all that training, a lawyer starts off at about $18 000 and she was getting $36 000 at that time; so the reason became obvious. She was a brilliant personal assistant. Her legal training was very good when we were in opposition. I came back here, and I was thrown into being a shadow minister. I got WorkCover Nos 1 and 2 and occupational health and safety and four or five other big bills as a baptism of fire. The Hon. Angus Redford is well aware of the bill we put through—I cannot remember the name of the standing order—where the minister says, 'This is a very important regulation which starts tomorrow,' and we would knock it off. They would bring it back in again, and we would pass the bill. Tara and I put that together and it passed both houses of parliament, but, when we lost government, we lost interest in the bill, as well. What goes around comes around. Tara moved on, and she is now working with an international banker in London and doing extremely well.

My present two staff, Mary Kasperski and Andrea Wilson, came to work for me part time while I sorted out who the new personal assistant would be. One was working three days and one was working two days a week. I have always been opposed to job sharing. There was a combination of skills. The office skills and organisational ability of Mary Kasperski, who had been working in a union office, are first class, and Andrea Wilson, who worked for Kevin Hamilton (some would remember), had great electorate office skills. The changeover seemed to work very well and they worked well together, so it made my job easier—which was the most important thing. Of course, they have since exchanged those skills and honed up on a lot of other skills.

They seem to know more about me than I know about myself. They say, 'You have to do something today,' and I say, 'How do you know that?' They encourage me when I am under pressure. They support me when I am under attack. They flatter me sometimes when I am a bit down. Andrea Wilson often says to me, 'You are far too important to be doing those menial tasks, Mr President, let me do that.' Somehow they encourage me to do the job they really want me to do. They have been exceptionally helpful to me as president.

Since members did me the honour of appointing me President of this Legislative Council, we have done a lot of work. We represent the Premier on numerous occasions. I get to go to state functions, which I never dreamt about when I was flogging around the smelters with the pliers and the screw driver. You meet ambassadors. You meet wonderful people, such as Her Excellency the Governor. You have the great pleasure of having her as your guest at the President's dinner. I will miss the President's dinner, and I will certainly miss the bill.

The President's dinner will never be the same again without the Hon. Mr Gilfillan in his kilt, and the great rapport that we have. I am very happy about those occasions. I enjoyed every one of them. I tell myself every year that it was the best one that we ever had. It is the Juan Antonio Samaranch principle. That has been great. Of course, we get to meet ambassadors who come here. We have changed the procedures. We bring them in here. We have the flags, and we take their photos. Andrea and Mary have perfected the photograph. They take the photograph and we get wonderful letters back. We get invitations to go all over the world. It has been a hell of a ride, but let me come to the part that I really want to talk to members about which I think is important and which is my message as we leave.

First, I mention Ian Gilfillan. When I arrived here, of course, the Hon. Mr Gilfillan was well established. I used to hear his contributions on social justice. I thought, 'God, he is the same as me', and then I would put my hand up to vote against what he was saying, and that hurt because I would agree with the sentiments. The Hon. Mr Ian Gilfillan has maintained his dedication to his task. I did a lot of work with him on the prison select committee, and I learnt a hell of a lot of things. If anyone tells you that it is a life of luxury in prison, well, I have seen a lot of them and there is not one that I want to live in. It is tough in there, and it is tough being the advocate for those people. All you seem to get is criticism and a lot of heartburn but, when you get in and have a look, it is really an eye opener.

Of course, my old sparring partner from my combative days is the Hon. Angus Redford. I think he was described as the attack dog or the pit bull terrier. As the deputy leader, that tends to be your job. You do not dirty up the leader, of course: you always leave that to the deputy leader. When a tough job has to be done, someone has to do it. I think that I did it with a fair bit of vigour. Sometimes, when you have to do a particular job, it is not always pleasant, but someone has to do it—although I have noticed that the Liberal Party has

become much more innovative: they allow the leader to do it as well as the deputy leader. The thing that I will say about the Hon. Angus Redford is that you might not always agree with him, but you would never accuse him of being lazy. He might be wrong but, if you are worried about losing Julian Stefani and you are talking about bull terriers and bloodhounds, if Angus Redford is still around, that bloodhound/bull terrier cross will still be around. You can bet your life that he will put his head down and try.

We have had a few clashes, a lot of laughs and a lot of tears. The Hon. Julian Stefani came in two years before I did. He and I have had a clash or two over the years, as you do in politics, because that is what it is all about. When you are in opposition you do not have all the facts or the research. You use the term that Mike Rann, Ralph Clarke and I used in opposition—the maximum mayhem theory. When you have nothing to fight with you cause the maximum amount of mayhem and see what falls out of it. That method is reasonably successful. You get tough jobs. I remember having a bit of a clash with the Hon. Rob Lucas over asbestos and the Maralinga lands. I think that I might have been the only person who ever had you censured successfully.

The Hon. R.I. Lucas: No; many have been successful there.

The PRESIDENT: I hope that that is a tradition that continues. From time to time you have these clashes, and you have these differences, but I also recognise that whilst I will disagree with Julian Stefani from time to time—we have had one or two disagreements—I do recognise his commitment to his task, and his integrity about what he is doing. I see him on the multicultural affairs circuit, and his commitment is probably unparalleled by anybody that I know of.

When I entered the Legislative Council, I believed that conflict was a good thing. I used to go to conferences where you would do all these exercises to become consultative, but I used to always say that I thought conflict was a good thing. I still support that principle, but conflict does not have to involve fighting, kicking, scratching around and bad manners. Conflict is the difference of ideas. Conflict is the thing that triggers changes and makes life better. Sometimes it makes it worse but, generally, when people have conflicting opinions, debate ensues and change takes place.

Coming from the background that I do, I believe that cogent argument and sensible debate within the standing orders is always the best way at the end of the day. You can yell and scream and be as offensive as you like, but, at the end of the day, you will have to convince the members of this chamber—and this is where it happens—to change their point of view. Of course, in a two party situation in a tightly run organisation you know the numbers before you start, and you might as well not have the debate. However, in this chamber, there has always been robust debate, and I have been robust about it from time to time. However, there is no excuse for being bad mannered. You put the arguments aside after the debate, you go into the bar and have a drink, and say, 'That was a bit of fun.'

As an example, I refer to the Hon. Legh Davis. When he was a member of this place we had many and varied clashes over the years, but the thing I liked about Legh Davis was that he would hand it out and he would take it. At the end of the debate he would say, 'That was a bit of fun. What is the next argument all about?' I think it was an example to us all. One of the things that I have found in politics is that your friend today is your enemy tomorrow, and vice versa. So, take each issue out on its merits and judge it fairly. That is your responsibility when you become a member of parliament: to take a disinterested view on every issue that comes before you in the best interests of the people whom you represent. I do not know whether party politics actually comes into that equation but that is the obligation on us all, according to the rules of parliamentary practice.

Over the past couple of weeks I have come to love this place, and I make no bones about it. This chamber has a proud history. I was your delegate on the constitutional conference, and I went all around South Australia talking about the Legislative Council, and I defended it soundly. It is the first chamber in this state and the foundation of parliamentary democracy. There is a Legislative Council only because we were a free state and we had to take on the role of governing and organising our community, and that was done through the Legislative Council process up until about 1854 when we went to responsible government. Up until that time, powers were taken on by the Legislative Council that would not normally reside in the Westminster system in an upper house. But it was necessary to the good conduct and organisation of our state, and we never really gave them back.

This idea that we are a house of review is just not true; it is factually incorrect. We are two houses of equal powers, except for money bills, and we have had a proud tradition in the Legislative Council. During those discussions that we had with people all around the state, I always pointed out to people that, in the 1980s, there were 16 members of the Legislative Council who were not members of the government. There were three ministers and one backbencher. That was one of the periods of the greatest change—social and economic—in our state. During that period of time—basically we call them the Dunstan-Bannon years—the Legislative Council was responsible in its scrutiny, and its members always said at the end of the day, 'Well, you are the government and you have the responsibility. We will tell you where you are wrong and where you ought to amend it, but, at the end of the day, you are the government'.

In the last four years, despite the general good behaviour, I have noticed that we have an unusual configuration of members in the construction of our parliament. We have nine Liberals, three Democrats, the Hon. Nick Xenophon, who I will talk about later, Terry Cameron and, of course, Mr Andrew Evans. It is true that there are 15 members of this parliament who are not members of the government, and it is easy to take the business of the council out of the hands of the government. My instructors—Jan in the early days and others—have said to me that it is always a bad situation to take the business of the council out of the hands of the government. That does not mean to say that, on particular issues, you should not exercise your judgment and make decisions accordingly.

However, in the last couple of weeks, there have been continued attacks. I rather think that it is an ejaculation of frustration on behalf of a premier who cannot get his legislation through in the form that he likes, and that is not necessarily a bad thing. We should consider the matters before us. One of the things that concerns me as someone who may not be here in future years but has a great passion and love for this place, and my word of caution to all members of the Legislative Council is, do your duty, consider every issue, vote accordingly, but remember this is a Westminster-style democracy.

There is a belief in the community that the government should be able to govern. That does not mean to say that its legislation ought not be amended or adjusted. I am not

making an accusation that the opposition parties are completely frustrating the government's point of view. They are doing their job, but I add a word of caution that, if there is a perception generated in the community that the Legislative Council is frustrating the proper government, then the chill wind of change will blow across the corridors, and there may be some adjustment to the structure and style of the Legislative Council, which I think would be an absolute disaster and undeserving of the wonderful history that we have in this place.

On the first day that you gave me the great honour of being the President, I commenced by saying that it was my intention to uphold the practices, procedures and protocols of this parliament and maintain its dignity at all times. I have tried to do so, and I thank you all for the opportunity to do that. I wish you well, and I wish you and your families a very safe and happy Christmas. I am going to be around at least until 18 March, as a very demanding and dominating President, as I have always been, although that is not true. I heard this once, so these are not my own words, but I think it is very profound for anyone who is going to be the president, and someone will be the president next year, whether it is me or one of you. In the President's job, I think it is always better to be respected than to be feared. Have a happy Christmas.

Amendment carried; motion as amended carried.

CHILDREN'S PROTECTION (MISCELLANEOUS) AMENDMENT BILL

The House of Assembly, having considered the recommendations of the conference, agreed to the same.

ADJOURNMENT

At 1.30 a.m. the council adjourned until Monday 30 January at 2.15 p.m.