LEGISLATIVE COUNCIL

Monday 3 May 2004

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

QUESTIONS ON NOTICE

The PRESIDENT: I direct that written answers to questions on notice Nos 94, 102, 122 and 242 be distributed and printed in *Hansard*.

SPEEDING OFFENCES

94. **The Hon. T.G. ROBERTS:**

1. How many motorists were caught speeding in metropolitan and country South Australia between 1 July 2003 and 31 September 2003 by—

(a) speed cameras; and

(b) other means;

for the following speed zones—

60-70 km/h;

70-80 km/h;

80-90 km/h;

90-100 km/h;

100-110 km/h;

110 km/h and over?

2. Over the same period, how much revenue was raised from speeding fines in metropolitan and country South Australia for each of these percentiles by—

(a) speed cameras; and

(b) other means?

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

The Commissioner of Police has provided the following table:

Number of motorist caught speeding (1-7-03 to 30-9-03)

	Detections			Revenue		
	Speed Camera	Other means	Total	Speed Camera	Other means	Total
60 kph	16 956	4 911	21 867	$2 341 135	$716 459	$3 057 594
70 kph	280	377	657	$41 387	$56 367	$97 754
80 kph	1 905	1 497	3 402	$225 032	$223 621	$448 653
90 kph	504	190	694	$41 334	$29 657	$70 991
100 kph	1 388	1 184	2 572	$162 500	$173 044	$335 544
110 kph	994	3 947	4 941	$119 162	$675 383	$794 545
Grand Total	22 027	12 106	34 133	$2 930 550	$1 874 531	$4 805 081

This data is for the whole of South Australia. It cannot be split into rural and metropolitan as this information is not independently

AUDITOR-GENERAL'S REPORT

122. In reply to **Hon. J.M.A. LENSINK:**

1. Can the Minister for Social Justice indicate when the DHS will update its paper and telephone concession verification process as highlighted by the Auditor-General's Report, 2002-2003?

2. When did the DHS run its data matching process as anticipated originally for September 2003?

3. Have negotiations with Centrelink for a data matching program been concluded in October as was anticipated?

4. Will the Minister provide a specific breakdown of the item labelled "Concessions" on page 567, Part B: Volume II of the Auditor-General's Report?

5. To what factors does the Government attribute the drop in this item of 19 per cent from $1.394 million in 2002 to $1.129 million in 2003?

The Hon. T.G. ROBERTS: The Minister for Families and Communities has advised that:

1. The Department of Human Services (DHS) administers programs to provide a range of concessions to eligible recipients. To meet audit obligations, the department is working toward achieving control of all these concessions through establishing agreements with service providers and using electronic data matching verification processes.

Service agreements with energy providers (AGL) and the funeral assistance program have been revised. Agreements with Revenue SA, Local Government, SA Water, and the Passenger Transport Board are currently being negotiated.

2. Because of a delay in receiving data from AGL and changes to the electricity concession announced in November, data matching commenced in February 2004.

3. Negotiations with Centrelink for a data matching program, using batch validation as part of the electronic confirmation contract was completed in February 2004.

4. Concessions, as reported on page 567, Part B: Volume II of the Auditor-General's Report, is comprised solely of payments under the SA Spectacle Scheme in 2003.

5. Concession payments under the SA Spectacle Scheme may have been reduced due to:

- claims under the scheme being sourced from optometrists. The number of claims lodged by optometrists in the 2002-03 financial year decreased from the number of claims lodged in the 2001-02 financial year; and
- an increase in private health cover which decreased demand on the SA Spectacle Scheme.

SPEEDING OFFENCES

276. (2nd Session) & 102 (3rd Session)

The Hon. T.G. CAMERON:

1. How many motorists were caught speeding in metropolitan and country South Australia between 1 January 2003 and 31 March 2003 by—

(a) speed cameras; and

(b) other means;

for the following speed zones—

60-70 km/h;

70-80 km/h;

80-90 km/h;

90-100 km/h;

100-110 km/h;

110 km/h and over?

2. Over the same period, how much revenue was raised from speeding fines in metropolitan and country South Australia for each of these categories by—

(a) speed cameras; and

(b) other means?

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

The Commissioner of Police has provided the following table:

Number of motorist caught speeding (1-1-03 to 31-3-03)						
	Detections			Revenue		
	Speed Camera	Other means	Total	Speed Camera	Other means	Total
60 kph	42 372	6 944	49 316	$5 736 193	$1 115 971	$6 852 164
70 kph	359	398	757	$54 107	$58 133	$112 240
80 kph	2 239	1 202	3 441	$301 935	$196 960	$498 895
90 kph	699	167	866	$84 981	$23 225	$108 206
100 kph	689	1 308	1 997	$113 196	$147 345	$260 541
110 kph	589	4 028	4 617	$74 678	$685 424	$760 102
Grand Total	46 947	14 047	60 994	$6 365 090	$2 227 058	$8 592 148

This data is for the whole of South Australia. It cannot be split into rural and metropolitan as this information is not independently stored. The revenue includes the VOC Levy.

CHINESE EDUCATION OFFICIALS

242. **The Hon. A.J. REDFORD:** With regard to the finalisation of a Memorandum of Understanding in relation to the provision of training for senior Chinese education officials by the South Australian Education Department, announced by the Premier on 7 November 2003—

1. What are the anticipated costs of the establishment of this program, including transportation, accommodation and training expenses of both Australian and Chinese participants?

2. What income does the government expect to derive from this program over the first three years?

3. What exactly are the 'exchange projects' on which the South Australian government is to recommend high profile experts from Australia to present lectures and/or provide technical guidance?

4. How much will the provision of one scholarship cost the South Australian government for a senior Chinese person to undertake professional training and work placement?

5. What is the expected cost to the South Australian government of meeting meal and accommodation expenses for two medium level managers from Shandong who will be in South Australia for four months for on-the-job training?

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

1. Under the Memorandum of Understanding with the Shandong Provincial Government, a package of 3 activities has been planned for 2004. These are:

- A Seminar Presentation Tour to China by Andrew Stoler, Executive Director, Institute for International Business, Economics & Law, University of Adelaide.
- Provision of professional development and training to a group of 20 senior officers from Shandong in Adelaide on a fee-for-service basis.
- Provision of management training for 2 middle level managers in Adelaide.

All these activities operate on a fee-for-service basis. The establishment of this program does not incur any cost to the South Australian Education Department as all costs, including transport, accommodation and training expenses, are borne by the Shandong government.

2. The Memorandum of Understanding is in place for a three year period, with yearly reviews for each year's undertakings.

The estimated direct income from the provision of professional development and training to a group of 20 senior officers is approximately $100 000.

In addition, there is the potential for significant indirect income through the spending of the participants visiting South Australia. This project also complements other initiatives in raising the profile of our State system as a provider of world-class education and training, thereby contributing to future income generating capacity.

3. The first exchange involves the presentation of a series of seminars in China by Mr Andrew Stoler, Executive Director, Institute for International Business, Economics and Law, University of Adelaide. The seminars relate to China and it's membership in the World Trade Organisation.

4. The provision of the scholarship is costed into the overall payment made by the Shandong Government to the South Australian Department of Education and Children's Services. As such, it does not incur a cost to the SA Government.

5. During their stay in Adelaide, the two medium level managers will also be funded by the Shandong Government through the income received by the Department of Education and Children's Services.

POLICE COMPLAINTS AUTHORITY

The PRESIDENT: I lay on the table a report of the Police Complaints Authority 2003 pursuant to section 52(1) of the Police Complaints and Disciplinary Proceedings Act 1985.

PAPERS TABLED

The following papers were laid on the table:

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

Aboriginal Lands Trust—Report, 2001-02
Eyre Peninsula Catchment Water Management Board—Report, 2002-03.

OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION COMMITTEE

The Hon. J. GAZZOLA: I bring up the sixth report of the committee on the Statutes Amendment (WorkCover Governance Reform) Bill 2003.

MITSUBISHI MOTORS

The Hon. P. HOLLOWAY (Minister for Industry, Trade and Regional Development): I seek leave to read a ministerial statement made by the Premier in another place today.

Leave granted.

The Hon. P. HOLLOWAY: On Friday 23 April the news broke from Germany of statements made by Daimler Chrysler, and released on its web site, that it would not provide additional capital to Mitsubishi Motors Corporation to restructure its worldwide operations. We were informed that Daimler Chrysler did not want to deal with losses arising from its Japanese operations and the failure of its recent strategy to offer cheap car loans to customers in the United States. It is important to note that Daimler Chrysler intends to retain its 37 per cent share of Mitsubishi Motors.

In place of Daimler Chrysler's contribution, I was heartened by reports in *The Financial Review* on the weekend following a news conference in Tokyo by the incoming CEO, Mr Okazaki, that the Mitsubishi group, comprising Mitsubishi Corporation (a trading company), Mitsubishi Heavy Industries and the Bank of Tokyo, together with a new

executive team, intends to mount a $3.8 billion restructure plan of MMC later this month.

I was delighted to read Tom Phillips' reply to one of my letters that reflected his confidence that a new car will be built at Tonsley Park in 2005 and recent statements by incoming CEO, Mr Okazaki, that decisions on individual plants would be made only after detailed studies. Certainly, the news from Tokyo on Friday was consistently more hopeful than the news a week before. It is also important to note that the situation is, as the Federal Treasurer Peter Costello has pointed out, entirely outside the control of Mitsubishi Motors here in Australia, the South Australian government or the Australian government.

The problems have emanated from Japan and the United States and have seen the corporation accumulate a debt of 1.14 trillion yen. They have nothing to do with the work force at the Tonsley Park and Lonsdale sites of Mitsubishi's South Australian operations nor to do with the leadership of the CEO, Tom Phillips, and his management team. Both the management and work force of Mitsubishi in South Australia have done a wonderful job in turning the South Australian operations around and I pay tribute to them all. They deserve and have, I am sure, the support of all of us.

Well before the Daimler Chrysler announcement, the South Australian government has been on an alert footing and I have written to key executives in Japan, Germany and the United States to underline South Australia's view that this state should be home to a growing business for Mitsubishi in Australia and in export markets.

As I explained in my letter to Tom Phillips on 19 April, both the Deputy Premier and I have been on standby to travel to Japan and Germany at any time requested by Tom Phillips or other key decision makers in the Mitsubishi and Daimler Chrysler groups. We have been in close contact with Tom Phillips and his team at all times. Already this year, the Deputy Premier has undertaken two trips to Japan to discuss Mitsubishi's future with head office executives, most recently on Easter Monday, when he met with then MMC chief executive Mr Rolf Eckrodt.

The council should note that, even though Mr Eckrodt resigned last week, it was less than two months from the day he was due to retire. We have acted in a constructive and bipartisan manner with the federal Liberal government and I am delighted to be able to say that we have been working lockstep with John Howard, industry minister Ian Macfarlane and the Australian ambassador to Japan. The Prime Minister and I jointly signed a letter to the head of Daimler Chrysler's corporate development division, Dr Rudiger Grube, on 16 April prior to Daimler Chrysler's announcement seeking a meeting with the company and noting that the Deputy Premier and Ian Macfarlane were ready to fly to Germany at a moment's notice for that meeting.

I am pleased that the Deputy Premier and Mr Macfarlane secured a meeting with senior Mitsubishi executives in Japan next Monday. At virtually the same time, I will be in Germany where I am seeking a meeting in Stuttgart with Daimler Chrysler officials. It is essential that all key investors and decision makers be presented with the strongest possible case for continued investment in Mitsubishi's Australian operations. This is what the simultaneous representations by the Deputy Premier and me are intended to do. We are fighting for South Australian jobs. It is vital that we present a united front.

I am confident that the partnership formed between Mitsubishi and the South Australian and commonwealth governments, which saw both governments commit $85 million in return for nearly $1 billion in new investment in the development of a new model Magna and an export vehicle, provides a solid platform for the growth of Mitsubishi in both Australia and export markets. It was my great pleasure early in April to see the progress of major works at Tonsley (such as the new press shop, which is the largest of its kind in Australia) as part of this aggressive expansion program. I am in no doubt that, if it is given the chance by its parent companies, Mitsubishi has a strong future here in South Australia.

CHILDREN IN DETENTION

The Hon. P. HOLLOWAY (Minister for Industry, Trade and Regional Development): I table a ministerial statement made by the Premier in relation to children in detention.

ROFE, Mr P.

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

nil turn

QUESTION TIME

MITSUBISHI MOTORS

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make an explanation before asking the Leader of the Government a question about Mitsubishi Motors.

Leave granted.

The Hon. R.I. LUCAS: Members will recall that in March this year I asked the Leader of the Government a question about the opposition's concerns on the future of Mitsubishi Motors, which concerns were expressed in international media reports. To refresh the leader's memory, I remind him that he was 'surprised that the opposition would be seeking to further unfounded speculation in relation to this issue'. He also stated:

> Of course the Leader of the Opposition, in his own inimitable way—there is no one like him who can do that—brings the sleaze in. He is an expert at that.

As I indicated at that time, and I do so again today, the opposition is not interested in playing politics in relation to this issue, nor is it interested in personal abuse: it is genuinely seeking information. On the 26th and 27th of this month, the Treasurer of South Australia (Mr Foley) made a series of statements which have been reported in the media as threats to the Mitsubishi group of companies. Under the headline 'Foley's exit fee threat', an article in *The Advertiser* dated 27 April stated:

> The State Government would make it 'as costly as possible' for Mitsubishi to leave, Treasurer Kevin Foley said yesterday.
>
> He said if Mitsubishi shuts its Adelaide plant, it would be required to pay a $35 million cash injection, and undertake a clean-up of its Tonsley and Lonsdale sites.

Those statements from the Treasurer of South Australia met with widespread condemnation from the two biggest media groups in Australia, namely, the Murdoch and Fairfax media empires. The Murdoch press, represented by the Adelaide *Advertiser*, stated in an editorial:

In the meantime, Treasurer Kevin Foley would be wise to keep his threats of costly exit strategies to himself. Hostility has never proved an effective negotiating tool. The diplomatic approach has a much better track record.

Under the headline 'South Australia must drive its own future', the Fairfax media empire, through its flagship daily the *Financial Review*, stated:

. . .threats of economic blackmail against a company losing billions of dollars in a saturated global car market send precisely the wrong message.

There were a number of other condemnations of the comments made by the Treasurer (representing, we presume, the South Australian government), but I do not want to place them all on the record. My questions are twofold. Can the Minister for Industry, Trade and Regional Development indicate who is to be the spokesperson for the South Australian government on this critical issue of Mitsubishi?

In particular, will the Minister for Industry, Trade and Regional Development indicate what role, if any, he is taking in relation to this critical issue? Can the minister, as he is the minister in charge of the department managing this financial assistance package (and, of course, the Premier also has a particular role), indicate how the Treasurer, I guess, to put it nicely, has become the spokesperson rather than the Minister for Industry, Trade and Regional Development or, indeed, the Premier, for what is a crucial industrial development issue?

As *The Advertiser* indicated, the Treasurer threatened to require the repayment of the $35 million government cash injection. Can the minister indicate whether or not he is in a position to provide answers to questions I have asked previously on the clawback provisions of the Mitsubishi assistance package? In particular, can he indicate whether this $35 million repayment has a use-by date; that is, that the repayment of the $35 million, in the event of a closure, occurs only if that closure happens before a certain time period that has been specified in the government contract?

The Hon. P. HOLLOWAY (Minister for Industry, Trade and Regional Development): Regarding the first question, the Deputy Premier will be the spokesperson in relation to Mitsubishi. Obviously, in relation to the department of trade and economic development, I do have broad responsibility for the manufacturing industry. But the Premier, of course, is also Minister for Economic Development and the Deputy Premier is the Minister Assisting the Minister for Economic Development. The Deputy Premier has had a keen and longstanding interest in this matter because the Deputy Premier, of course, was involved in the negotiations at the time of the original package in relation to Mitsubishi and it is, therefore, eminently sensible that the Deputy Premier should further handle this issue, and I am pleased that he is doing so. I believe that it indicates, on behalf of the government, the importance that this government places on relations with Mitsubishi.

I was very pleased to read out the statement from the Premier earlier today that the Deputy Premier and minister Macfarlane (the federal Minister for Industry) will be travelling to Tokyo at the end of this week in relation to discussing those matters. Given the Deputy Premier's background knowledge in relation to that matter, that is a sensible arrangement.

In relation to the second question, I think I indicated last time that the only information I had available to me was that there was some clawback provision. I hope to get a more detailed answer on that to the Leader of the Opposition as quickly as possible. I will update the answer that is being prepared in relation to the additional information that the leader has asked for.

The Hon. R.I. LUCAS: Sir, I have a supplementary question. Is the minister in charge of the department for trade and industry and economic development, and is that department responsible for the biggest financial assistance package ever given to a corporate customer in South Australia, that is, the $50 million corporate assistance package? If that is the case—that is, it is his department—what role, if any, will the minister in charge of the department—that is, the leader of the government—play in relation to the public statements that might be issued by the Deputy Premier on behalf of the government in relation to the Mitsubishi issue?

The Hon. P. HOLLOWAY: I just answered the question. The department of trade and economic development—

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order! The Hon. Mr Redford has had a fair run.

The Hon. P. HOLLOWAY: —does answer to me. But, given the Deputy Premier's long involvement in this issue and given the fact that it came up within just a few days of my taking over the portfolio, it was considered prudent—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: As I said, the Deputy Premier has been involved. The Deputy Premier is the Minister assisting the Premier in Economic Development. Also, under the restructuring he is responsible for certain of the industry assistance fund programs of the department.

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: Yes, I have total confidence in the Deputy Premier; he has my blessing. It is a matter of commonsense that the Deputy Premier should continue to negotiate this matter given the fact that he has this lengthy background knowledge in relation to the matter, and I am pleased that he should do so. Regarding other matters relating to the car industry and the manufacturing industry generally, I have responsibility. However, I have of course been consulted. While I was overseas in China for the last couple of weeks I did have a discussion with the Deputy Premier and other officers of the department in relation to these matters. So, I am fully aware of what is going on. It is appropriate that, given his background, the Deputy Premier should continue the negotiations on this matter.

The Hon. R.I. LUCAS: I ask a supplementary question. As the minister has indicated that he did have consultation with the Deputy Premier, I ask whether he was consulted in particular about the threats that were made by the Deputy Premier in relation to the article headed 'Foley's exit fee threat' in *The Advertiser* of the 27th and, if he was consulted, did he approve of that strategy?

The Hon. P. HOLLOWAY: I am not answerable for what is printed in the morning newspaper.

HOME DETENTION

The Hon. A.J. REDFORD: I seek leave to make an explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question about home detention.

Leave granted.

The Hon. A.J. REDFORD: Section 37A of the Correctional Services Act gives the CEO of Corrections an absolute discretion to release a prisoner from prison to serve a period of home detention. This is normally done as part of a

prisoner's rehabilitation process to make his transition back into the community a smoother one. Release is subject to a condition that he or she remain at the prisoner's residence for the period of detention. Further, section 11(2)(a)(ia) of the Bail Act states that in granting bail the court may order home detention. Last year's Department for Correctional Services annual report states at page 37:

> Over the reporting period there has been greater success achieved regarding the number of Aboriginal prisoners released to home detention, and an increase over the last two years in successful completions.

The report also discloses that some 265 prisoners were released on home detention. Further, it discloses that some 423 people were bailed on home detention. I assume that quite a number of those were of Aboriginal descent. I understand that resources in relation to the supervision of home detainees have been stretched and that indeed the department has no control over the numbers remanded on bail into home detention and that that is having a significant negative impact on the home detention program for serving prisoners. I must say that I am surprised that courts do not order reports to police stations as opposed to home detention, which is a significant cost to the community, and I am sure the minister would agree. I am told that in the evenings there is only one person supervising the average 130-odd prisoners throughout the state and metropolitan areas on home detention. I am also told that, from time to time, that person does not even have access to a vehicle. In the light of this, my questions are:

1. Is the minister confident that there is adequate supervision of home detainees to ensure public safety and compliance with conditions?

2. Will the minister assure us that, in relation to Aboriginal clients, the recommendations of the Royal Commission into Aboriginal Deaths in Custody are being complied with in relation to Aborigines on home detention?

3. How can one person supervise more than 120 persons, and what happens if there is more than one incident at any one time?

The Hon. T.G. ROBERTS (Minister for Correctional Services): I thank the honourable member for his maiden question as the person responsible for assisting the shadow attorney-general in correctional services. The question raised by the honourable member is important. Home detention is an important issue in relation to how we deal effectively, efficiently and humanely with exiting prisoners in the main, and he raises important points in relation to court ordered home detention. I can report that the number of prisoners who receive home detention each year remains constant. There were 259 in 2000-01, 277 in 2001-02 and 265 in 2002-03. I do not have the current figures. The figures remain constant. The issues associated with home detention—

The Hon. A.J. Redford: Bail home detention does not; they are on the increase.

The Hon. T.G. ROBERTS: The court ordered home detention figures have remained steady and, as I have said, I do not have an update on the latest figures as they stand, but my information currently is that the relationship between supervision and the number of people on home detention is not under strain, although there are times when the issues facing people on home detention do cause concern for those who are responsible and other agencies because many of them have problems not only associated with being under a home detention order but with personal relationships and, in some cases, treatment for other programs such as alcohol, drug dependency and so on.

The home detention program is unchanged in terms of numbers. It is a difficult area to supervise. The clients who are given home detention are filtered and I would certainly hope that the assessments are made sensitively and with authority. However, you can only have confidence in an organisational structure which has a good history, and I think that the department has had a—

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: The honourable member mentions luck, and in some situations with some clients some luck is involved, but the situation is that it appears to be a well-managed program and, over the years, it has served corrections and the justice system well as an alternative to incarceration. I understand that the previous government's policy and ours is that you use the prison system as a point of last resort, particularly for those people entering bail or home detention orders as an alternative to going into a facility. The other question I think the honourable member asked was in relation to Aboriginal clients. I do not have a breakdown of the figures in relation to Aboriginal clients, but what I will do is—

The Hon. A.J. Redford: Do you know whether the Aboriginal death in custody requirements are being adequately supervised by one person?

The Hon. T.G. ROBERTS: Home detention for any client, whether it be an Aboriginal person or a non-Aboriginal person, is a difficult question to answer in that it is very difficult for the correctional services system to take responsibility for the day-to-day supervision or the hourly supervision at home of each individual client. Certain checks and balances are required within the prison system and, in the main, I think that the correctional services system inside the prison system works reasonably well. There have been some cases where individuals on home detention—not just Aboriginal but non-Aboriginal—have put themselves in difficult circumstances but, again, it is a matter of managing. I think that the programs (certainly the risk management strategies) implemented by the correctional services and community corrections people served the previous government well and, at this moment, are serving this government well. The honourable member also knows that the system is under strain in relation to the numbers, but that has been the case for some considerable time.

The Hon. A.J. REDFORD: As a supplementary question, given the minister's acknowledgment that the system is under strain, will he give members some assurance that additional resources will be made available in this budget in relation to home detention?

The Hon. T.G. ROBERTS: I have made the point that the system, although under strain, has served us well, not only under the previous government but under this government. It is an operational issue and, as minister, I tend not to interfere in operational issues. I therefore do not have the detail required to answer the honourable member's question with any authority. I will refer that part of the question to departmental officers and bring back a reply.

The Hon. A.J. REDFORD: As a supplementary question, given that in his answer he said that bail supervision has remained steady, how can the minister account for the fact that budget figures disclose that there has been a 20 per cent

increase (from some 420 to 500) in court ordered bail supervision?

The Hon. T.G. ROBERTS: I thought that I said that court ordered home detention had remained steady, and I read out the figures.

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: Well, I said that I would check the figures for bailees and bring back a reply. The figures that I have been given were based on the year 2002-03. I said that I would look to see what the figures were at this stage. Information given to me—and I can read it into *Hansard* in answer to the honourable member's question—is that the number of bailees ordered to undertake intensive bail supervision has increased significantly. In 1998-99, 199 bailees were required to undertake intensive bail supervision. That number increased to 405 in 2001-02 and rose to 477 in 2002-03.

One can see that, under the previous government and under this government, the numbers have risen markedly. As I have indicated, I will provide an updated figure for the home detention and bailee numbers that reflect accurately the circumstance at this point.

The Hon. IAN GILFILLAN: As a supplementary question, given that there are some minor deficiencies, does the minister agree that home detention is monumentally less expensive than incarceration and should be more extensively used in our system in South Australia?

The Hon. T.G. ROBERTS: I find it hard to disagree with many of the suggestions the honourable member makes and, in this case, the government would be swayed by that argument. The costs are not the only advantage: it is the benefits of home detention whereby you try to bring the individual's home circumstances to bear on their rehabilitation and behavioural patterns. There are multiple impacts and benefits of having home detention as a method of rehabilitation, as well as restricting an individual's ability to reoffend.

SMALL BUSINESS

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Industry, Trade and Regional Development and the Minister for Small Business a question about small businesses in South Australia.

Leave granted.

The Hon. CAROLINE SCHAEFER: Recently the Australian Bureau of Statistics reported that our state has experienced the worst decline in the number of small businesses of any state in the nation. In fact, the alarming statistic is that of a 13 per cent decline in the number of small businesses in South Australia as opposed to an average of a .4 per cent decline across the nation. Additionally, there has been a decline of 25 per cent of women involved in small business in South Australia—by far the highest decline of any state in Australia. My questions to the minister are:

1. Given that the rising dollar and the drought are both national problems and not specific to South Australia, how can the minister explain these alarming statistics?

2. Does he have any details on the percentage decline in the regions compared to that of the city?

3. Does he have any plans to reverse this trend?

4. Will he, as Minister for Small Business, be responsible for this problem or will the Deputy Premier be managing this for him?

The Hon. P. HOLLOWAY (Minister for Small Business): The results that were announced last week in relation to small business by the Australian Bureau of Statistics covered a two-year period which began from 30 July 2001 up until July last year; so, those statistics cover a two-year period that began some eight months prior to the election of this government and the remainder of the period during the term of this government. I point out that, shortly after the government was elected, one of the actions that was taken was the establishment of the Small Business Development Council.

In looking at these statistics, as with all statistics, one needs to look at them with some caution. As it was once famously said, there are lies, damned lies and statistics; so, one needs to look very carefully at what those statistics actually represent. For a start, given the size of the study, it should be noted that the statistician warns that 14 of the 16 South Australian numbers that were quoted for the year 2001, and 14 of the 16 South Australian numbers quoted for 2003, should, in the words of the statistician, be used with caution, which I presume suggests that the sample is fairly small; therefore, drawing conclusions is fraught with danger.

However, there are some other statistics that were part of those released by the ABS, which I think give a rather contrasting picture. The number of South Australian employing businesses—if one takes the category of one to four employees operating for less than one year—rose from about 8 000 in 2001 to about 10 900 in 2003, which is a 12.3 per cent increase annually. Also, the other statistics show that the number of South Australian employing businesses in the category from five to 19 employees operating for between five to 10 years rose from 1 000 in 2001 to 2 100 in 2003, which is a 38.5 per cent increase. It appears that the statistics show us that those companies that have been in existence are surviving and growing. Given that, in the past, one has noticed that many small businesses have had a fairly high attrition rate in the first few years of operation, perhaps the statistics in fact indicate something that is healthy: that is, those small businesses are established and appear to be surviving better than perhaps was the case in the past.

If one looks at those statistics—and, it is only what we have available; they are fairly limited statistics from the ABS—they do come with that caution: 14 of the 16 for each of the two years that have been compared need to be treated with caution. It would be dangerous to draw too many conclusions.

Certainly, I intend to discuss these statistics with the Small Business Development Council. We are seeking to get further detailed information about those statistics, if possible. That brings us to the second part of the honourable member's question. I think she asked whether I had figures in relation to the regions. The answer is: not at this stage. I have just the basic statistics, but I will seek to get a further breakdown and details which will provide some illumination in respect of these statistics.

The Hon. CAROLINE SCHAEFER: I have a supplementary question. Is the minister concerned that the trend in South Australia is 12 per cent worse than the average for Australia, notwithstanding treating the figures with caution?

The Hon. P. HOLLOWAY: If there is a 38 per cent increase in the number of businesses that employ five to 19 people operating for between five to 10 years, it tends to suggest that perhaps the number of small businesses is growing healthily. That might explain why there are fewer

new small businesses. I think that these statistics, in the raw form in which they are given, need to be treated with caution. I will discuss them at the next meeting of the Small Business Development Council. Hopefully, there will be some greater breakdown so that we can come to some reasonable conclusion, not just a knee-jerk reaction in relation to the figures. Obviously, we would like as many small businesses as possible to be established, but we also wish that they continue to be viable. There is something of a mixed message in those statistics.

STATE STRATEGIC PLAN

The Hon. R.K. SNEATH: I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about the state strategic plan.

Leave granted.

Members interjecting:

The Hon. R.K. SNEATH: Listen over there and you will learn something. The state strategic plan set a target for mineral exploration of $100 million of exploration by 2007; mineral production to reach $3 billion by 2020; and a further $1 billion worth of mineral processing by that time. My question is: what is the government doing to reach these targets?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): I thank the honourable member for his question. Like most of the targets in the state strategic plan, they are ambitious. I am pleased to tell the council that the government recently announced its plan to increase exploration in South Australia. The plan is entitled 'A plan for accelerating exploration: unlocking South Australia's mineral and energy potential'. The government will spend $15 million over five years on a number of initiatives designed to increase exploration in South Australia to the levels targeted.

As members may know, exploration is the driver of mineral resources development. Without it there will be no new mines in the state. It is critical that the state reaches the target of $100 million per year in exploration expenditure. The government's plan concentrates on four main areas within the state: the Gawler Craton, the Officer Basin, the Musgrave Block and the Curnamona Province, as well as containing some state-wide initiatives.

The initiatives contained in the package include: drilling partnerships of $5 million over three years to generate a wealth of new geological understanding and to help maintain South Australia's number one position in the global rankings for geo-scientific data. It will fund drilling partnerships with private industry on a dollar for dollar basis. These partnerships are designed to increase geological knowledge of high risk frontier areas where little is known of the geological make-up, especially at depth.

The second initiative is the mining ambassador. The sum of $200 000 over two years will fund a mining ambassador who will visit senior mining executives interstate and overseas and who will be responsible for exploration decision making and outlining the case for exploring in South Australia. The targeted exploration initiative (Teisa) will receive $2.75 million over three years to accelerate the rate of collection of pre-competitive data. The next initiative is the AP lands development package with $900 000 over five years to provide a second tenement officer, provide legal assistance to the AP to reach agreement with companies, assist with the mapping of cultural and heritage areas within the lands, assist in developing a sustainable resource development policy, and develop and run a cultural awareness training program for employees of mining and exploration companies.

Another initiative is the Chair of Deep Cover Research. The amount of $300 000 per year for four years has been allocated to establish a centre of excellence for deep cover research and to create a new professorial position to lead research at the centre. Another initiative is the exploration geochemistry baseline for South Australia ($1.2 million) to conduct a baseline geochemical survey of the entire state in partnership with Geoscience Australia.

In addition, there is an initiative on technical training. The sum of $100 000 per year has been allocated to fund a course at Spencer TAFE designed to train people with the skills necessary to gain employment in the exploration industry. In addition, $80 000 has been allocated for an initiative on the industry database. This will allow the Upper Spencer Gulf Regional Development Board to compile a database of industry capacity and capability in the region to increase opportunities for local industry to service exploration and mining in the state. There is also an initiative on the next generation data delivery ($1.2 million) to develop and provide the next generation of data products, including a three-dimensional geological map of South Australia.

Finally, an initiative on balancing resource development with conservation ($900 000 over four years) will develop and pilot an improved scientifically based methodology that surveys the economic and biodiversity values of the land within the state's parks and reserve system. It will also be used to foster research into the environmental impacts of exploration. In short, this government has come up with a very comprehensive and detailed package to deliver the very ambitious targets in the State Strategic Plan.

The Hon. D.W. RIDGWAY: I have a supplementary question arising from that answer. The minister mentioned that $900 000 was to be provided over three years for a tenement officer in the AP lands. Can the minister explain how that $900 000 over three years, that is, $300 000 a year, funds one officer?

The Hon. P. HOLLOWAY: Had the honourable member listened to the entire answer, he would have heard that it was to provide a second tenement officer to provide legal assistance to the AP to reach agreements with companies. It is also to assist with the mapping of cultural and heritage areas within the lands and to assist in developing a sustainable resource development policy. Those funds are also to be used to develop and run a cultural awareness training program for the employees of mining and exploration companies. There are a detailed number of members to be used within the AP lands, of which one is the employment of the second officer.

FOX BAITING

The Hon. IAN GILFILLAN: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Agriculture, Food and Fisheries, a question about fox baiting in Mount Crawford Forest.

Leave granted

The Hon. IAN GILFILLAN: I was contacted by a resident in the Williamstown area who was concerned about illegal and dangerous fox baiting in the Mount Crawford Forest. The resident, with some other residents from the area

who have signed this letter and who are happy to be named (Dr Jane McNicholl, Ms Marlene Wiese, Mr Neville Eichler, Mrs Pat Eichler and Mr Peter Wilton), sent this letter to the then minister for agriculture on 15 April:

On April 18 2000 a valuable working dog on the property of J. McNicholl in Williamstown died from sodium fluoroacetate (1080) poisoning in a paddock adjacent to Mt Crawford Forest. On the same day a neighbour's dog died from the same cause following a supervised walk in the forest.

The incident was reported to and investigated by the Barossa Ranges Animal and Plant Control Board. Jane McNicholl was assured that procedures for the issuing of such baits would be improved and that there would not be a recurrence of such an incident.

On Saturday 10 April 2004 (Easter long weekend), Jane McNicholl was checking her boundary fence with her two working dogs when one of them consumed a Foxoff (1080) bait. Further investigation revealed 18 other baits along tracks and boundary fences in the forest.

Neighbours had not been notified of a fox baiting program, no warning signs were fixed on fences or posts adjacent to gateways and no attempt had been made to bury the baits or mark their location, all of which are requirements of a person implementing a Foxoff baiting program.

The distribution of these baits represents a gross misuse of a registered agricultural product and a complete contempt for legislation and administering authorities. Quite clearly the procedures currently in place controlling the issuing and use of 1080 Foxoff baits in this district are ineffective. We request that you direct your department to investigate this incident and give urgent and serious consideration to restricting the use of Foxoff to licensed operators, to ensure the safety of the public, domestic and native animals and the environment. We look forward to your early response.

Well, they got an early response right enough. The minister said that it was nothing to do with him, that it belonged to another minister, so he was not going to do anything about it. I believe that that is unfortunate. My questions to the current Minister for Agriculture, Food and Fisheries, through his representative in this place, are:

1. Given that this incident involved the misuse of a registered agricultural product, which was distributed by a local government employee and found in Forestry SA, does the minister maintain that he has no responsibility in this matter? If so, given that he is the Minister for Agriculture, Food and Fisheries, the Minister for State/Local Government Relations and the Minister for Forests, what justification does he give for attempting to what can only be seen as wipe his hands of the matter?

2. Will the minister investigate—or, if he is determined for it not to be his responsibility, urge his colleague to investigate—to discover who is responsible for the repeated and dangerous baiting in the Mount Crawford Forest as a matter of urgency?

3. Will the minister ensure that the area is regularly patrolled to prevent further illegal fox baiting?

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

MEN'S SUPPORT SERVICES

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Health, questions regarding government assistance for men's support groups.

Leave granted.

The Hon. T.G. CAMERON: The *City Messenger* recently ran an article entitled 'Men's support crisis' in which Mr Greg Moore, the Executive Director of the Men's Information and Support Centre, was interviewed. Mr Moore claimed that women's support services outweigh men's services 30 to one in South Australia and that men are struggling to find their place in the system. Mr Moore said:

We get up to 40 calls a week from men—some are the result of domestic violence. A lot are going through a relationship breakdown or going through the family courts. Others have anger problems, or come to us about sexuality issues. There's a lot of men in real pain and crisis and they don't know what to do.

The article claimed that state government funding for men's services was currently about $150 000 a year compared to $13 million for women's services. My questions to the minister are:

1. How much is the state government spending on men's health services this year?

2. What health services are currently available that are primarily directed to men's mental and physical health?

3. Considering that male suicide rates are five times higher than those of females, and that they are far more likely to suffer from chronic conditions such as obesity, cancer, diabetes or cardiovascular disease, as well as having a life expectancy that is five years lower, will the government give serious consideration to increased funding for men's support programs?

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

The Hon. NICK XENOPHON: Sir, I have a supplementary question. What specific programs and services are in place, or are planned, to deal with the disproportionately high rate of male suicide rates in our community?

The Hon. T.G. ROBERTS: I will refer that supplementary question to the minister in another place and bring back a reply.

ANANGU PITJANTJATJARA LANDS

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question about the Anangu Pitjantjatjara lands.

Leave granted.

The Hon. R.D. LAWSON: On 15 March this year, when the Deputy Premier announced that an administrator was to be appointed to the AP lands, he said, 'It is the opinion of cabinet that this crisis has simply gone beyond the capacity and control of the APY Council.' He went on to say, 'Crown law has advised us that the APY Council may not be valid since last December', and that it now has questionable authority. On 2 April this year (that is, since this parliament last sat), a petition signed by over 200 residents of the Anangu Pitjantjatjara lands was delivered to the APY Executive. The petition states, in brief:

The Anangu . . . agree to hold an immediate election of the APY Council. The Anangu who have signed this letter also request that the executive arrange with the South Australian Electoral Commission to conduct an election and facilitate voting to be held in individual APY communities. The following Anangu believe that this is the only way to ensure fairness and a democratic process for all Anangu allowed to vote.

As I say, it was signed by over 200 people, a significant proportion of the 3 000 people on the lands. As has been mentioned to the council before, the Pitjantjatjara Land

Rights Act provides that the council should have resigned and been re-elected at the last annual general meeting in December, but that did not happen. My questions are:

1. Is the minister aware of this petition which has been signed?

2. Does he acknowledge the right of citizens on the lands to requisition a general meeting for the purpose of holding an election?

3. Will he support an early election to remedy any deficiencies in the authority of the current executive?

4. When the minister was on the lands with the Premier in the week before last (with the media contingent for photo opportunities), did he speak with any of the persons on the lands who are requesting an early election and, if so, what was his response to those conversations?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for his questions and his continuing interest in this issue. As I have said on a number of occasions in this council, we were hoping to be able to have a bipartisan approach to dealing with these issues on the APY lands. The committee is looking at a number of issues in response to the information that it has gathered over time to make recommendations in relation to changes that could occur to make more efficient and effective the delivery of services in the lands, and it is about to report.

In every year that I have been associated with the annual elections of the APY executive, after each annual general meeting there have been voices of dissent. One of the things that we had to do first in relation to governance on the lands was to look at the way in which the Pitjantjatjara Council, which had an executive election of its own, and the APY Council, which had an annual general meeting to elect its executive and secretary, related to one another. We recommended that, in order to avoid the complex issue of governance on the lands and the disputation which had continued to crop up, both organisations be merged. The APY Council and the Pitjantjatjara Council executive agreed to all of this, and discussions are still progressing.

In the meantime, the APY, under our governorship, has held an annual general meeting and elections in 2002 and 2003. The 2003 annual general meeting to elect an executive was abandoned before the question was put in relation to reendorsement of the executive, which was based on the new form of individual representation through the communities. The meeting was abandoned before the motion was put.

The APY executive believes that the changes to its constitution did not require it to go to a full election. That is something with which this government disagreed. We believe that it should have put that motion at that meeting and that it should have been re-endorsed. It is one area of agreement that we have with the opposition. The opposition has relayed that position to the general public through press releases and statements. We agree with that position. We counselled the executive thus by saying that it should have put that motion to the annual general meeting and that perhaps at a subsequent meeting it should consider putting that motion to ensure that the executive is constitutionally legal. That has not happened.

The petition which the honourable member mentions has been circulated and a number of people have signed it. As always, there are people who sign petitions with full knowledge of what they are signing, there are people who will sign a petition regardless of what is on the heading and there are professional petition signers. I am not saying that that is the case in relation to this petition, but I do know, having spoken—

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: The honourable member asked me whether I had spoken to people on the lands about the petition. I have spoken to people who have signed it saying that they required an election immediately, and there are people who signed it on the basis that they did not understand what was being put to them on the—

Members interjecting:

The Hon. T.G. ROBERTS: I was asked a question. The question was: did I talk to people about the petition that was signed? I did. There were people who spoke to me who said that they had signed the petition saying they wanted a new election. There were also people who signed it on the basis that they did not understand it and they were seeking remedy as to how they could get their names taken off that petition. I did not give them advice on that. I told them to refer those questions to their executive members.

A remedy is being provided by government. We are introducing legislation to try to remedy the situation on the lands with the Collins' report recommendations, which we should be able to make public soon. We will be moving to try to get the APY executive to signify that it is prepared to go to an election to make that situation more clear.

In relation to the question about the requests which have been made in relation to the petition, as I said, I have reported that. We will be approaching the opposition and Independent members in both houses to try to get support for a legislative change to the act. We have made a commitment to improve the delivery of services by the departments and we have admitted that the delivery processes for health, education, housing and other areas affecting the lives of people living on the AP lands are improved by better delivery. It is not only about their governance—and their governance is as important as our own—but the APY executive is a land holding body only and much emphasis seems to be put on whether the land holding body, which administers heritage, culture and land administration, has this vital and important role to carry out.

We are legislatively looking at the issues which we face. We do know that we have to change the act. I have spoken about that ad nauseam in this chamber and I think every member on both sides of the chamber agrees with that. We will be taking action to ensure our governance changes with APY governance so that we are able to deliver better services more effectively on the lands.

SANFORD HOUSE

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

Leave granted.

The Hon. J.M.A. LENSINK: The conflict between heritage and conservation values, in the light of rising property values, has become a challenge for the community in relation to a number of historic homes, particularly in the city of Adelaide. On 23 March 2004 I asked a series of questions seeking the advice of the government as to what action it was taking. I was also curious as to why the Adelaide City Council was coming in for criticism when its heritage restoration fund is four times that of the state government's. On 4 April *The Sunday Mail* carried a story about Sanford House, the former home of notable South

Australian scientists and Nobel Laureates William Henry Bragg and William Laurence Bragg.

The building is currently in the ownership of the Public Schools Club, which had voted to sell it due to financial difficulties. The article reported that Adelaide-born astronaut Andy Thomas wrote to the minister urging the government to move to protect it; and, lo and behold, on 22 April the minister announced that Sanford House has been given interim heritage listing. A cynic might say that the high profile nature of one of this building's supporters means that, among Adelaide's many threatened or recently demolished gracious structures, this one now rates among having the most likely rate of survival.

However, in relation to heritage sites, three days prior to this *The Advertiser* reported that funds which had been approved by the previous Liberal government for historic South Australian built heritage sites have been cut. These included a cut in funding to Fort Glanville at Semaphore Park from $75 000 to $25 000 per annum; $30 000 for funding for the Marble Hill ruin has been axed; and funding for the Adelaide Gaol at Thebarton has also been cut. My questions are:

1. Did the minister apply for interim heritage listing of Sanford House and, if not, who did?

2. Was the owner of the building (the Public Schools Club) consulted and, if not, why not?

3. Was the National Trust consulted and, if not, why not?

4. Why has the government not taken similar action to prevent the demolition of Edge Hill at North Adelaide, 224-225 East Terrace and 47 to 53 Wellington Square?

5. If the application for heritage listing is successful, will the government compensate the Public Schools Club for the loss of market value of the property as a result of its listing?

6. When will the government start providing funding for heritage which is commensurate with funding provided by the Adelaide City Council?

7. Where have the funds that were earmarked for Fort Glanville, the Marble Hill ruins and the Adelaide Gaol gone?

8. When was heritage last discussed in cabinet?

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

STATE DOCUMENTS

The Hon. J. GAZZOLA: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question about access by Aboriginal people to state documents.

Leave granted.

The Hon. J. GAZZOLA: I am aware from answers to previous questions in this council that the minister has provided information about Aboriginal people having access and assistance to state documents to trace their family history. This is achieved through SA Link-Up. The work carried out is of great assistance and should be commended. Will the minister inform the council of any other activities by the government that assists Aboriginal people or any other South Australians to research their family history?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for his question and his continuing interest in all matters relating to the advancement of Aboriginal people and, in this case, the broader community. In paying due respect to the finalisation of this project, the previous government made a commitment to the upgrading and support of two new building facilities: one in Leigh Street which, I understand, I will visit at a later date; and the facility at Gepps Cross, which I visited last week.

My colleague the Minister for Administrative Services (Hon. Michael Wright) opened the upgraded State Records facility, which marks the beginning of a new era of records and archival management in South Australia. The facility has accumulated records that measure something like 58 kilometres. This purpose built and environmentally controlled repository can hold 17 kilometres of records. It is air-conditioned and kept at a constant temperature. One can see that the facilities are considerable. I understand that some $5 million has been spent on the project. Items within the facility will allow individuals to research their background and history.

It will make the 'bringing them home' issues much more live, and people will be more able to investigate their own history. The research facilities at Gepps Cross are very comfortable and accessible. The facilities are a little outside the outer metropolitan area but, at a later date, a facility in Leigh Street will connect to the Gepps Cross facility. The electronic connections will be made so that people can come into the metropolitan facility and link into the Gepps Cross facility. I know that the Hon. Caroline Schaefer would be very interested to know that some of the items in the collection include a handwritten draft of the Proclamation of South Australia as a province in 1836.

There is also a handwritten diary of John Ross who led the overland telegraph expedition in 1870; there is original artwork for the piping shrike emblem; there is an official assisted passage list of 1847-1886 in which many members would be interested; and there are also records from schools across the state. I would recommend that all members have a look at the facility and do some research either into their own records and backgrounds at a family level or at some of the fine works that, at last, are kept safely in this state.

The PRESIDENT: Before we move to orders of the day, I draw to the attention of all members that today's question time was quite disturbing to say the least. There was constant interjection to the point of being irksome, there were continued conversations between members when people were on their feet and people walking around and leaving the chamber on a number of occasions. I understand that most members would believe that question time is an important part of the proceedings. Tomorrow I expect question time to be given the sort of respect it deserves from members.

REPLIES TO QUESTIONS

CHILD PROTECTION REVIEW

In reply to **Hon T.G. CAMERON** (23 February).

The Hon. T.G. ROBERTS: The Minister for Families and Communities has advised:

The Child Protection Review made over 200 recommendations dealing with a range of service, structural and legislative issues across government agencies and the community sector.

Public consultations on the recommendations made by the Layton Report were completed in July 2003.

Since then, the government has been developing a whole of government response to the report aiming to make sure we have the best possible child protection system in place. The government's immediate focus is on enhancing services and making the child protection system work better for children and young people and their families.

Since Robyn Layton handed down her report, this Government has committed an extra $58.6 million for child protection initiatives over four years.

Some of the major actions that have been undertaken by the government include:

- the establishment of a special paedophile taskforce and hotline within SAPOL;
- the removal of the statute of limitations for initiating sexual abuse prosecutions;
- the creation of a new Special Investigations Unit to investigate allegations of abuse of children in care by foster carers or workers;
- the provision of $8 million over the next four years to employ new school counsellors;
- the development of new guidelines for appropriate Internet access in schools;
- the allocation of $8.3 million extra funding over 4 years for children under the guardianship of the Minister;
- the allocation of $8.3 million over 4 years to improve the alternative care system;
- the allocation of $6 million over 4 years into violent offender and sexual offender treatment programs;
- the establishment of new programs working with identified indigenous communities to care for children;
- plans to reform child pornography laws;
- the establishment of a new school-mentoring program involving 80 teacher mentors working with 800 students across 45 schools;
- improving screening by police of people working with children;
- the provision of an additional $500 000 to SAPOL to provide police screening of people working in the non-government sector;
- working with the Family Court to streamline the process in disputes where there are allegations of child abuse;
- the provision of an extra $12 million over 4 years for early intervention programs to support families at risk;
- calling for and releasing a workload analysis of Family and Youth Services, the results of which are currently being actioned; and
- the creation of a new Department for Families and Communities.

In addition to this, a further 73 full-time positions have been created in Family and Youth Services at a cost of $3.6 million per annum to provide better services for children at serious risk, and to support children under the guardianship of the Minister.

These are just some of the many actions this Government has taken so far in response to the Layton Review in order to develop an effective child protection policy.

ABORIGINAL SPORTS COMPLEX

In reply to **Hon. A.L. EVANS** (24 February).

The Hon. T.G. ROBERTS: I advise that a comprehensive Request for Proposal is being prepared for seeking of tenders in March 2004 for Stage 1 of the feasibility study. It is planned for the study to commence in May 2004 with completion in June 2004.

TOXIC WASTE

In reply to **Hon. D.W. RIDGWAY:** (17 February).

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

1. The top 10 hazardous wastes produced in South Australia by volume, as indicated by data drawn from the State Waste Tracking System, are:
   1. Residues arising from industrial waste disposal operations.
   2. Asbestos dust and fibres.
   3. Clinical wastes from medical uses in hospitals, centres and clinics.
   4. Wastes from the production of inks, dyes, pigments, paints.
   5. Basic solutions or bases in a solid form.
   6. Zinc compounds.
   7. Acidic solutions or acids in solid form.
   8. Organic solutions excluding halogenated solvents.
   9. Waste oils/water, hydrocarbons/water mixtures, emulsions.
   10. Wastes resulting from the surface treatment of metals and plastics.

2. Legislative tools at both the Commonwealth and State level provide for hazardous waste management. These include:

- International treaties. For example, the Stockholm Convention on Persistent Organic Pollutants and the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal.
- National legislation. For example, the *Environment Protection and Biodiveristy Conservation Act, 1999 (Cth), Hazardous Waste (Regulation of Exports and Imports) Act, 1989*, and the National Environment Protection Measure for Movement of Controlled Waste Across State and Territory Borders (NEPM).
- State legislation, principally the *Environment Protection Act, 1993* (the Act)

3. Legislative requirements for transport, storage and disposal of hazardous waste are provided under the Act.

Hazardous waste management in SA is undertaken in accordance with the requirements of the legislative framework outlined in response to Question II. The framework reflects the waste hierarchy of Avoid, Minimise, Reuse, Recycle, Recover, Treat, Dispose.

$1.8 million will be spent over the next 3 years thorough Zero Waste SA to provide a mobile collection service for household hazardous waste in South Australia. This body will ensure that the community can easily dispose of hazardous wastes such as solvents, pesticides and herbicides without posing a danger to themselves or the environment.

4. No consideration has been given to the Victorian model by the Government.

5. The Government is not intending to build a high temperature incinerator in South Australia as its current method of disposal via treatment is appropriate.

MURRAY RIVER LOCKS

In reply to **Hon J.S.L. DAWKINS**(3 December 2003).

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

1. Will the Minister for Administrative Services, who is responsible for SA Water, provide details of the maintenance program for the locks and barrages in South Australia?

The operation and maintenance of the locks, weirs and barrages in South Australia is administered under the Murray-Darling Basin Act 1993, which falls under the Minister for the River Murray's portfolio. Under this Act, the operation and maintenance of these assets in South Australia is carried out by SA Water, funded by the governments of the Commonwealth of Australia, New South Wales, Victoria and South Australia and administered by the Murray-Darling Basin Commission.

SA Water advise that the maintenance program includes, but is not limited to the following:

- replacement of concrete stoplogs
- erosion control downstream of weirs and barrages
- modifications to the navigation pass
- recoating of radial gates
- general weir maintenance
- general lock maintenance
- maintenance of banks
- upgrade of cathodic protection
- maintenance and replacement of steel walkways
- installation of lock wall barriers
- repairs to lock gates
- repairs to lock valves
- weir structure maintenance
- repairs to stop log grooves
- monitoring of weir survey points
- dam safety inspections
- bathymetric survey of structures
- upgrades to lock chamber hydraulics
- repairs to lock cranes
- concrete repairs to top of piers
- replacement of handrails
- general maintenance to buildings and surrounds
- upgrade gantry area
- maintenance of rails
- realignment of snags
- dredging of navigation channel

The maintenance program for these assets includes monitoring, inspections and necessary works to ensure the assets are fit for purpose.

2. Will the Minister for Administrative Services also outline the extent of the work currently being undertaken in locks 7 and 8 in New South Wales?

The works at locks and weirs 7 and 8 located on the River Murray in New South Wales, which are operated and maintained by SA Water, include the installation of lock wall barriers, modification of the navigable pass section of the weir and construction of a fishway at each asset.

The lock wall barriers have been installed to provide for safe operation of the lock by constructing a barrier on the edge of the lock wall.

There are three major sections including a lock, fixed weir and removable section of weir known as the navigable pass. The lock passes river traffic around the weir during normal river flows. At high river flows the lock cannot be used and the removable section of the weir is removed to provide a navigable pass for river traffic. The modification to the navigable pass is aimed at improving safety to operational personnel when removing and reinstating this section of the weir and making maintenance of this section of the weir easier. The works include the removal of existing steel trestles, needle beams and wooden panels and replacing them with reduced height concrete piers and removable steel deck sections.

The fishways are being constructed as part of the Living Murray Implementation Program. The weir is a barrier to fish moving upstream in the river and consequently fish have been restricted in their natural movement up and down the river since the locks and weirs were constructed. The construction of the fishway facilitates fish movement upstream and downstream of the weir.

3. Will both the Minister for Administrative Services and the Minister for Agriculture, Food and Fisheries indicate whether they are aware of local community concern about the long-term stability of a pylon on Lock 3 near Kingston-on-Murray?

SA Water is aware of long-term stability issues related to one of the piers at Lock and Weir 3.

4. If so, what action is being taken to rectify this situation?

SA Water advise that the pier was inspected in November 2001 and assessed to not pose a short-term risk to the operation of the weir. This pier will be removed and a new pier constructed as part of the modification of the navigable pass program. The work at lock and weir 3 is programmed to commence in the second quarter of 2005. The weir is monitored on a regular basis in relation to movement and stability.

WATER SUPPLY, ADELAIDE HILLS

In reply to **Hon. J.M.A. LENSINK** (17 February).

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

1. Is the minister aware of the problem and the consequential risks to residents? Will he guarantee that this problem will not occur again?

There is a problem with the Crafers West area during periods of high demand when residents at elevation may run out of supply when the tank level drops below 50%. The Crafers West area is part of a larger complex system fed from Heathfield, Stirling and Crafers main tanks. The Minister is not in a position to guarantee the problem will not occur again. However every effort to prevent loss of supply will be taken by SA Water.

2. How does SA Water detect when supply tanks are likely to run dry, and what action does it take?

SA Water has telemetry on most supply tanks. Telemetry will be installed at all Crafers area tanks by 31 December 2004. A pressure sustaining valve in the system will be installed to ensure more regular supply of water to the affected tank.

3. Is SA Water willing to consider installing a larger capacity tank?

As well as the short term measures listed above, SA Water will consider long term options which may include installing a larger capacity tank and/or a new main feeding the storage.

4. Are SA Water and the Government prepared to consider compensation to residents should a serious situation arise from their negligence?

A serious situation is difficult to define. During a fire incident power supplies may be disconnected by ETSA, thus disabling pumped transfer of water to storages. SA Water is not responsible for lack of supply during a fire event and residents should not depend solely on reticulated water supplies in such circumstances.

5. Has SA Water breached any of the conditions of its charter through this incident?

SA Water's customer service charter states that SA Water will provide drinking water upon request if the supply is likely to be disrupted for more than five hours and restore the service within five hours in 95% of cases. In January bottled drinking water was available to residents.

DEATHS IN CUSTODY

In reply to **Hon J.F. STEFANI** (16 February).

The Hon. T.G. ROBERTS: I advise:

In January 2003, the Government allocated a further $1.6 million to recruit 13 new Custodial and 10 Community Corrections officers to alleviate the pressure placed on both the prison and community corrections staff.

The Department has an ongoing recruitment program to fill correctional officer positions caused by attrition and or approved increases in staff numbers.

Since 25 August 2003, staff have been recruited and placed as follows, this includes recruitment to additional positions:

Prison	January 2003 Additional Funded Custodial Positions (Full Time Equivalent)	External Recruitment 25 August 2003	External Recruitment 20 October 2003	External Recruitment 16 February 2004
Adelaide Remand Centre		4	4	2
Adelaide Women's Prison	1.85	3	2	
Adelaide Pre-Release Centre		Vacancies covered by	Internal govt	Advertising and selection
Cadell Training Centre		4	1	
Mobilong Prison		2	5	
Port Augusta Prison		2	2	2
Port Lincoln Prison	8.325	Vacancies covered by	Internal govt	Advertising and selection
Yatala Labour Prison	3.12		5	2
	13.3 new additional positions	15 external recruits	19 external recruits	6 external recruits

In reply to Hon. J.F. Stefani's further supplementary question:

As I indicated, the Department for Correctional Services has a number of different regimes that apply to prisoners. Each regime takes into account the individual needs of the prisoner, the security requirements of the prison in which the prisoner is accommodated and the resources available.

Prisoners who are assessed as "at risk", are interviewed by medical staff and if assessed as "critical" may be referred to a psychiatrist, or placed in a special observation area where they are subject to close monitoring and checking every 15 minutes. Other prisoners are monitored within a normal regime i.e. 2 hourly patrols at night.

STEPFAMILY ASSOCIATION OF SA

In reply to **Hon. KATE REYNOLDS** (1 December 2003).

The Hon. T.G. ROBERTS: The Minister for Families and Communities has advised:

1. What funding is available for voluntary social welfare groups for the establishment of innovative and cost-effective methods of providing information and support, such as web sites?

The government provides funding to a variety of non-government, voluntary and/or charitable organisations offering a broad range of community services and support to individuals and families on a project basis. Funding is available through the Family and Community Development Fund, Community Benefit SA (CBSA) and the Premier's Community Initiatives Fund.

Grants are also available through the Office for Volunteers for incorporated community based, non-profit organisations and through Parenting SA for the development of community initiatives.

2. Why has the Stepfamily Association of South Australia had difficulties securing adequate funding from the state government in recent years?

The Stepfamily Association of SA has received grants totalling $12 552 from DHS over the past four years, as detailed below.

Grants to the Stepfamily Association of SA Inc.

Grant Program	Amount	Date Paid
Community Benefit SA	$8 000	1999
Parenting SA	$462	December 2000
Community Benefit SA	$1 340 (excl GST)	June 2000
Community Benefit SA	$2 750 (inc GST)	January 2002

The Association has made three applications for Parenting SA small grants in three separate funding years and all were successful:

1996-97—$320

1998-99—$325

2000-01—$462

Community Benefit SA has defined funding criteria for assessment of grant applications and their relative merit given the number of grant funding applications received and the need for clear and fair assessment of applications. Applicants need to meet these criteria. The Association made the following applications to Community Benefit SA:

1999 Round 8: The Association made a successful application for $8 000 for a range of activities.

2000 Round 9: The Association made three applications. One was for $1 340 for web site development. This application was successful. The second application was for a seeding project which was unsuccessful since it did not fully meet the funding criteria. There were concerns regarding sustainability and the need for more information on the number of people/families to be assisted. The third application was for the development of a resource CD. This application was unsuccessful since, again, more information was required to meet funding criteria.

2001 Round 12: The Association made an application for a resource CD. This application was successful although the Association received less than the amount it had applied for. It sought $9 000 and received $2 750 (GST inc) due to the limited focus on disadvantage – a specific funding criteria for Community Benefit SA.

2002 Round 14: The Association again made an application for a resource CD for an amount of $5 350 but was unsuccessful as the Association was unable to show that the CD was developed with professional input, endorsed by the Department of Education and Children's Services (DECS) (given the intention to distribute it through schools) and other family support organisations, and the development of a distribution plan.

The Stepfamily Association did not apply for funding from Community Benefit SA in the last three rounds.

3. Given the increasing incidence of family breakdown and the growing numbers of stepfamilies, what assistance can the minister offer the Stepfamily Association?

As with other community organisations, the Stepfamily Association of SA is eligible to apply for grants from various government-funded programs for which the Association meets the relevant criteria.

4. Are there any plans to establish, increase or expand services funded or delivered by the state government which aim to address the unique needs of step families in South Australia?

This Government commits a substantial amount of funding to family support, parenting, child development, early intervention and child protection initiatives to support parents and to support and protect children and young people living with families in the community, which include those children who may be living in stepfamily situations.

- The Family and Community Development Program provides funding to non-government organisations to provide family support services.
- Child and Youth Health provides advice to parents through its direct services for parents and through Parent Helpline.
- Hospitals provide parenting advice and support through clinical services, community health services, and child and adolescent mental health services.

The government will continue to provide a range of strategies to support families and children within a broad policy context of social inclusion, social justice and child protection.

AUDITOR-GENERAL'S REPORT

In reply to **Hon. KATE REYNOLDS** (12 November 2003).

The Hon. T.G. ROBERTS: The Attorney-General has received this advice:

1. In response to the invitation by the Minister for Social Justice to comment on the recommendations set out in the Child Protection Review, 'Our Best Investment: A state plan to protect and advance the interests of children', the following responses were received:

Government departments or instrumentalities	9
Government advisory bodies and peak, professional or industrial organisations	10
Advocacy bodies for children and the community	7
Non-government agencies	4
Other interested bodies	5
Private individuals	13

Making a total of 48 responses.

2. The Minister for Families and Communities has advised that:

The Child Protection Review made over 200 recommendations dealing with a range of service, structural and legislative issues across government agencies and the community sector.

Public consultations on the recommendations made by the Layton Report were completed in July 2003.

Since then, the government has been developing a whole of government response to the report aiming to make sure we have the best possible child protection system in place. The government's immediate focus is on enhancing services and making the child protection system work better for children and young people and their families.

Since Robyn Layton handed down her report, this Government has committed an extra $58.6 million for child protection initiatives over four years.

Some of the major actions that have been undertaken by the government include:

- the establishment of a special paedophile taskforce and hotline within SAPOL;
- the removal of the statute of limitations for initiating sexual abuse prosecutions;
- the creation of a new Special Investigations Unit to investigate allegations of abuse of children in care by foster carers or workers;
- the provision of $8 million over the next four years to employ new school counsellors;
- the development of new guidelines for appropriate Internet access in schools;
- the allocation of $8.3 million extra funding over 4 years for children under the guardianship of the Minister;
- the allocation of $8.3 million over 4 years to improve the alternative care system;
- the allocation of $6 million over 4 years into violent offender and sexual offender treatment programs;
- the establishment of new programs working with identified indigenous communities to care for children;
- plans to reform child pornography laws;
- the establishment of a new school-mentoring program involving 80 teacher mentors working with 800 students across 45 schools;
- improving screening by police of people working with children;
- the provision of an additional $500 000 to SAPOL to provide police screening of people working in the non-government sector;
- working with the Family Court to streamline the process in disputes where there are allegations of child abuse;
- the provision of an extra $12 million over 4 years for early intervention programs to support families at risk;

- commissioning and releasing a workload analysis of Family and Youth Services, the results of which are currently being actioned; and
- the creation of a new Department for Families and Communities.

In addition to this, a further 73 full-time positions have been created in Family and Youth Services at a cost of $3.6 million per annum to provide better services for children at serious risk, and to support children under the guardianship of the Minister.

These are just some of the many actions this Government has taken so far in response to the Layton Review in order to develop an effective child protection policy.

SUPPORTED ACCOMMODATION

In reply to **Hon J.F. STEFANI** (21 October 2003).

The Hon. T.G. ROBERTS: The Minister for Families and Communities has advised:

1. Will the minister advise what steps the Department of Human Services is taking to address the problem?

On 11 November 2003, the former Minister for Social Justice made a ministerial statement outlining a substantial package of measures directed to supporting the 1300 vulnerable adults who live in privately operated supported residential facilities (SRFs).

An $11.4 million package will:

- improve the financial viability of the SRF sector;
- ensure residents will be found appropriate alternative accommodation where the closure of an SRF is unavoidable;
- provide all residents of 'pension only 'SRFs with a subsidy of $2062 per annum to contribute to the cost of their accommodation and personal care; and
- provide additional personal care and other services to residents assessed with having high needs.

The new board and care subsidy applies to all residents whose only form of income is a pension or other government payment, living in 39 licensed facilities across South Australia. The new subsidy addresses the equity concerns expressed by the Ombudsman. The package also provides funding to allow additional targeted supports and services to residents with high needs.

The recurrent funding for the universal board and care subsidy and the additional targeted supports is $5.253 million. This compares with expenditure of approximately $420 000 per annum spent on the inequitable subsidies prior to the new package and under the previous government.

2. Will the minister ensure that the subsidy allowance is reviewed, thus ensuring a more equitable outcome for clients receiving the subsidy?

As outlined above, an equitable payment now exists across all supported residential facilities where the residents' only form of income is a pension or other government payment.

3. Will the minister ensure that the subsidy is expanded to every person using a supported residential facility and is allocated on the needs basis of individuals regardless of where they are?

The subsidy has been expanded and additional support will be provided to people with high needs.

4. Is the minister aware that some supported residential facilities across Adelaide are facing closure owing to a lack of government funding and the burn-out amongst operators?

The reasons SRFs close are varied. They include:

- closures enforced by local government for breaches of the SRF Act, most recently for significant issues with fire safety;
- the sale of properties due to increased property values, which are able to result in a better return for the landowner;
- sale of a property where the business is no longer seen to be viable given the competencies required to provide personal care services for residents with potentially high level needs.

The allocation of an initial additional $11.4 million by the Government in November 2003 has provided an unprecedented opportunity to stabilise and improve the SRF sector.

MEN'S SUPPORT SERVICES

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

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

1. The Department of Human Services expended $233 788 in the 2002-03 financial year on a primary health care and men's health and wellbeing service enhancement strategy. Key outcomes that will be achieved through the enhancement strategy include:

A. Establishment of cross sector collaborative partnerships in the provision of men's health programs.

B. Improvements in access to and provision of prevention focused, early intervention and support programs.

C. Enhancement of existing programs.

D. Promotion of the development of sustainable services.

E. Promotion of service providers and community understanding of men's health and wellbeing issues.

2. Specific funds have been allocated for primary health care programs and services which address identified gaps in service provision, enhance existing services, respond to emerging issues and build the capacity of the health system to respond to men's health needs. Examples include:

Therapeutic and relationship support groups ($20 270), including domestic violence; surviving separation; recovering from trauma.

Men's health promotion and information services ($40 000) for production and distribution of men's health information and resources and community events and $16 000 of recurrent funding to the Men's Information and Support Centre.

New fathers program ($25 200) for community health nurse visits and support to new fathers.

Indigenous men and youth programs and services ($17 000) including drug and alcohol education; intergenerational cultural exchanges and sexual health.

Male survivors of childhood sexual abuse ($47 700) for training, education, resources and seminar series.

Young men's health programs ($23 618), including promoting non-violent relationships and support for young men at risk of dropping out of school early.

Men's sexuality and health consultation ($29 000), including overcoming social isolation, addressing mental health issues and promoting safe sex practices for same-attracted men.

Development of men's health and wellbeing best practice guidelines ($15 000) including promotion of services for men to be integrated into population health services.

Men's Information and Support Centre ($16 000), recurrent funding.

This is one primary health care approach and is in addition to all public health services well utilised by men in South Australia. Some health services predominantly utilised by men, compared with women include drug and alcohol services (72% male), mental health services (52% male) and palliative care clients (53% male).

To encourage men's health and wellbeing program and service development, the Department of Human Services will continue to provide funding of $200 000 for targeted innovative health programs for men.

I am committed to ensuring that the South Australian health system responds effectively to health needs, including men's health needs.

Although programs that target men are in early stages of development, I am pleased with the progression of this population approach to health care. The new metropolitan regional health services will be required to deliver a population approach to health service delivery and to develop programs and services that meet the needs of different population groups, including men.

FAMILY AND YOUTH SERVICES

In reply to **Hon. KATE REYNOLDS** (15 September 2003).

The Hon. T.G. ROBERTS: The Minister for Social Justice has advised:

1. When will all the recently announced 38 positions be filled?

All 38 positions plus the extra 35 positions announced in October 2003 have been filled.

2. Does the government acknowledge that an additional 200 appropriately qualified and experienced staff are urgently required by the department?

Refer to question three.

3. Given that we heard this morning that this government 'cares about the future of our children and is committed to the urgent improvement of protection for children and young people', will the government allocate funding for a further 162 positions as a matter of urgency; if not, why not?

The Government is committed to ensuring that FAYS is appropriately staffed to carry out its important role. This commitment is shown by the additional 73 full-time equivalent positions that have been created in FAYS this financial year. The Government has also determined to split the Department of Human Services into two,

so that the resources needed to ensure FAYS is appropriately supported can be more readily identified. We are also committed to ongoing reforms in child protection across Government.

4. On ABC Radio last week the acting social justice minister (Jay Weatherill) said that the recent appointments to FAYS were 'the first serious attempt to grapple with the question of child abuse in this state for 17 years'. If that is the case, how would the minister describe the 600 plus page Layton report?

The recent appointments are made in response to the Child Protection Review which made over 200 recommendations dealing with a range of service, structural and legislative issues across government agencies and the community sector.

Since Robyn Layton handed down her report, this Government has committed an extra $58.6 million for child protection initiatives over four years.

Some of the major actions that have been undertaken by the government include:

- the establishment of a special paedophile taskforce and hotline within SAPOL;
- the removal of the statute of limitations for initiating sexual abuse prosecutions;
- the creation of a new Special Investigations Unit to investigate allegations of abuse of children in care by foster carers or workers;
- the provision of $8 million over the next four years to employ new school counsellors;
- the development of new guidelines for appropriate Internet access in schools;
- the allocation of $8.3 million extra funding over 4 years for children under the guardianship of the Minister;
- the allocation of $8.3 million over 4 years to improve the alternative care system;
- the allocation of $6 million over 4 years into violent offender and sexual offender treatment programs;
- the establishment of new programs working with identified indigenous communities to care for children;
  - plans to reform child pornography laws;
  - the establishment of a new school-mentoring program involving 80 teacher mentors working with 800 students across 45 schools;
- improving screening by police of people working with children;
- the provision of an additional $500 000 to SAPOL to provide police screening of people working in the non-government sector;
- working with the Family Court to streamline the process in disputes where there are allegations of child abuse;
- the provision of an extra $12 million over 4 years for early intervention programs to support families at risk;
- calling for and releasing a workload analysis of Family and Youth Services, the results of which are currently being actioned; and
- the creation of a new Department for Families and Communities.

These are just some of the many actions this Government has taken so far in response to the Layton Review in order to develop an effective child protection policy.

WATER LEVY

In reply to **Hon. CAROLYN SCHAEFER** (5 June 2003).

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

1. Will the Minister confirm that farmers who receive more than one SA Water bill or who use more than one SA Water meter will be taxed multiple times under the proposed tax?

Special conditions apply to farming properties to minimise the amount of the River Murray levy payments made by farmers with multiple accounts. Accounts for land holdings of 10 hectares or more will incur a quarterly levy charge of $33.75 while those smaller than 10 hectares will incur a quarterly charge of $7.50. Supplies provided under "supply by measure" arrangements will also incur the $7.50 quarterly levy charge. Note that the levy only applies per account, not per meter.

Farmers with multiple accounts who incur levy payments greater than $33.75 per quarter for a single farming enterprise will be eligible for a rebate that will limit their total payments for that enterprise to $33.75 per quarter. To be eligible for a rebate, the associated land must be owned or occupied by the applicant and must be principally used for primary production and be managed as a single unit for that purpose. The land, or all of the land, does not necessarily need to be in the name of the applicant.

2. Has the Minister done any preliminary assessment of the impact that water restrictions and the water tax will have on primary industries throughout this state.

The main target of SA Water's conservation measures is discretionary low value uses. The primary means of changing irrigators water use is through the Water Resources Act.

3. Was a regional impact statement or a regional impact statement assessment prepared before the announcement of this tax?

A regional impact statement was not prepared prior to the introduction of the River Murray levy, which is levied in metropolitan and non-metropolitan areas.

THINKERS IN RESIDENCE PROGRAM

In reply to **Hon T.G. CAMERON** (24 February).

The Hon. P. HOLLOWAY: The Premier has provided the following information:

I have been advised that:

The Thinkers in Residence program brings world-class thinkers to Adelaide to live and work.

The Thinkers undertake residences of up to 6 months, in which they assist South Australia to build on its climate of creativity, innovation and excellence. The aim is to stimulate debate and discussion on matters which are vital to the State. It recognises that there are a number of world class people living in the State, but that credible, outside people can also help bring new perspectives and foster different approaches.

Each Thinker's report is their own. It represents their views and ideas on their areas of expertise and the opportunities they identify. Some reports will contain specific recommendations regarding Government policy, others will comment on immediate action steps or broad strategic directions, or simply reflect on how they see the State.

In addition to preparation of the report, each Thinker has a tailored program of activities which is designed to transfer skills, build local capacity, develop local industry, advise Government and inform and educate leaders and the community about their field of expertise.

1. Five Thinkers commenced appointments in 2003/04, the first year of the program. Of these, Herbert Girardet and Charles Landry are the only ones to have completed their appointments. Others are still in progress.

Recommendations from the Thinkers are contained in their reports. Girardet's report, Creating a Sustainable Adelaide, contains recommendations for improving our sustainability. It has been presented to the Government and is available on the Thinkers in Residence website (http://www.thinkers.sa.gov.au/home).

The recommendations range from efficient use of energy, solarising Adelaide, waterproofing Adelaide, implementing zero waste, sustainable transport, developing the natural environment, green business, and developing a culture of sustainability.

Charles Landry is one of the world's foremost cultural planners, and his report has recently been presented to the Government. It will be posted on the website shortly.

Future and current Thinkers in Residence include:

- bioscience industry development specialist Dr Maire Smith
- cutting edge arts and technology group Blast Theory
- Australia's foremost water scientist, leader of the Wentworth Group and creator of the National Action Plan for Salinity and Water Quality, Dr Peter Cullen
- neuroscientist and science communicator, Baroness Professor Susan Greenfield
- adviser to the US Governments and other governments around the world on migration and economic development, Demetri Papademetriou

2. I announced on Friday 5 March that the Government will be immediately adopting 30 of 33 inspirational ideas that Herbert Girardet proposed to make South Australia a leader in environmental reform and that this is the first step of many to take sustainability forward in South Australia. These initiatives include:

- Mandatory plumbed rainwater tanks on all new homes from July 2006
- A five-star energy rating for new housing built from July 2006
- A four year extension of the current solar hot water subsidy
- Leading Australia to solar power to 250 schools by 2014
- Progressive installation of solar power to other key government buildings including Parliament House

- Expansion of the One Million Trees program to Three Million Trees by 2014

In addition, I signalled the intent to:

- Make the Lochiel Park Development the nation's model 'Green Village', incorporating Ecologically Sustainable Development (ESD) technologies
- Require acceptable ESD technologies to be used in all future significant 'greenfield' developments
- Develop a strategy to reduce the number of hectares used per person to minimise the impact of human activity on the environment within 10 years
- Give preference for all new Government office leases to those buildings that meet at least five-star energy rating from July 2006
- Aim for South Australia to lead Australia in wind-power development

The Landry report is being assessed and the Government will consider its response when this is completed.

3. No. The overall program forms part of the Department of the Premier and Cabinet's work which is reported on annually and tabled in Parliament.

4. Program sponsorship is provided both at 'whole of program' level and for each appointment. Sponsors include universities, industry associations, local government, government agencies and companies. All appointments are achieving 50% (or more) funding from sponsor organisations.

Sponsorship is as follows:

Whole of Program Sponsorships: Organisation	Sponsorship	Value per Annum
CSIRO	whole of program support and specific appointment support – reviewed annually	$100 000
Uni SA – Hawke Centre	in-kind management of lecture series	Approx $30 000
City of Adelaide	in-kind Town Hall hire and functions	Approx $12 000+
	Appointment Sponsorships:	
Appointment	Sponsor	Value
Herbert Girardet	Adelaide City Council	15 000
	The Body Shop	4 545
	Capital City Committee	6 910
	Office of Sustainability	25 000
Charles Landry	Property Council of SA	10 000
	Adelaide City Council	20 000
	Centre for Lifelong Learning	10 000
	Capital City Committee	10 000
	Playford Council	20 000

Additional in-kind support in providing advice, information and the time of key executives to these appointments amounted to many hours from companies such as TXU, Origin Energy, Power Management Consultants, Beasley Systems, The Body Shop, United Water, Steer Davies Gleeve.

COOPERATIVE RESEARCH CENTRE FOR DESERT KNOWLEDGE

In reply to **Hon. J.S.L. DAWKINS** (11 November 2003).

The Hon. P. HOLLOWAY: The Premier has provided the following information:

The South Australian Government was approached shortly after the 2002 election to participate in the Desert Knowledge CRC and to support the activities of Desert Knowledge Australia. The Chief Minister of the Northern Territory, Clare Martin, enthusiastically supported our participation.

It was arranged that more than $100 000 per year ($50 000 cash and 1 FTE providing in-kind support) for seven years would be contributed to the CRC by way of the Department of Water, Land and Biodiversity Conservation.

This Department was chosen because of the important focus of the CRC on natural resource management issues and solutions for Outback communities.

It is recognised however that the State's involvement in Desert Knowledge Australia and the associated CRC will provide new ideas, networks, tools and solutions in a wide range of areas including, Indigenous community governance, and technical services in remote communities.

There is also a strong focus on research into Indigenous knowledge systems, native plant species and Indigenous health and education services – most of which will be conducted in other jurisdictions but will be of enormous benefit to our State.

To that end, a range of consultation processes with communities and within the State Government are planned for the future.

I have asked the Office of the Upper Spencer Gulf, Flinders Ranges and Outback to work with the Department of Water, Land and Biodiversity Conservation to develop linkages between communities and Desert Knowledge Australia and associated CRC.

Further, the Office was requested to develop a Desert Knowledge SA network to foster community level involvement in Desert Knowledge Australia activities, including aspects of the CRC. This network is currently being developed in consultation with the Desert Knowledge organisation in Alice Springs and people throughout the region.

It should be said that Desert Knowledge CRC research proposals are being driven by individual researchers and their organisations, however a South Australian team has been successful in attracting funds for a proposal which specifically looks at community governance and service delivery issues throughout unincorporated Outback South Australia.

TRADE AND ECONOMIC DEVELOPMENT DEPARTMENT

In reply to **Hon. R.I. LUCAS** (17 February).

The Hon. P. HOLLOWAY:

1. The Chief Executive, Department for Business Manufacturing and Trade (DBMT), Mr Stephen Hains has taken leave from 17 February to 15 March 2004.

2. This leave, which had been arranged by Mr Hains well in advance of his 6 month appointment to the DBMT position, was negotiated, agreed and included as part of Mr Hains' conditions of employment with the South Australian Government.

3. Critical decisions about Executive Director appointments or any other aspect of the restructure were not delayed as a result of Mr Hains taking leave. With the exception of the CEO appointments have now been made to all senior executive positions within the Department and all other aspects of the transition to a new Department of Trade and Economic Development remain on schedule.

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

The Hon. P. HOLLOWAY: The Government has endorsed the recommendation of the DBMT Review Report to establish an economic development organisation that is substantially leaner, more strategically focused and which works in stronger partnership with the private sector. The agency will have a lead role in coordinating the formulation of strategies and policies to promote the growth and development of the South Australian economy.

The Government has already moved to implement a number of the recommendations of the review report, including:

- The merger of OED and DBMT
- Transfers of functions from DBMT to other agencies:
  - Reinvest to PIRSA
  - Support for the Wine Council to PIRSA
  - CIBM food team to PIRSA
  - Business and skilled migration to DPC
  - Most infrastructure functions to OFID (with energy and telecommunications being transferred to PIRSA and DFEEST, respectively).
- Transfer of the Office of Local Government from the Department of Transport and Planning to the new economic development agency
- The establishment of the Office of the Venture Capital Board (OVCB) as a separate administrative unit to support the Venture Capital Board (VCB) and promote the development of a local venture capital industry
- The establishment of the Defence Unit within the agency, to support the Defence Industry Advisory Board (DIAB) and promote the growth of the defence industry
- Incorporation of the Office of the Small Business Advocate within the Office of Small Business in the new agency.

The new organisation structure is based on the Review Report and reflects the Government's desire to create an agency which has a stronger policy role, is lean and flexible, with a capacity to devote dedicated resources to major initiatives, which works closely with industry and supports industry advisory bodies to government.

The Government has decided that the new Department will have a minimum establishment staffing level of 120 FTEs.

Consistent with the Review Report, the agency will be expected to establish improved planning, reporting and performance measurement processes.

The newly appointed executive team will lead the development and implementation of a new range of industry development initiatives, which will focus on promoting innovation, investment and export growth by South Australian industry. Key elements of the new approach will be strong input from industry, greater transparency and accountability, less reliance on direct financial assistance to businesses and stronger partnerships with local government.

On the formal establishment of the new Department of Trade and Economic Development, more detailed information about its operations will be available. This will indicate that most of the recommendations regarding the restructure of the Department of Business, Manufacturing and Trade have been implemented.

HOME OWNERSHIP

In reply to **Hon. A.J. REDFORD** (24 November 2003).

The Hon. P. HOLLOWAY: The Treasurer and the Minister for Housing have provided the following information:

1. A State Housing Plan is being developed through a process of extensive consultation, and will outline directions for housing in South Australia over the next 10 years. The Plan will outline strategies to meet the Government's objective of ensuring that South Australians have access to safe, secure, appropriate and affordable housing. Work arising from the planning process is continuing, and is anticipated that the Minister for Housing will be able to provide an update of this process in the next couple of months.

2. In addition to strategies that may emerge from a State Housing Plan, provision of a diverse range of housing choices, at prices accessible to all sectors of the community, and other social, environmental and economic issues are being considered for inclusion into the Improved Policies and Procedures program under the Housing and Urban Development (Administrative Arrangements) Act 1995.

Consultation on these proposals is occurring with local government and other stakeholders. It is expected implementation will be proposed by mid 2004.

3. The term "ample time" relates to opportunities to be investigated for the land available for urban development in Adelaide and for industry to adapt to the new policy environment.

There is an adequate short to medium term supply of land for building in Adelaide. The Government is working with the industry to identify development opportunities within the existing footprint of the metropolitan area, whether that be through surplus State and local government assets, demolition and resubdivisions, higher residential densities or providing housing products that better suit the changing demographic profile of the community. There is ample time for these opportunities to be investigated and for industry to adapt to the new policy environment.

4. The Productivity Commission, in their Discussion Draft for the First Home Ownership Inquiry, note that one of the factors which contributed to the increase in housing demand in recent years was the First Home Ownership Scheme. Accompanying the increase in demand from first-home buyers was an increase in demand from investors. Low interest rates gave purchasers the ability to purchase at much higher prices.

The Productivity Commission in its Discussion Draft has stated that "while the impacts of taxes such as the GST and stamp duties are not able to be determined precisely, rising taxation has not been a significant contributor to the recent escalation in house prices." The State Government's submission argued that although the intent of a stamp duty decrease may be to reduce housing costs, a more likely outcome is that the reduction in stamp duty will be offset at least to some extent by an increase in property values as potential buyers use the saving in stamp duty to bid up house prices—particularly in overheated property markets as currently being experienced in most parts of Australia.

5. The State Government's submission analysed trends in home ownership affordability measures constructed by industry bodies such as the Real Estate Institute of Australia (REIA) and the Housing Industry Association (HIA). Both the HIA and the REIA produce data quantifying mortgage repayments as a percentage of household income, although the REIA data is considered a better indicator at State level as it takes into account varying income levels across jurisdictions. The income data in the REIA measure is based on ABS Average Weekly Earnings, which is before tax income. Although they do not publish disposable income measures, the REIA use family income to reflect dual income families. With respect to the 'average mortgage payment', the REIA's mortgage data is derived from ABS loans data provided to the REIA from all major groups of lender.

6. The Commonwealth government introduced the FHOG in July 2000 as an offset to the introduction of the GST. The grant was initially set at $7 000 and an additional $7 000 was made available from March 2001 for first homeowners building their first home or purchasing a previously unoccupied home. The additional grant was reduced to $3 000 from January 2002 and then abolished from July 2002.

The introduction of the GST and the FHOG with variations had a distorting effect on the market by bringing forward a considerable amount of demand. The number of grants in South Australia has now stabilised to an average of approximately sixty $7000 grants paid per month from peak levels of 109 in November 2000 and 327 $14000 grants paid in May 2002.

The decline in first home buyer activities in the last 18 months can be attributed to a return to more 'normal' levels of first homebuyer activity.

7. The Minister for Infrastructure has advised that there is no additional response to this question further to his response to your question of 15 October 2003, which was tabled on 26 November 2003.

REGIONAL EXPORTERS

In reply to **Hon. D.W. RIDGWAY** (29 March).

The Hon. P. HOLLOWAY: Information on the total number of new exporters from the South-East since last July is not readily available to the Government.

Information provided to the Department for Trade and Economic Development, by Mr Grant King, Chief Executive, Limestone Coast Regional Development Board Inc (LCRDB), indicates that the LCRDB has assisted seven new companies from the region, through its TradeStart officer, to export since July 2003. This equates to over $540 000 in export sales.

REGIONAL DEVELOPMENT BOARDS

In reply to **Hon. CAROLINE SCHAEFER** (30 March).

The Hon. P. HOLLOWAY: It is wrong to suggest that the Office of Regional Affairs was considering imposing a departmental officer as Chief Executive Officer, Northern Regional Development Board.

The ORA has a responsibility to ensure that appropriate corporate governance standards are implemented and maintained throughout the Regional Development Board network to ensure that taxpayer/ratepayer funds are accounted for appropriately. This responsibili-

ty is contained in the Resource Agreement, which is the five year funding agreement signed by individual boards, their participating local government councils and the State Government.

By offering the option of a suitably qualified departmental officer to act as an interim CEO for a period of three months, ORA acted in good faith and was trying to be helpful and supportive to a Board which is experiencing corporate governance and financial issues. (It was also suggested that the CEO advertisements be withdrawn at this stage to enable the Board to achieve some financial savings).

This offer was declined by the NRDB and the recruitment process has continued in line with any other board.

The NRDB has, however, agreed to undertake a review of its board governance policies, procedures and delegations, with emphasis on commitment of funds, contract tendering and administration (including reporting), the use of the Reserves Account, and processes for bringing all unfunded liabilities into the accounts. This review will be undertaken externally in April/May 2004 and is funded by the ORA.

Whilst this action was initiated under the previous Minister I support the approach.

Under the terms of the five year Resource Agreement, the Minister must approve the appointment of a regional development board Chief Executive Officer. This clause was inserted under the previous Government. It is also a requirement of the Resource Agreement that a representative of the Minister be a member of the interview panel for a CEO position. Again it is stressed that the Resource Agreement was signed by the NRDB, the participating local government councils and the State Government.

As the procedures and operations of the regional development board framework have been in place for many years and have had bipartisan support, the current government has not and does not intend to change that approach.

LOTTERIES COMMISSION

In reply to **Hon. NICK XENOPHON** (30 March).

The Hon. P. HOLLOWAY: The Deputy Premier has provided the following information:

1. I am advised that SA Lotteries has no plans to introduce any online games based on family board games.

In accordance with SA Lotteries' objective to continually offer innovative and fun games, an Instant Scratchies ticket based on the Monopoly board game was offered in September 2003. The mechanics of this game and the associated promotional activities were designed to appeal to an adult audience and not targeted towards youth.

2. SA Lotteries is committed to ensuring that its games and promotional activities are not targeted towards minors and this is reflected in internal policies and procedures.

Market research has shown that SA Lotteries games are predominantly played by people between the ages of 25 and 54 years and, consequently, new games are developed to appeal to this market segment.

SA Lotteries is committed to harm minimisation and responsible gambling and has implemented strategies in accordance with the State Lotteries Responsible Gambling Code of Practice and State Lotteries Advertising Code of Practice to minimise harm related to its games.

Any new advertising communications require the approval of the Government's Cabinet Communications Committee.

3. SA Lotteries would seek the views of the Independent Gambling Authority for any new initiative to ensure harm minimisation measures are implemented.

Market research is also undertaken to determine community attitudes and likely behaviours in advance of any new game initiatives being progressed.

New game initiatives require the approval of the Minister.

4. Yes.

SA WATER CORPORATION

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

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

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

SA Water's legal advisers in Indonesia have confirmed that the liquidation process for PT SA Water International (Indonesia) is almost complete. The only outstanding issue is the cancellation of the tax payer registration number. SA Water's two Australian subsidiaries (the two shareholders of PT SA Water International) will be liquidated on completion of the liquidation of PT SA Water International.

At this stage it is considered the liquidation of the companies should still be finalised during the 2003/2004 financial period.

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

PT SA Water International	
Legal corporate advisory and liquidation works	
Legal corporate advisory and liquidation works	Capped at US $10 000
Liquidator fee	US $5 000
Tax services fee	US $6 600
Costs, expenses and disbursements (includes out of pocket expenses, notarial fees, registration and licensing)	No estimate at this stage
Custodian fee	US $ 5 000 (optional)
After the liquidation process has closed, SA Water needs to appoint a custodian for the purpose of taking care of any Company goods that have not been distributed and/or records. According to Indonesian law, company records must be kept for a period of ten years. If SA Water wish to appoint the liquidator as custodian then a fee of US $5 000 would apply.	
Crichbee Pty Ltd and SA Water International Pty Ltd	
Liquidators fees	$12 000 + disbursements

MOTOR VEHICLES, EMISSION POLLUTION

In reply to **Hon. T.G. CAMERON** (26 February).

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

1. The EPA is directly involved in the formulation of legislation relating to vehicle and fuel quality standards at both State and national levels. It has no power to take legal action over individual vehicles.

2. The current procedure for members of the public who want to report motor vehicles emitting excessive smoke is to write to Environment Strategies, Transport Planning Agency, or as Mr Simpson was directed, to attend a police station in person. Those who telephone the EPA are informed of this procedure.

3. As the EPA has no power to take action against vehicles that emit excessive smoke, the number of telephone calls on this issue are not recorded.

SOUTHERN SUBURBS, HOUSING TRUST ACCOMMODATION

In reply to **Hon. T.J. STEPHENS** (26 February).

The Hon. T.G. ROBERTS: The Minister for Housing has advised that:

1. The South Australian Housing Trust (SAHT) manages approximately 47 800 dwellings across South Australia. At the end of January 2004 the SAHT managed a waiting list of 25 845 applicants for housing, of which 832 had a high and urgent housing

need. The remaining applicants' needs are less urgent with the vast majority being Category 3 applicants, who are eligible for SAHT housing based on income and assets tests but who have been assessed as not having a higher level of need.

With such a large portfolio of dwellings, at any point in time there will be a number of dwellings that are vacant and are:

- in the process of being made available for re-letting;
- are designated for asset improvement through major programmed maintenance services and other capital improvement activities such as urban renewal or re-development; or
- are being readied for sale.

Dwellings for re-letting undergo any required maintenance to be brought up to vacancy standard, and are generally made available to new tenants within 21 days of vacancy.

Dwellings in some locations are not in high demand for a variety of reasons that include a mismatch between applicant household requirements, physical or geographic location, size, amenity, etc. In these instances the period between vacancy and re-letting may be extended beyond the normal turnaround time. In some particular locations properties may be vacant for extended periods of time before the property can be re-let or disposed of through sale or redevelopment.

The SAHT is obliged to sell some dwellings in order to maintain its financial viability in the face of long term reductions in Commonwealth State Housing Agreement funding. The SAHT's sales programs assist it to fund its capital acquisition and improvement programs and as a consequence properties can be vacant for extended periods of time whilst they are readied for sale or whilst the sale process is concluded.

The SAHT also transfers some dwellings to other social housing providers such as the Aboriginal Housing Authority and the community housing sector registered through the South Australian Community Housing Authority.

2. The SAHT is developing and managing a vast range of asset replacement and renovation programs aimed at ensuring that low demand or poorer quality assets, including units, are replaced or renovated to better meet customer needs.

In 2003-04 the SAHT will be building 350 new dwellings and expects to construct 450 in 2004-05. This compares with 153 new dwellings constructed in 2000-01, 149 in 2001-02, and 270 in 2002-03.

In 2002-03 the SAHT also renovated 1 505 existing dwellings with a major focus on improving amenity standards in kitchens and bathrooms to extend the viability of the assets. Similar numbers of renovations are occurring in 2003-04 and are planned for future years. In addition, during 2003-04 approximately 3 100 dwellings will have some form of disability modification provided to assist tenants with a disability to remain housed or to take up housing within the community.

These programs add to the numbers of vacant properties that are not immediately available for re-letting at any one time, but ensure that the SAHT asset base better meets customer demand and modest amenity standards and expectations.

WATER SUPPLY, ANDAMOOKA

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

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

1. A meeting occurred with the Andamooka Progress Opal Miners Association (APOMA) on 9 October 2003.

2. The Association has an agreement with Western Mining Corporation to purchase up to 12 000 kilolitres per annum of potable water from the township water supply at Roxby Downs, some 30 kilometres to the west of Andamooka.

This water is currently available to the residents of Andamooka but involves it being transported by tanker. A pipeline between the two townships has been considered by the Association. The cost of the pipeline has been estimated by a private consultant to be $1.4 million which equates to approximately $2 350 per resident, or $7 000 per property.

3. The outcome of the meeting held on 9 October 2003 was a commitment by SA Water to undertake a coordination role in developing options for consideration by the community of Andamooka.

4. The Government, through SA Water, will continue to work with the Association in developing options for consideration by the community. The actual solution will need to be one that the community selects and is able to support financially.

REFUGEES

In reply to **Hon. KATE REYNOLDS** (23 February).

The Hon. T.G. ROBERTS: The Minister for Employment, Training and Further Education has advised that:

1. People on a Temporary Protection Visa are entitled to a range of benefits from the Commonwealth including access to work entitlements and Centrelink job matching, eligibility for Special Benefit and other government benefits including Medicare benefits, referral and access to Early Health Assessment and Intervention Program, torture and trauma counselling and minors are entitled to Commonwealth funded English as a Second Language – New Arrivals programs to assist their participation in school classroom activities. Adult TPV holders are also entitled to access the Commonwealth's Language, Literacy and Numeracy Program offered through LM Training Specialists and TAFE Institutes in regional areas.

TAFE Institutes treat people on Temporary Protection Visas in the same way as other students in that they are entitled to apply for places in TAFE courses. All applications to places in such courses are processed through the South Australian Tertiary Admissions Centre. Selection to accredited courses that are publicly subsidised is based on merit. Those who receive an offer to a course of study are required to pay the same course fees as other students.

Non accredited training is usually charged at fee for service rates and concessional fees are not available.

2. In 2003 all those holding temporary protection visas and bridging visas were entitled to access South Australian Government funded English language support services in the same way as any other South Australian resident. That is, they were required to pay the minimal TAFE fee of 50 cents per hour for training to access the government subsidised TAFE English language training.

From 2004 the South Australian Government has implemented a three year program to provide additional funding of $200 000 per year to ensure access to English language programs for TPV holders at no charge. This program is being run through a number of TAFE Institutes in locations where large numbers of TPV holders are resident.

3. Additional funding of $200 000 per year for three years to TAFE Institutes provides special assistance to TPV holders to access English Language courses at no charge. These are being offered through Murray TAFE (in the Riverland), Onkaparinga TAFE (at Murray Bridge) and Adelaide TAFE.

Other TAFE Institutes offer English courses and provide access to mainstream and vocational preparation courses. TPV and bridging visa holders are charged the same fees as permanent residents in South Australia.

In addition, the Adelaide TAFE English Language Service offers a variety of courses and services to migrants including TPV holders. These include English language, computing and vocational bridging courses. Other services include employment consultancy services (including assessment of overseas qualifications, resume preparation and job seeking strategies), work experience, general information services, and career and personal counselling services.

RAPID ROULETTE

In reply to **Hon. NICK XENOPHON** (24 February).

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

1. The Minister has not received any report from the Independent Gambling Authority on the approval of "Touch Bet Roulette".

2. Clearly the Government would be concerned about any game which would lead to an exacerbation of problem gambling. I am advised that the turnover of "Touch Bet Roulette" is significantly lower than that of other roulette tables, suggesting no significant problem gambling issues have arisen.

3. Section 42B of the *Casino Act 1997* provides that the licensee must not provide any gaming machine in the casino that is capable of being operated by means other than the insertion of a coin in the machine or in any linked device. The same provision applies in respect of gaming machines installed in hotels and clubs.

Prior to approval of the "Touch Bet Roulette" game at the Casino, the Liquor and Gambling Commissioner obtained advice that the game was not a gaming machine as defined in the *Gaming Machines Act 1992*, and is therefore not a gaming machine for the purposes of the *Casino Act 1997*.

The primary function of the touch bet system component of "Touch Bet Roulette" is to act as a betting interface. The system

itself does not create or generate the roulette game upon which the result is determined. The roulette game is operated by a dealer in the normal way a table game operates. If the game result itself were generated by the device then it is likely that such a device would be caught by the definition of gaming machine and bank note acceptors would be prohibited.

The Government believes that the current legislative definitions are adequate to deal with approval of games and gaming machines.

FOSTER CARE

In reply to **Hon. A.L. EVANS** (25 February).

The Hon. T.G. ROBERTS: The Minister for Families and Communities has advised that:

1. The guidelines in place to assess and screen potential foster or relative carers include those outlined below.

A SAPOL offender history record check is conducted for all adults residing in the applicant's household and all regular adult visitors, especially those who regularly stay overnight.

Information contained in the departmental Client Information System is reviewed, especially as it relates to child protection matters.

A thorough assessment is conducted by the alternative care service provider agency (including Family and Youth Services (FAYS) if the applicant is a relative) that tests the applicant's interests, motivations, knowledge, problem solving abilities, skills, and capabilities of providing safe and nurturing care for children and young people. An emphasis is placed on the applicant's ability to care for children with histories of abuse or neglect and/or with challenging behaviours or special needs. Applicants must be able to demonstrate an ability to protect the child from abuse and violence and the absence of significant risks in the family and environment.

Assessments involve:

- interviews with the applicant and family members to assess parenting and caring skills, understanding of issues related to children and young people (including management of behaviours, discipline, and working with departmental staff in decisions affecting the child—especially regarding contact with their families);
- written referee checks;
- a statement from a general practitioner regarding the applicant's health status;
- an assessment of insurance status;
- household and property safety checks, an assessment of personal space, beds and rooms to be used by the children in care, and the management of dangerous substances (eg poisons and firearms); and
- the identification of risks and strategies to minimise and manage these.

Characteristics of the primary carers and other family members are assessed to assist with the matching of children to specific carer strengths and abilities. Other material such as the family's 'life story', a house plan, and a family genogram (a diagram of family relationships is provided to assist the Department of Human Services' (DHS) Carer Approval and Registration Service in making an approval decision.

Orientation training and provision of information is also provided to applicants by the alternative care service provider agencies. This includes an accredited mandatory notification training module. Some agencies also conduct assessable orientation training of five days duration.

2. People who apply to be registered as prospective adoptive parents must meet the following basic eligibility criteria:

- be a current and permanent resident of South Australia for three consecutive years;
- have Australian citizenship;
- be over 18 years of age and under 55 years of age;
  have no convictions for criminal offences against children; and
- have had no child removed from their care under child protection legislation.

When adopting from overseas, the applicants must also meet the relevant country's adoption criteria.

Screening for suitability includes an assessment of:

- parenting skills or potential parenting skills;
- emotional maturity and stability;
- physical and mental health;
- capacity to deal with stress;
- quality of the marriage relationship;
- economic position and financial management skills;
- criminal record, if any;
- attitude to infertility, if infertile;
- attitude to children and discipline of children; and
- attitude towards adoption.

Except in special circumstances, the criteria for the placement of a child with adoptive parents includes that:

- the applicants must be over 25 years and under 50 years of age;
- there is no more than a 45 year gap between the applicants and the child; and
- the applicants have been in a marriage relationship for three continuous years.

3. Alternative care service provider agencies are responsible for the provision of training, management and support of foster carers. Agencies place children and young people, as far as possible, with carers most suitable to meeting their individual needs. In instances where children and young people have high and complex needs or specialist requirements, agencies would utilise their more experienced and skilled carers where possible, including those who have had some training in caring for and managing children and young people with special needs.

Agencies provide a range of training to foster carers and in some instances request that individual foster carers attend specific training to meet identified needs. All new foster carers receive training in Mandatory Notification requirements.

Agencies providing Individual Packages of Care for children and young people with high and complex needs provide carers with training in managing challenging behaviours and also provide specialist professional input from psychologists or other therapists.

The alternative care system does not yet have a standard minimum number of days of training that foster carers are required to attend. The DHS has held initial discussions with the Industry Training Advisory Board of the Australian National Training Authority to determine an approach to establish minimum training standards and identify core-training competencies for foster carers and staff, as was recommended by the Semple Review of Alternative Care in SA.

4. The decision to have therapists involved with children and young people in alternative care is usually the responsibility of case managers in Family and Youth Services. Such decisions are made on an individual basis according to the assessed needs of the child or young person.

For young people who are the subject of Individual Packages of Care (tailored, wrap-around services) provided by preferred service provider agencies, their packages include therapeutic interventions and supports provided by psychologists and other therapists. These specialists work with carers and staff in ensuring appropriate responses to the management of presenting behaviours and social problems.

CHILDREN, MANDATORY NOTIFICATION

In reply to **Hon. A.L. EVANS** (26 February).

The Hon. T.G. ROBERTS: The Minister for Families and Communities has advised that:

1. The administration of the *Children's Protection Act 1993* is founded on the principles that the primary responsibility for a child's care and protection lies with the child's family and that a high priority should therefore be given to supporting and assisting the family to carry that responsibility.

Notifications are recorded by the Child Abuse Report Line and forwarded to the relevant Family and Youth Services (FAYS) District Centre. When allegations of child abuse are investigated and assessed, FAYS workers conduct a full safety assessment and assess the child's and family's circumstances. If the assessor concludes that a child cannot safely reside with the custodial parent, other arrangements are made to ensure the child's safety, including contacting the other parent and/or family members to determine care arrangements for the child or young person.

2. During an investigation and assessment process, every effort is made to ensure that FAYS is aware of the family circumstances, including the existence of Family Court orders outlining residency and contact arrangements. Each case warrants assessment and intervention specific to the individual child or young person's circumstances. If allegations have been made that a parent has abused or neglected the child or young person and upholding the Family Court order places the child at risk of harm, the protective parent (ie the parent not being investigated) will be advised by FAYS to notify their solicitor and the Family Court and/or seek a variation of the orders until the matter has been finalised.

If neither parent has the capacity or ability to provide care and protection to the child or young person, it is difficult to uphold the Family Court orders as it would not be in the best interests of the child. If an application has been made to the Youth Court, then state jurisdiction takes precedence. However, as a matter of procedure and practice, family contact visits are organised by FAYS for those children and young people who are placed in alternative care or with extended family members.

AUTISM

In reply to **Hon. KATE REYNOLDS** (29 March).

The Hon. T.G. ROBERTS: The Minister for Disability has advised that:

1. The Intellectual Disability Services Council (IDSC) has a database of client diagnostic demographics and other information including categories for Autism Spectrum Disorder and Asperger Syndrome. The database also records intellectual disability.

2. The following services are available for people with Autism Spectrum Disorder through generic community services, the Intellectual Disability Services Council, the Autism Association and a number of disability agencies:

- options coordination;
- early childhood services;
- speech therapy and occupational therapy;
- specialist family intervention;
- accommodation;
- respite;
- employment; and
- day options

3. The Autism Association and the IDSC are the major providers of services for people with Autism Spectrum Disorder in South Australia. Most services are provided in community settings. Behavioural intervention is only one of the range of therapies provided.

4. Both the health and education sectors fund support services for children with Autism Spectrum Disorder and their families. The Department of Education and Children's Services Ministerial Advisory Committee: Students with Disabilities (MACSWD) funds early intervention and school support programs. The Department of Human Services (DHS) funds assessment and family support.

IDSC provides specialist behavioural intervention services for people who have Autism Spectrum Disorder and an intellectual disability. The Autism Association provides specialist services for people with Autism Spectrum Disorder and no intellectual disability.

ADELAIDE REMAND CENTRE

In reply to **Hon. IAN GILFILLAN** (18 February).

The Hon. T.G. ROBERTS: I advise that:

Further to my response on the 18 February 2004, I advise that there are 20 Social Workers employed across the prison system. One of these is employed at the Adelaide Remand Centre.

Also, there are 10 Aboriginal Liaison Officer positions across in the State's prisons. One of these positions is at the Adelaide Remand Centre, where on the day the question was asked there were 42 prisoners who were listed as Aboriginal. The Aboriginal Liaison Officers perform a valuable role in supporting Aboriginal prisoners and in some respects performing some of the functions that Social Workers perform.

In Community Corrections, Social Workers are primarily involved in Case Management and Intervention, and there are 66 F.T.E positions in this area, all of which are filled.

Social Worker Numbers—Prisons

Prison	Social Workers	Aboriginal Liaison Officers (ALO)
Adelaide Pre-release Centre	1	1 shared with AWP-
Adelaide Remand Centre	1	1
Adelaide Women's Prison	2	1 shared with APC
Cadell Training Centre	1	Visiting ALO
Mobilong Prison	1	1
Mount Gambier	1	Visiting ALO
Port Augusta	2	3 (1 position being filled at the moment)
Port Lincoln	1	1 (position being filled at the moment)
Yatala Labour Prison	7	2
Prisoner Assessment Unit	3	-

LAND, VICTOR HARBOR

In reply to **Hon. NICK XENOPHON** (19 February).

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

1. SA Water advise that the then E&WS undertook preliminary investigations of potential extensions to the Victor Harbor wastewater treatment plant (WWTP) in 1992. These investigations included a community consultation program seeking comment on potential alternative strategies to upgrade the WWTP.

The strategy subsequently adopted by SA Water included summer storage and reuse of treated wastewater in order to reduce adverse environmental impacts caused by discharge into the Inman River. The community-preferred strategy was a more expensive option involving total year round reuse. However, both options were based on retention of the existing site for the WWTP upgrade.

To prevent any discharge during the summer period, the design being developed at that stage included a 200 megalitre treated wastewater storage to be constructed on the site, which would need to be expanded by acquisition of land owned by Mr and Mrs Henderson to accommodate a storage of that capacity.

2. SA Water advise that the Environmental Protection Agency (EPA) required the establishment of a 300 metre buffer zone between the treatment reactors and existing and likely future residential development. This necessitated the purchase of a total of 22.4 hectares of land, owned by the Hendersons, adjacent to the eastern and southern boundary of the existing WWTP.

However, in negotiations that followed, the Hendersons requested that SA Water also purchase two adjacent land parcels owned by them immediately south of the WWTP as a condition of sale of the desired land. SA Water agreed with the condition, which increased the total land area for purchase to 26.5 hectares.

SA Water advise that the intention was that the buffer zone would be partially utilised for storage of treated wastewater for eventual reuse, and for the arterial ring road corridor then being planned by the Victor Harbor Council, which was subsequently constructed in 2002.

3. SA Water advise the following consultations occurred:

There was initial community consultation in 1992—between September and November.

In April 1993, a public registration of interest was advertised inviting submissions for the use of recycled water (reuse) associated with the upgrade of the WWTP.

During early and mid 1995 formal presentations were made to Victor Harbor Council officers and the Inman River Catchment Group.

Following public release in 1996 of SA Water's plans to redevelop the WWTP on the existing site, community concerns began to be raised. As a consequence, in February 1997, the Council convened a public meeting at which SA Water gave a presentation of the proposed upgrading.

In November and December 2000, community input was sought in respect of three revised options for the project, which included two options at a remote site and one option at the existing site.

In June 2001, SA Water conducted a community information meeting at Hindmarsh Valley to explain how the project, then approved in-principle by the Government, would impact on the local area through the laying of pipelines and use of the Hindmarsh Valley reservoir.

4. SA Water advise that community consultation results were as follows:

The result of the 1992 community consultation was to confirm the existing site as the location of an upgraded WWTP and that the site would need to be expanded.

There was limited response to the registration of interest for reuse and the results were inconclusive.

From the Council's public meeting in 1997, a strong desire to have the plant located further away from the township was expressed. The general community reaction by this time was against upgrading on the existing site with the principal concern being the proximity of the proposal to existing residential development.

The main outcome of the December 2000 consultation was clear evidence of the majority view of the community, from approximately 580 responses received, to relocate the WWTP to a remote site. The other result of this consultation was to strongly endorse the objective of achieving reuse of treated wastewater rather than discharge it into the Inman River.

5. SA Water advise that concept plans for the proposed new WWTP were completed in 1996. The concept was designed to satisfy environmental conditions incorporated into an Environment

Improvement Program (EIP) as a condition of SA Water's discharge licence, authorised by the EPA.

However, as indicated in the previous question, SA Water committed to undertake further investigations of alternative sites in response to community concerns expressed at the Council meeting in February 1997.

Starting in 1997, SA Water investigated a number of potential remote sites and in 1998 identified the Lange property as the preferred site which met technical, construction, topographic and location criteria.

A revised scheme was announced by the Government, following Cabinet approval, in May 2001. The approval confirmed the remote location for the proposed new WWTP, on the Lange property, about 4 km from the existing site. SA Water then set about acquiring the new site, for which negotiations with the landowners commenced in mid 2001.

6. In relation to land which is compulsorily acquired and then not required, there is no whole-of-government policy. In the case of SA Water, I am advised that there have been instances where previous owners have been offered acquired land no longer required by SA Water. In the case of the Henderson land, SA Water has a continuing need to retain the land until the new plant is operational. In addition, considerable time has already elapsed since it was purchased and the circumstances have changed significantly including the removal of buildings and the sale of part of the land to council for the ring road.

7. In relation to whether the process of acquisition was carried out strictly in accordance with the Land Acquisition Act, I am advised that:

- The project to redevelop the Victor Harbor Wastewater Treatment Plant was an authorised scheme;
- The Minister at the time approved the compulsory acquisition of the land;
- The notice of intention to acquire was served;
- The Hendersons were informed of their rights under the Land Acquisition Act;
- Negotiations were carried out in good faith;
- The notice of acquisition was served and negotiations continued in good faith;
- Ultimately an agreement was reached between the parties.

STATUTES AMENDMENT (COURTS) BILL

Second reading.

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

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

The *Statutes Amendment (Courts) Bill 2003* makes a number of important amendments to the legislation governing the State's courts.

Courts Administration Act 1993

Section 28A of the *Courts Administration Act 1993* provides that a member of the State Courts Administration Council, the State Courts Administrator or staff of the Council have, in respect of the publication on the Court Administration Authority's web site of the sentencing remarks of a judge of the Supreme or District Court, the same privileges and immunities as if the publication were a delivery by a judge of sentencing remarks in court.

Section 28A was enacted to protect Council members and staff from civil and criminal liability arising out of the online publication of sentencing remarks of the Supreme and District Courts.

The Courts Administration Authority intends expanding its online publications to include judgments of the Supreme and District Courts.

The Government supports this initiative. The online publication of sentencing remarks has been occurring since February 2002. This has been well received by Members of Parliament, representatives of the media, and the public. Expanding the range of material published by the Courts Administration Authority will help explain to the public, and, importantly, the media, about the justice system and how it works.

As with the online publication of sentencing remarks, this exposes the State Courts Administration Council, the Administrator and the members of the staff of the Council to potential legal action should judgments inadvertently contain suppressed material. Consequently, His Honour the Chief Justice has requested section 28A be amended to extend the protection afforded by the provision to the online publication of judgments of the Supreme and District Courts.

Clause 4 of the Bill replaces section 28A with a new provision. This new provision extends the protection of section 28A to the Council and its members, the Administrator and employees of the Council in respect of the online publication of decisions (including reasons for decisions) of the Supreme and District Courts and any prescribed court or tribunal.

Although it is not the Authority's intention to publish judgments of other courts and tribunals online just now, new section 28A has been drafted so as to allow this to occur. Members should note that new section 28A cannot be applied to any other court or tribunal except by regulation.

As with the existing provision, new section 28A does not apply unless the decision published was released by the judicial officer of the court or tribunal who made the decision before its publication in accordance with procedures approved by the judicial head of the court or tribunal or the Chief Justice, nor to any republication of the decision by a third party.

De Facto Relationships Act 1996

Section 121 of the Commonwealth *Family Law Act 1975* makes it an offence to publish an account of proceedings, or a part of proceedings, that identifies parties, witnesses or other persons associated with Family Court proceedings under that Act.

Section 121 was enacted because media coverage of private property disputes between married couples is seen as an intrusion into people's private lives that is not warranted by any genuine public interest, may cause emotional harm to the parties and their families, may encourage people to engage in trial by media, or worse, discourage people from exercising their entitlements under the law.

The Family Law Act does not apply to unmarried couples. Therefore, section 121 does not protect separating *de facto* couples from publication of details of their property disputes. In South Australia such disputes are dealt with under the *De Facto Relationships Act 1996*. This Act contains no equivalent of section 121 of the Family Law Act.

At present, parties to a property division in a South Australian court have only the suppression laws under section 69a of the *Evidence Act 1929* to protect them from identification through published accounts of proceedings. An application for suppression of publication of proceedings may be made on the grounds that it is necessary either to prevent prejudice to the proper administration of justice or to prevent undue hardship to a witness or potential witness who is not a party to the proceedings.

When a court considers the question of making a suppression order, the public interest in the publication of information about court proceedings and the consequential right of the news media to publish such information are recognised as substantial considerations. The decision by a court not to make a suppression order can be varied only on appeal.

Applying for suppression orders, although on its face a means of safeguarding personal and family privacy, does not guarantee protection. If opposed by the media, the suppression order proceedings can be expensive and protracted, with no predictable outcome. If the application fails, publication is virtually guaranteed, regardless of whether the issues were worthy of public attention, or whether the public has any legitimate interest in knowing the identity of the parties. Faced with this prospect, separating *de facto* partners may well feel disinclined to avail themselves of their legal entitlements under the Evidence Act.

The De Facto Relationships Act applies similar principles to the division of the property of separated *de facto* couples as the Family Law Act does to the division of the property of separated married couples. There is no reason the law should not afford identical protection from publicity to both types of couple. Indeed, it could be argued that it is unjustified discrimination not to do so.

Clause 5 of the Bill inserts new section 14A into the De Facto Relationships Act.

New section 14A prohibits a person publishing, by radio, television, newspaper or in any other way, a report of a proceeding, or part of a proceeding, under the Act containing information that identifies or could tend to identify:

- a party or witness to the proceeding; or
- a person who is related to, or associated with, a party to the proceeding or a witness in the proceeding, or is alleged to be in any other way concerned with the matter to which the proceeding relates.

The maximum penalty for a breach of these new provisions will be a fine of $10 000 or imprisonment for two years.

Development Act 1993

Section 15 of the *Environment, Resources and Development Court Act 1993* (***ERD Court Act***) governs the constitution of the Environment, Resources and Development Court when it hears and determines matters, or particular classes of matters. It provides that the Presiding Member of the Court may decide, on a particular matter or matters, or particular classes of matters, that the Court will be constituted of either:

- a Judge, a magistrate and not less than one commissioner, or a Judge and not less than two commissioners (this is referred to as a "full bench"); or
- a Judge, magistrate or commissioner sitting alone; or
- two or more commissioners.

Section 15 applies to determine the constitution of the Court when it exercises its planning jurisdiction under the Development Act. This means that, when exercising its planning jurisdiction, there is no provision to enable a judge and a single commissioner to hear a matter. This is inconsistent with the provisions governing the Court's constitution in its environmental and water resources jurisdictions. Both the Environmental Protection and Water Resources Acts provide that the Court, when exercising jurisdiction under those Acts, may, if the Presiding Member of the Court so determines, be constituted of a Judge and one commissioner.

Clause 6 of the Bill inserts new section 98 into the Development Act. New section 98 authorises the Presiding Member of the Court to decide that the Court may be constituted by a Judge and one commissioner in cases in which the Presiding Member considers it appropriate.

Environment, Resources and Development Court Act 1993

Section 8 of the ERD Court Act affords the title of "Presiding Member" to the senior judge of the Court.

Section 14 of the Act establishes the Court's administrative and ancillary staff, including the position of "Assistant Registrar".

The title "Presiding Member" is confusing to those dealing with the Court. It does not clearly convey to members of the public that the position is held by a judge. This is particularly so given the use of lay commissioners and magistrates to hear matters. The Industrial Relations and Youth Courts, courts of equal status to the ERD Court, accord the title "Senior Judge" to their respective senior judges.

The title "Assistant Registrar" does not accurately reflect the role performed by the person in that position. The Assistant Registrar performs a full deputy role to the Registrar, having the authority to sign orders of the Court in the absence of the Registrar.

After consulting with the Presiding Member and the Registrar of the Court, the Government has decided to ask Parliament to change the title of the senior judge of the Court from "Presiding Member" to "Senior Judge" and the title of the senior administrative officer of the Court from "Assistant" to "Deputy" Registrar.

These changes are effected by clauses 7 to 15 of the Bill.

Juries Act 1927

Part 6 of the Bill contains a number of amendments to the Juries Act that have been requested by His Honour the Chief Justice and the Sheriff.

Section 6A of the Juries Act provides that where a court thinks there are good reasons for doing so, the court may order that up to an additional 3 jurors be empanelled for a criminal trial. Section 6A was intended to reduce the risk that lengthy trials may be aborted where, owing to unforeseen circumstances, for example, illness, one or more jurors is unable to complete the trial.

Subsection (2) provides that the jury is reduced to 12 (by ballot) when it is about to retire to consider its verdict. Any jurors excluded under that subsection are either:

- discharged; or
- if separate issues are to be decided separately by the jury, directed to rejoin the jury.

Doubts have been raised as to the application of subsection (2) to *Prasad* directions.

A *Prasad* direction occurs at the end of the prosecution case where the judge invites the jury to retire and consider whether it wishes the trial to continue or, alternatively, bring in a verdict of not guilty. The direction is given when a no-case submission cannot succeed, but the judge nonetheless considers it appropriate to give the jury an opportunity to return a verdict of not guilty.

The doubt surrounding section 6A has arisen because, under a *Prasad* direction, it could be argued that the jury is not "about to retire to consider its verdict" but rather is about to retire to consider whether or not it will give a verdict or indicate to the judge that it wishes the trial to continue.

The Government believes that, to avoid doubt, section 6A(2) should be amended to make it clear that the provision does apply to *Prasad* directions.

This is achieved by clause 16 of the Bill, which amends subsection (2) so as to make it clear that it applies where the jury is about to retire to consider whether to return a verdict without hearing further evidence. Clause 19 makes a similar amendment to section 55 of the Act. Section 55 deals with the separation of juries.

Section 29 of the Juries Act provides for the summonsing of jurors. Under section 30, a jury summons must be in the form of Schedule 5 of the Act.

The Sheriff has advised that, when surveyed, the response of jurors to the jury summons was one of hostility or reluctance or both. Jurors said they found the form of the summons intimidating and confusing. The Government believes this indicates that the current form of the summons provides for a less than constructive start to the jury process.

Clause 17 of the Bill replaces the need for a summons to be in the form of a scheduled document with a form prescribed by regulation. This was considered preferable to amending Schedule 5 of the Act. The final form of the summons will be determined after consultation with the Sheriff and other stakeholders and, being prescribed by regulation, will be subject to disallowance by Parliament.

Section 31 of the Act provides that the sheriff must cause a list of the names of every juror summoned to render jury service in any jury district for any month to be kept in the sheriff's office for at least seven clear days before the first day of that month. Subsection (2) obliges the sheriff to provide a copy of the list to the DPP or the accused or the solicitor or agent of the accused on request.

Section 31 has fallen into disuse after the implementation of new procedures by the Supreme and District Courts regarding the identity of jurors.

Under the new procedures:

- the names of jurors will no longer used in court. Instead, a juror will be referred to in open court by a number only;
- the practice of recording a juror's address on the list of jurors provided to counsel will cease. All that will be provided is a list containing the jurors name, occupation and suburb (this will be retrieved from counsel at the end of the empanelling process). The Judge will continue to have access to the jurors' addresses but will only disclose this information if he or she feels it necessary to do so.

These new procedures were put in place after jurors expressed concern over their names and addresses being disclosed.

The Government is concerned that a person insisting they be provided with a list under section 31(1) could circumvent the new restrictions about releasing information about jurors. To ensure this cannot occur, section 31 is repealed by clause 18 of the Bill.

Section 70 of the Act provides for the payment to jurors for their jury service.

The Sheriff advises that about half of employers continue to pay jurors while on jury duty. This practice has a number of benefits for the juror (superannuation payments are maintained, annual and sick leave continue to accrue) and for the public. Ideally, the Sheriff would like to be able to reimburse employers directly in such cases.

This is prevented, however, by section 70, under which payment must be made to the juror. This means that the Sheriff must go through the process of paying the juror who then signs over the payment to the employer.

Clause 20 of the Bill addresses this by replacing section 70 with a new provision that allows payment of the prescribed fee to be made direct to a juror's employer where the employer has continued to pay a juror his wages or salary during the employee's period of jury service.

Summary Procedure Act 1921

Part 7 of the Bill contains a number of amendments to the Summary Procedure Act.

Section 103(3) of the Summary Procedure Act provides that a defendant charged with a minor indictable offence may elect, in accordance with the rules of court, for trial in a superior court, and, if no such election is made, the charge will be dealt with in the same way as a charge of a summary offence.

Section 5 of the Summary Procedure Act provides for the classification of offences. Section (3)(a)(iii) classifies offences against section 56 of the *Criminal Law Consolidation Act 1935* (***CLCA***) (indecent assault) as minor indictable offences.

As a "minor indictable offence", a prosecution for an offence against section 56 of the CLCA will be tried, unless an election is made by the defendant under section 103(3) of the Summary Procedure Act, by way of summary trial in the Magistrates Court.

Both the Director of Public Prosecutions and the Chief Magistrate have expressed the view that offences against section 56 of the CLCA, particularly offences against children under the age of 12 years, should be prosecuted in the superior courts. The Government agrees.

Clause 22 of the Bill amends section 5(3)(a)(iii) of the Summary Procedure Act to take offences under section 56 of the CLCA against a child under the age of 12, which carry a maximum penalty of imprisonment for 10 years (as opposed to offences against persons aged 12 years or over, which carry a maximum penalty of imprisonment for 8 years), out of the definition of "minor indictable offence". All such offences will become major indictable offences and hence, after a preliminary hearing, be prosecuted in a superior court.

The Government is aware of concerns that, as a result of these amendments, some defendants may be less inclined to plead guilty to offences against section 56 involving children under the age of 12.

Although we think it is unlikely that this will be so, the Government is determined to ensure that the amendments have no unintended effect on the number of matters under section 56 that run to trial.

The situation will therefore be monitored and, if it appears that these amendments have had any material effect on the number of guilty pleas under section 56, the Government will revisit the issue.

Clauses 23 and 24 of the Bill are new. Clause 23 amends section 99C, while clause 24 inserts new section 99CA into the Act.

Clause 23 clarifies the Court's existing powers to either issue an interim restraining order, or to summons a defendant, or both, or (in rare cases), to dismiss a complaint.

New section 99CA has the effect of discouraging the inappropriate use of restraining orders by private (that is, non-police) complainants under section 99 of the Act.

Section 99 provides that the Magistrates Court may, on the application of a complainant, make a restraining order against a defendant if there is a reasonable apprehension that the defendant may, unless restrained, cause personal injury or damage to property or behave in an intimidating or offensive manner, and the Court is satisfied that the making of the order is appropriate in the circumstances.

Section 99 restraining orders are one of three types of restraining orders available under South Australian legislation. They are what could be described as "general" restraining orders. Restraining orders specifically aimed at protecting children from paederasts are available under section 99AA of the Act. Domestic violence restraining orders under section 4 of the *Domestic Violence Act 1994* are available only to protect "family members" as defined by that Act (spouses, former spouses, and children). Restraining orders under section 99 of the Summary Procedure Act are available to protect anyone who feels the need to obtain them and who can satisfy the Court of the relevant criteria.

Section 99A provides that a complaint may be made by a member of the police force or by a person against whom, or against whose property, the behaviour that forms the subject-matter of the complaint has been, or may be, directed.

Police, on behalf of persons who feels threatened, make most applications for restraining orders under section 99. Police assistance is not, however, required. A person who feels intimidated or fearful can seek the protection of the court without the assistance of police, which he or she might do if, for example, his or her own personal assessment of the danger is greater than the police assessment.

Alas, there have been occasions where complainants have used restraining orders as weapons, rather than as the shields they are intended to be. A particularly notorious litigant with mental health problems has obtained a number of restraining orders against neighbours and local council officers by falsely alleging assaults and harassment. He has also called police to report falsely breaches of the orders. In a case that attracted some publicity, one of this person's victims spent $9 000 in legal fees successfully contesting a restraining order.

This problem does not arise where the complainant is a police officer. It arises in cases where either the complainant has not sought the assistance of the police or where, having done so, the police have refused to make an application on the complainant's behalf.

One factor contributing to the inappropriate use of restraining orders by non-police complainants might be that, under section 99C of the Act, the Court may make a restraining order on affidavit evidence alone.

New section 99CA deals with this problem. It applies only where the complainant is not a member of the police force (or introduced by a member of the police force in the case of a telephone application) and only to applications under section 99.

New subsection (2)(a) provides that the Court must not issue a summons for the appearance of the defendant and must dismiss the complaint unless it is supported by oral evidence.

New subsection (2)(b) to (f) provide that, contrary to the normal practice of summonsing defendants, as required by section 57, the Court has a power to dismiss a complaint in defined circumstances.

These amendments do not affect restraining orders issued under the Domestic Violence Act. Nor do the amendments apply to paedophile restraining orders under section 99AA of the Summary Procedure Act. New section 99CA applies only where the restraining is sought under section 99 of the Summary Procedure Act.

Supreme Court Act 1935

Section 39 of the Supreme Court Act deals with vexatious litigants. Subsection (1) authorises the Supreme Court, where satisfied that a person has persistently instituted vexatious proceedings, to make these orders:

- an order prohibiting the vexatious litigant from instituting further proceedings, or further proceedings of a particular class, without leave of the Court;
- an order staying proceedings already instituted by the vexatious litigant.

The Court may make the orders on the application of the Attorney-General or another interested person.

Subsection (2) provides that where the Supreme Court, or any other court of the State, believes that there are grounds for an application under subsection (1), the court may refer the matter to the Attorney-General.

Subsection (6) provides that a reference to a "proceeding" extends to both civil and criminal proceedings, whether instituted in the Supreme Court or some other court of the State.

In *Attorney-General for the State of South Australia v Burke*, the Supreme Court ruled that proceedings in the Residential Tenancies Tribunal or the Planning Appeals Tribunal could not properly be characterised as being proceedings instituted in a "court of the State".

In light of this decision, it is doubtful that the Workers Compensation Tribunal possesses the power to refer a matter to the Attorney-General under subsection (2), or that, in any event, the Supreme Court can make an order under subsection (1) about Tribunal proceedings.

Clause 25 of the Bill addresses this limitation. Clause 25(1) replaces the reference to "the Supreme Court or any other Court" in section 39(2) with "prescribed court". Clause 25(2) replaces subsection (6) with a new subsection which defines "prescribed court" to mean:

- the Supreme Court; or
- any other court of the State; or
- the Workers Compensation Tribunal; or
- any other tribunal of the State prescribed by the regulations,

and "proceedings" to mean civil or criminal proceedings instituted in a prescribed court.

No other tribunals are to be prescribed at this time and will not be unless evidence that this is necessary is forthcoming.

Young Offenders Act 1993 and Youth Court Act 1993

The system of juvenile justice is administered by many different agencies, principally Courts, SA Police, and Family and Youth Services, but also the Department for Education and Children's Services, and the Department for Aboriginal Affairs and Reconciliation, among others.

Because no one agency has an overview of the system, the Juvenile Justice Advisory Committee (JJAC) was established under

Part 7 of the *Young Offenders Act 1993*. The JJAC's main purposes are to "monitor and evaluate the administration and operation of" the Act, and to advise the Attorney-General on "issues relevant to the administration of juvenile justice".

The JJAC has not been effective for this purpose. It has no staff or other resources. The JJAC's presiding member and all four other members believe the JJAC should be abolished and its role taken over by a better-resourced body.

In 1993, when the Young Offenders Bill was debated in Parliament, no questions were raised about whether the JJAC was needed, or the scope of its functions. What little debate there was concerned the JJAC's reporting requirements in what is now section 56.

The relevant provisions in the Young Offenders Bill were drawn from similar provisions in the previous *Children's Protection and Young*. The 1979 Act provided for a Children's Court Advisory Committee. In 1979, when introducing the Bill, the then Minister expressed the belief that the Committee would:

> "…monitor and evaluate the operation of the new Act. This will assist in the development of a flexible system of juvenile justice which can be adapted to changing needs and social situations.

On 24 July 2002 the presiding member of the JJAC, Judge Geoff Muecke, wrote to the Attorney-General raising several matters. In particular, he indicated he did not believe it appropriate for a judicial officer to participate in the key function of the JJAC, required by section 55(1), namely monitoring and evaluating the administration and operation of the Act. He was of the view that this might involve him, inappropriately, in criticism of other judges and of the actions of executive government.

As to the operation of the committee, he advised that

- although the JJAC is required to "cause … data and statistics… to be collected" this function is already done by the Office of Crime Statistics and the JJAC has relied to a great extent on the OCS to produce the content of the JJAC's annual report;
- the JJAC has little or no resources. Although the JJAC was funded to carry out two specific projects, in 1996 and in 1998, it has no continuing support staff. In the past, administrative support has been supplied by the personal assistant of the judge who was the presiding member.

On Wednesday 5 March 2003 the Attorney-General met Judge Muecke and other members of the JJAC to discuss the Committee's functions, Judge Muecke's role as presiding member, and his doubts about the Committee's effectiveness. Committee members initiated the subject of abolishing the JJAC.

The JJAC's annual report for the year ended 30 June 2003 was delivered to the Attorney-General on 17 December 2003. The report:

- mentions one meeting of the JJAC held in the year 2002-2003;
- repeats some of the concerns expressed by Judge Muecke in his letter of 24 July 2002;
- contains statistics previously published by the Office of Crime Statistics and Research;
- suggests that the need for the JJAC in its present form is "minimal".

Although the JJAC has not been funded to play a meaningful continuing role, there is still a need for a body to perform the type of functions that the Act assigns to the JJAC. There is a need for a body to take responsibility for monitoring and reviewing the system of juvenile justice. Such a body needs the authority to recommend and pursue changes, when appropriate, to the operations or the legislation or both, of each agency in juvenile justice. The Government has decided that the Juvenile Justice Advisory Committee is not such a body, nor could it be effective for these purposes merely by being differently constituted or funded.

Accordingly the Government has effectively transferred the role of monitoring the administration and operation of the Act from the Juvenile Justice Advisory Committee to an *Intra-Governmental Youth Justice Advisory Committee* (the IGYJAC) under the leadership of the Department of Human Services.

This Committee was established by the Justice Cabinet Committee in August 2003 and reports to the Justice Cabinet Committee on a quarterly basis. The IGYJAC provides an across-government approach to youth justice. It comprises senior officers from:

- Department of Social Justice and Housing
- Department of Family and Youth Services
- Department of Correctional Services
- Attorney-General's Department, Justice Strategy Division
- Courts Administration Authority
- South Australian Police
- Aboriginal and Torres Strait Islander Services
- Office for Youth
- Department of Education and Children's Services
- Department of Aboriginal Affairs and Reconciliation
- Department of Further Education Employment Science and Technology
- Department of Human Services

The aim of the IGYJAC is to prevent youth crime and to deal with offending and re-offending by children and young people. It has already begun monitoring the juvenile justice system. The committee has met on a number of occasions and held a series of consultations and workshops to identify priorities. In due course, it will make recommendations to the Justice Cabinet Committee.

Unlike the JJAC, the new IGYJAC is not a creature of statute. Therefore it can be as flexible as required to better achieve the same purposes as the JJAC and more, without being tied by statute to functions that include duplicating the work of other agencies.

The presiding member and present members of the JJAC support the Committee's abolition. So does the Director of the Office of Crime Statistics and Research. There has been wide consultation, within Government, on the creation of the new IGYJAC.

Retrospective commencement of certain provisions of the Criminal Law Consolidation Act 1935

Part 8A of the *Criminal Law Consolidation (Mental Impairment) Amendment Act 1995* codifies the law applying to criminal defendants unable, owing to mental impairment, to plead to, or be convicted of, a criminal offence. Sections 269F and 269G of the CLCA set out the procedure to be followed by a court when a defendant is found not guilty of a criminal offence owing to mental incompetence. In such a case, the defendant, having been found not guilty of the criminal offence, is liable to supervision.

In 2000 Parliament enacted important amendments to the mental impairment provisions to answer questions and doubts that arose in the application of the legislation during its early years of operation.

These amendments inadvertently repealed the words "liable to supervision" in section 269G. This meant that a court was no longer authorised to declare a person liable to supervision upon a finding of mental incompetence, leading to an acquittal in certain circumstances.

This was rectified in the *Criminal Law Consolidation (Offences of Dishonesty) Act 2002*.

However, this Act contained a general transitional provision the effect of which was to apply the amendment to section 269G only to offences committed after 16 January 2003, the date of commencement of that Act.

It is therefore necessary to ensure, by way of an express provision, that the amendments to section 269G contained in the *Criminal Law Consolidation (Offences of Dishonesty) Act 2002* are given retrospective operation to the date of commencement of the *Criminal Law (Mental Impairment) Amendment Act 2000*. This is achieved by clause 28 of the Bill.

I commend this Bill to the House.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Courts Administration Act 1993*

4—Substitution of section 28A

28A—Special provisions in relation to the publication of judicial decisions

Currently section 28A deals with the publication on the Internet of sentencing remarks made by a judge of the Supreme Court or District Court. If the sentencing remarks are released by the judge in accordance with procedures approved by the judicial head of the court of which the judge is a member, and the remarks are subsequently published on an Internet site maintained by the Courts Administration Authority, the following provisions apply:

(a) a member of the Council, the Administrator and other staff of the Council have, in respect of that publication, the same privileges and immunities as if

the publication consisted of a delivery by a judge of sentencing remarks in court;

(b) that publication is in all other respects to be treated as if the publication consisted of a delivery by a judge of sentencing remarks in court.

The proposed new section extends the application of those provisions to all decisions of the Supreme Court, the District Court and of any court or tribunal prescribed by the regulations. ***Decision*** is defined to mean any judgment, decree, order, decision or ruling (whether final or interlocutory), or a sentence, and includes reasons for decision and sentencing remarks. Proposed new section 28A also extends the privileges and immunities referred to above to the Courts Administration Council.

Part 3—Amendment of *De Facto Relationships Act 1996*

5—Insertion of section 14A

14A—Restriction on publication of proceedings

Proposed section 14A makes it an indictable offence, punishable by a maximum penalty of $10 000 or imprisonment for 2 years, for a person to publish—

(a) a report of a proceeding under the Act that identifies or could tend to identify a party, a witness, a person related to or associated with a party or witness, or any other person concerned in the matter to which the proceeding relates; or

(b) a list of proceedings under the Act identified by reference to the names of the parties.

A prosecution can only be commenced by, or with the consent of, the Director of Public Prosecutions.

The proposed section does not apply in relation to—

- the communication of various court documents for use in other proceedings in a court or tribunal, in disciplinary proceedings before a body against a member of the legal profession or to facilitate the making of a decision relating to the provision of legal aid; or
- the publishing of reports or notices made in accordance with the directions of a court or tribunal; or
- the publishing, under the authority of a court hearing proceedings under the Act, of lists of those proceedings; or
- the publishing of genuine law reports or other publications of a technical nature for use by a profession; or
- the publishing of reports to members of a profession in connection with professional practice or professional training; or
- the publishing of reports to parties in proceedings under the Act in connection with the conduct of the proceedings; or
- the publishing of reports to students in connection with their studies.

Part 4—Amendment of *Development Act 1993*

6—Insertion of section 98

98—Constitution of Environment, Resources and Development Court

Proposed new section 98 enables the Environment, Resources and Development Court to be constituted of a Judge and single commissioner when exercising its jurisdiction under the Development Act.

Part 5—Amendment of *Environment, Resources and Development Court Act 1993*

7—Amendment of section 3—Interpretation

This clause amends the definition of ***registrar*** so as to change the title of "Assistant Registrar" to "Deputy Registrar".

8—Amendment of section 8—Judges of the Court

9—Amendment of section 9—Magistrates

10—Amendment of section 13—Disclosure of interest by members of the Court

These clauses replace references to "Presiding Member" with references to "Senior Judge".

11—Amendment of section 14—Court's administrative and ancillary staff

This clause amends section 14 so as to change the title of "Assistant Registrar" to "Deputy Registrar" and replace the reference to "Presiding Member" with reference to "Senior Judge".

12—Amendment of section 15—Constitution of Court

13—Amendment of section 16—Conferences

14—Amendment of section 18—Time and place of sittings

15—Amendment of section 48—Rules

These clauses replace references to "Presiding Member" with references to "Senior Judge".

Part 6—Amendment of *Juries Act 1927*

16—Amendment of section 6A—Additional jurors

This clause amends section 6A to make it clear that the requirement for the holding of a ballot to reduce the number of jurors to 12 where additional jurors have been empanelled for a trial applies where the jury is about to retire to consider whether to return a verdict without hearing further evidence.

17—Amendment of section 30—Summons

This clause amends section 30 so that the form of a summons to a juror is prescribed by the regulations rather than by the Act.

18—Repeal of section 31—Duty of sheriff to keep list of persons summoned

This clause repeals section 31 which requires the sheriff to keep a list of persons summoned to render jury service for any month at his or her office for at least 7 clear days before the first day of that month.

19—Amendment of section 55—Separation of jury

This clause amends section 55 to make it clear that the court's power to permit a jury to separate applies even though the jury has retired to consider whether to return a verdict without hearing further evidence.

20—Substitution of section 70

70—Payment of jurors etc

Section 70 entitles a juror who is summoned and punctually attends a court in compliance with the summons to remuneration in accordance with the prescribed scale.

Proposed new section 70 provides that if a juror is paid wages or salary by an employer in respect of the period during which the juror attends court for the purposes of jury service the juror is not entitled to such remuneration, but instead the employer is entitled to be reimbursed an amount equal to the amount of remuneration to which the juror would have been entitled had he or she not been paid such wages or salary.

21—Repeal of Schedule 5

This clause repeals Schedule 5 which prescribes the form of a summons to a juror.

Part 7—Amendment of *Summary Procedure Act 1921*

22—Amendment of section 5—Classification of offences

This clause amends section 5 to make indecent assault against a child under 12 years of age a major indictable offence.

23—Amendment of section 99C—Issue of restraining order in absence of defendant

This clause amends section 99C to make it clear that subsections (2) and (3) have effect subject to the proposed new section 99CA. The Note is included in order to clarify the requirements of the Act in the event that the Court chooses not to issue a restraining order under section 99C(2). The Note also serves as a reminder of the circumstances in which the Court may or must dismiss certain complaints under proposed new section 99CA.

24—Insertion of section 99CA

99CA—Special provisions relating to non-police complaints for section 99 restraining orders

Proposed new section 99CA provides that in respect of a complaint where—

(a) the complainant is not a member of the police force; and

(b) the complaint is not made by telephone by a person introduced by a member of the police force; and

(c) the restraining order sought is a restraining order under section 99 (ie. not a paedophile restraining order),

the Court must dismiss the complaint unless it is supported by oral evidence, or, where such a complaint *is*

supported by oral evidence, the Court has a discretion to refuse to issue a summons for the appearance of the defendant and to dismiss the complaint.

The clause sets out—

- factors to be considered in determining whether or not to exercise the discretion to dismiss the complaint (subsection (2)(c)); and
- some of the circumstances in which the discretion may be exercised (subsection (2)(d)); and
- the circumstances in which there is a presumption against exercising the discretion (subsection (2)(e)).

Subsection (2)(f) requires the Court to record its reasons in writing if it decides to exercise the discretion and dismiss the complaint under subsection (2)(b).

Part 8—Amendment of *Supreme Court Act 1935*

25—Amendment of section 39—Vexatious proceedings

This clause amends section 39 to enable the Workers Compensation Tribunal and tribunals of the State prescribed by the regulations to refer to the Attorney-General matters where it appears there are proper grounds for an application to the Supreme Court for an order prohibiting a person who persistently institutes vexatious proceedings from instituting any further proceedings without leave of the Court, and an order staying existing proceedings.

Part 9—Amendment of *Young Offenders Act 1993*

26—Repeal of Part 7

This clause repeals Part 7 which deals with the Juvenile Justice Advisory Committee.

Part 10—Amendment of *Youth Court Act 1993*

27—Amendment of section 24—Persons who may be present in Court

This clause is consequential on the repeal of Part 7 of the *Young Offenders Act 1993*. It removes a reference to the Juvenile Justice Advisory Committee.

Part 11—Retrospective commencement of certain amendments

28—Retrospective commencement of amendments to Criminal Law Consolidation Act 1935

This clause provides that section 10 of the *Criminal Law Consolidation (Offences of Dishonesty) Amendment Act 2002* will be taken to have come into operation on 29 October 2000 immediately after the *Criminal Law Consolidation (Mental Impairment) Amendment Act 2000* came into operation.

Schedule 1—Related amendments

The Schedule amends the *Environment Protection Act 1993*, the *Irrigation Act 1994*, the *Native Vegetation Act 1991* and the *Water Resources Act 1997* to replaces the references to "Presiding Member" of the Environment, Resources and Development Court with references to the "Senior Judge" of that Court.

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

HEALTH AND COMMUNITY SERVICES COMPLAINTS BILL

In committee.

Clause 1.

The Hon. A.J. REDFORD: I have a couple of housekeeping matters. First, so that members understand where we are coming from, there are a series of amendments, which I filed on 31 March, where the position of the opposition is that the health and community complaints ombudsman be renamed the health and community complaints commissioner. Indeed, there are subsequent provisions which indicate that the office of the commissioner would be held by the person (for the time being) holding the position of the state Ombudsman. That, Mr Chairman, will be dealt with at clause 4, page 5, after line 23.

In the event that I succeed, I will move that we report progress. The reason I am seeking to do that is to enable parliamentary counsel to redraft all of my amendments based upon the result of that vote and, if I succeed, an alternative set of amendments will be drafted. They are ready either way so we will be able to proceed with the bill and complete it tomorrow. The second issue that I wish to raise is that we are approaching the first anniversary of the last contribution on this bill. For those people who have not gone back and read what was said in April and early May last year, there were a series of questions put firstly by the Hon. Nick Xenophon and secondly by me. I wonder whether the minister is in a position to answer those questions.

The CHAIRMAN: The Hon. Mr Redford mentioned that he had amendments on file. I have no record of those amendments. I understand that they were filed in the last session and have not been restored to the *Notice Paper*. The only amendments that I have in my possession are those in the name of the Minister for Aboriginal Affairs and Reconciliation.

The Hon. A.J. REDFORD: I had a conversation with parliamentary counsel last week and I assumed that they were on file. There is a copy.

The CHAIRMAN: I understand that your progression is pivotal on clause 4.

The Hon. A.J. REDFORD: Yes.

The CHAIRMAN: I have an amendment in the name of the minister which may resolve your problem; so, we will deal with clause 4.

The Hon. A.J. REDFORD: Am I going to get answers to my questions first?

The Hon. T.G. ROBERTS: I have a summary of the response to the questions raised under clause 3 on 14 and 15 May 2003. I would like to briefly respond to the range of questions raised when this bill was being debated last year in committee relating to the state Ombudsman and the budget for the new office and the interplay of this bill with the Law Reform (Ipp Recommendations) Bill and the interplay with the Coroner's Office. The Hon. Mr Redford said that the government had sought to counsel the state Ombudsman about this bill—that is not true. The Minister for Health and the Attorney-General met with the Ombudsman to clarify any concerns.

The government values the integrity and independence of the Ombudsman. It was also suggested that this bill would impede the operations of the yet to be proclaimed Ombudsman (Honesty and Accountability in Government) Amendment Bill 2002. There is nothing in this bill that would prevent the state Ombudsman from conducting a review of the administrative practices and procedures of an agency to which the Ombudsman's Act applies. The review functions of the HCS ombudsman and the state Ombudsman should be seen as complementary so that both are able to operate in the best interests of the public.

In relation to the budget, previously I advised the council that I was provided advice on the estimated budget for establishing a Health and Community Services ombudsman's office. I also advised that it had been estimated that an overall $850 000 in recurrent funding was required. The committee should note that this does not include the establishment costs of setting up new physical amenities such as furniture and computers.

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: The committee should note that this does not include the establishment costs of setting up new physical amenities—$850 000.

The Hon. A.J. Redford: Recurrent?

The Hon. T.G. ROBERTS: Recurrent funding that was required.

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: There is more to come. The recurrent budget will be derived from the half a million dollars per annum that the government has committed as part of its election promise to the ongoing cost of the HCS ombudsman's office. Fees as proposed in clause 83 are to be paid by registered service providers including providers of both public and private sectors, and funds from the state Ombudsman's office will be specifically allocated for handling health complaints. Based on figures available at that time, the estimated $850 000 per annum with an average cost of 57 cents per head of population in South Australia compares favourably with most jurisdictions. Victoria, Western Australia, Tasmania and Queensland expend in the range of 22 cents to 56 cents per head on their complaints officers.

In relation to the Health and Community Services Complaints Bill, whilst the ACT and the Northern Territory are significantly smaller jurisdictions their cost per head is in the range of $1.47 to $3.18. In New South Wales the average cost per head is approximately $1.02. I also advise that the cost of running a Health and Community Services ombudsman's office would be similar to the costs of running an office within the state Ombudsman's office, except for the establishment costs and the salary of the HCS ombudsman. The budget is continually being refined and will be adequate and appropriate to meet the roles of the Health and Community Services ombudsman's office. Further, clause 15 of the bill provides for annual oversight of the budget by the Economic and Finance Committee of the parliament.

In relation to the Law Reform (Ipp Recommendations) legislation, I refer to the questions raised by the Hon. Nick Xenophon. His questions primarily relate to an act which has been passed by both houses. The bill before us is about consumer rights and providing a nonadversarial procedure to have complaints resolved in a way that leads to quality improvements in the health and community services system. The Law Reform (Ipp Recommendations) Act, on the other hand, deals with civil actions for damages for harm based on a breach of duty to take reasonable care or to exercise reasonable skill.

The law reform Ipp recommendations will not compromise the effectiveness of this bill in providing a mechanism to resolve complaints through an independent process. An injured consumer may take both actions. That is, a complaint may be lodged with the HCS ombudsman and a claim for damages for medical negligence can be brought before the court. However, this bill details the actions that an HCS ombudsman must take in handling a complaint that comes before the court. Further, this bill does not say anything, one way or another, about the respective merits of the decisions in the cases of FVR and Bolam v Frien hospital management committee.

Under this bill the HCS ombudsman is not called upon to apply the law of negligence. This is a matter for the courts. Nor does this bill say anything, one way or another, about whether or when a professional opinion may be considered irrational. Under this bill the HCS ombudsman will decide whether a health and community service complaint should be upheld. Finally, the fact that a person has unsuccessfully sued for negligence does not affect their entitlement to make a complaint under this bill. Determination of legal liability for damages for negligence will remain a matter for the courts.

I refer now to the Coroner's office and the questions raised by the Hon. Mr Redford concerning the jurisdiction of the Coroner. The relationship and protocols will be determined by clause 32 which describes the circumstances under which the HCS ombudsman will defer to the Coroner. In other words, there will be no duplication of an investigation by the HCS ombudsman where the Coroner is investigating the same complaint.

As to the independence of the HCS ombudsman and the Coroner, it cannot be argued that the HCS ombudsman cannot act truly independently. Clause 11 of the bill provides that, in performing and exercising his or her functions and powers under this act, the HCS ombudsman must act independently, impartially and in the public interest. Clause 11(2) provides that a minister cannot control how the HCS ombudsman must exercise the HCS ombudsman's statutory functions and powers.

The question of extending power to the Coroner to initiate systemic issues is not supported by this government. The government has determined that the best approach is for the HCS ombudsman to investigate systemic issues that arise out of complaints generally and not just in relation to the death of a person or persons. Finally, the HCS ombudsman may investigate any matter that is in the public interest and/or systemic issues at his or her behest, or as a matter arising out of a specific complaint, or at the behest of the minister consistent with his or her powers and functions.

The Hon. A.J. REDFORD: As I read *Hansard*, so far the debate about the cost of the establishment of this new body has been conducted under clause 1. However, it is pertinent that, when we get to debate the issue of whether or not we have a commissioner or an ombudsman, I am happy to explore the issue then, or we can do it now.

The CHAIRMAN: Your first amendment is to clause 4. The normal practice is to deal with these issues where they arise. Once we have canvassed it there, we can canvass it right throughout the bill. I believe your line of questioning is pivotal on this point.

The Hon. A.J. REDFORD: I am in your hands. I do not care.

The Hon. NICK XENOPHON: I have a preliminary matter. If the minister considers that he has raised it, I apologise for raising it again. I note that the Hon. Angus Redford has asked number of questions about the resources that will be allocated to the proposed health complaints ombudsman. I think the answer is that it is in the order of $850 000 per annum in terms of the budget lines. I think that is up from half a million dollars last year. I recently re-read the Hon. Mr Redford's contribution in relation to this matter of April last year.

I place on record that there has been some perceived criticism of the opposition in terms of delays in the conduct of this bill. Last year I made it very clear that I had concerns about the interrelationship between the Ipp recommendations bill and this bill. If there are any health consumer groups concerned about any delays, they need to speak to me. That is important in order to be fair in the context of any debate and in terms of the perception, because I believe that there were very real concerns about the interrelationship between the two.

My question to the minister is: given that health complaints under the current legislative framework are dealt with by the Ombudsman's office, and given that this bill sets up a new office to deal with complaints, does this mean that there will be a reduction in the resources of the current

Ombudsman's office to any extent? The Ombudsman's office, by any reasonable analysis, is flat out dealing with complaints in respect of the whole range of government departments. I endorse what others have said about the excellent job that the office does in terms of its integrity and its thoroughness, but will there be a reduction of resources in the current Ombudsman's office to any extent with the establishment of this office? If so, to what extent?

The Hon. T.G. ROBERTS: Information given to me is that the recurrent budget will be derived from $500 000 per annum that the government committed as part of its election promise to the ongoing costs of the HCS ombudsman's office. Funds from the state Ombudsman's office specifically allocated for handling health complaints from the unit to the office will be transferred. Those resources will be transferred from the Ombudsman's office to the unit.

The Hon. NICK XENOPHON: Can the minister elaborate on that? Is that the extra $350 000 referred to? What does that mean in terms of staffing levels in the Ombudsman's office? Can we be assured that there will not be any further stretching of the resources of the Ombudsman's office by virtue of what the minister stated? Under this bill it is proposed that the Ombudsman's office will have a supervisory role, or an appeal role if you like, in terms of difficulties with the proposed health ombudsman's office. How does that work in? Will the Ombudsman's office be worse off by virtue of any resources being taken away with the establishment of this new office?

The Hon. T.G. ROBERTS: The information indicates no worsening of the resources within the state Ombudsman's office. The complaints received and the mechanism for handling them will be transferred directly to the Ombudsman's unit. There will be no weakening of the state Ombudsman's role or function once the transfer has occurred.

The Hon. NICK XENOPHON: In relation to the proposed role of the Ombudsman in the context of this bill, there will be a role for the Ombudsman as set out in this bill. Will there be resources to deal with that? It is a case of taking away the people who are dealing with health complaints at the moment, and I understand that, so those specialists are dealing with those complaints. The Ombudsman's office will also have a role in terms of—

The Hon. A.J. Redford interjecting:

The Hon. NICK XENOPHON: The Hon. Angus Redford says that there is no role. I stand corrected and am grateful for his mentioning that. My understanding is that there is a role for the Ombudsman's office with respect to the bill. I will speak to the minister's adviser while the minister considers what I have just put to him.

The Hon. T.G. ROBERTS: I understand that the state Ombudsman will be handling the process but that—

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: That is now in the powers of the Ombudsman.

The Hon. A.J. REDFORD: Under the Ombudsman Act?

The Hon. T.G. ROBERTS: Yes—under the Ombudsman Act. So, the existing powers will be able to handle process, and that will be handled within the existing resources of the state Ombudsman. However, my understanding is that the investigatory role for complaints will be handled by the unit. My advice is that the Ombudsman Act requires that processes be exhausted under that act before it is picked up within the unit. So, you can take your complaint to the Ombudsman and argue process, but I understand that the technical detail of the complaint will be handled by the unit.

Clause passed.

Clause 2.

The Hon. A.J. REDFORD: Can the minister tell me what work needs to be done and when it is likely that the act will be proclaimed and come into operation?

The Hon. T.G. ROBERTS: The information given to me is that, as soon as we pass the bill in this place, it will be proclaimed as soon as possible.

The Hon. A.J. REDFORD: There was another part to my question: what work needs to be done?

The Hon. T.G. ROBERTS: The proclamation will take place, and the work being done (in progress as we speak) is the establishment of the office and its resources and also the drafting of the regulations, which will come about when the bill comes out in the final form of the act.

The Hon. A.J. REDFORD: In terms of the establishment of the office, what physically is involved? Where will it be and so on?

The Hon. T.G. ROBERTS: Sites are being looked at at this time. Assessments are being done and will be carried out as speedily as possible.

The Hon. A.J. REDFORD: As I understand it, we are passing an important piece of legislation, it will come into force as soon as possible and you are looking for locations, but you are not sure where; that is where we are at. Was there any other information, or have I missed something?

The Hon. T.G. ROBERTS: The report given to me is that the work has been continuing. It has been held up by the passage of the bill, but the background work for the establishment of the office has been continuing. Some work has been done on canvassing for the ombudsman, but we will not really shift into top gear until the bill becomes an act and is in place and operating.

The Hon. A.J. REDFORD: Will the government collocate with the current Ombudsman—at least during the initial stages?

The Hon. T.G. ROBERTS: The government is considering that as one option, but it is considering all options.

The Hon. NICK XENOPHON: First, in relation to any transitional arrangements, when will some staff be moved to the proposed new office? Can the government guarantee that people will not be prejudiced in any way by that transition? Secondly, if the office is established as envisaged by this bill, what steps will be taken to ensure that members of the public are informed of its existence, including in languages other than English for those non-English speaking background communities?

Further, what effort will be made to ensure that regional communities are aware of this new legislation? What efforts will be made to ensure that those subject to this bill—namely, the various professional associations and the health and community services—are made aware of it and that there is compliance? I imagine that there is a lot of work to do. I want to get some idea of what arrangements will be in place and how long they will take.

The Hon. T.G. ROBERTS: The honourable member has listed all the issues that the transitional situation requires. There will be an equitable allocation of resources whilst doing that, and I guess other sensitivities will have to be taken into account. I also suspect that the honourable member might use some of his skills in communicating with the broader electorate in relation to the finalisation of the bill and the establishment of the office.

The Hon. A.J. REDFORD: What will happen in relation to existing files?

The Hon. T.G. ROBERTS: They will be subject to protocol discussion between the state Ombudsman and the HCS ombudsman.

The Hon. A.J. REDFORD: Sorry, that is not good enough. I will move to report progress here and now unless I receive an answer. If I have made a complaint to the Ombudsman about the health system I want to know now, with some degree of certainty, what will happen to my complaint. I think the government owes it to us and to the people of South Australia to be a little clearer about what will happen to my current complaint about my health position, and not be hoodwinked into accepting that this would be subject to some protocol. With the greatest of respect, I think that that is just gobbledegook.

The Hon. T.G. ROBERTS: It is not gobbledegook. It is a practical way of transferring information in a transitional period. The state Ombudsman has the option to continue working through with respect to files that he has to complete and I guess that, if process matters are included, he will take them on board and if there are complaints that need to be investigated they will go to the new ombudsman. You have to rely on the professionalism of both the state Ombudsman and the new ombudsman to work out those matters. Certainly, if one looks at the history of the state Ombudsman, one will see that he would not allow for any sort of gobbledegook style transfer to occur, and I would not expect the new ombudsman to be a part of any sort of process that was bureaucratic in form and did not give justice to those files where people had reported complaints in good faith.

The Hon. A.J. REDFORD: We have to do this a lot with this minister, I am afraid, Mr Chairman, but I want to try to discern an answer to what is a fairly straightforward question. Am I to understand that, if there is a complaint in the system, it will be completed and finalised by the current Ombudsman?

The Hon. T.G. ROBERTS: Yes.

The Hon. NICK XENOPHON: Following on from the question of the Hon. Angus Redford, given what the minister said earlier—that, as I understand it, staff from the Ombudsman's office dealing with health complaints will go to the new office—where does that leave the Ombudsman in terms of dealing with existing complaints? Will there be an arrangement to ensure that those officers who previously worked in the Ombudsman's office who go to this proposed new office will be required to complete their files? What happens there? Who do they answer to in terms of a complaint that is halfway or three-quarters of the way through? Given that quite a few of these matters have been dealt with in the Ombudsman's office, I would imagine there will be quite a few matters that have not been finalised.

No-one is questioning the professionalism of the current Ombudsman or his office. On the contrary, the consensus is that he ought to be praised for his work and the work of his officers. However, notwithstanding the professionalism of the Ombudsman, if he does not have the resources or the staff to deal with those complaints, it puts that office in an invidious position. There must be some mechanism. How will it work? If a complaint is three-quarters of the way through and the officer involved is transferred to the new office (and I understand that), what happens there? Does the Ombudsman have any control or ability to direct that officer to complete it? It may be something that can be easily answered, but I think it is a valid concern.

The Hon. T.G. ROBERTS: I refer to clause 85(2), 'Transitional provisions':

> The state Ombudsman may, if the state Ombudsman thinks fit and with the agreement of the HCS Ombudsman, transfer to the HCS ombudsman the conduct of an investigation of a complaint made to the state Ombudsman before the commencement of this act.

We will deal with that issue then, if the member has any amendments to strengthen the clause, or he might want to clarify it. Perhaps we can deal with it when we reach that clause.

Clause passed.

Clause 3 passed.

Clause 4.

The Hon. T.G. ROBERTS: I move:

> Page 5, lines 22 and 23—Leave out the definition of 'close relative'

The effect of this amendment is that it removes an interpretation of 'close relative'. The policy rationale is that this amendment is consequential to the amendments to clause 23(h). Clause 23 defines who may complain to the HCS ombudsman, and the proposed amendment to clause 23(h) will provide for a person who can demonstrate to a HCS ombudsman that he or she had an enduring relationship with the deceased person or a personal representative of the deceased person rather than specify terms such as 'close relative'.

The Hon. A.J. REDFORD: The opposition supports the amendment.

The Hon. NICK XENOPHON: I support the amendment. As I understand it, this amendment arises out of discussions that the Hon. Andrew Evans had with the government, and I congratulate the Hon. Mr Evans for bringing that matter to the government's attention and the government for listening to his concerns.

Amendment carried.

The Hon. A.J. REDFORD: I move:

> Page 5, after line 23—Insert:
>
> 'Commissioner' means the Health and Community Services Complaints Commissioner appointed under Part 2 (and includes a person acting in that office from time to time);

I will speak in some detail to this amendment. Mr Chairman, I have endeavoured to follow the standing orders as you apply them. I have a series of questions in relation to the cost and establishment of the new body. In leading to those questions, can I say that the effect of this clause (and this would be a test clause), if it is carried, would be to appoint a health and community complaints commissioner. Consequential upon that, our amendment to clause 5 is that the office of the commissioner be held for the time being by the person who holds the office of state Ombudsman.

Before I debate the pros and cons of this, I have a number of questions for the minister leading on from some of the questions asked by the Hon. Nick Xenophon. In his usual way, the minister has managed to confuse me, because 12 months ago he said in this place that the establishment costs of a new office would be $850 000 and that there would be recurrent expenditure of $500 000. Today he says that the recurrent expenditure is $850 000. This minister and this government seem to be chucking around the first figures that come into their head. I will ask a series of very simple questions in order to try to discern what might be happening in relation to the establishment of this new office. My first question is: what are the establishment costs of the new office?

The Hon. T.G. ROBERTS: The establishment costs, as described earlier, will be refined as we go. The cost of setting up the new facilities has not been finally calculated, but it

would fall within the range provided, and the refinement for building refits and those issues will be worked out as we go. The recurrent funding will stand—that has been calculated as accurately as possible—but there is some flexibility in the establishment costs, and we do not want to be tied down to the last dollar.

The Hon. A.J. REDFORD: The minister said that the costs are somewhere in the range of figures already provided. What figures have already been provided, when were they provided and to whom?

The Hon. T.G. ROBERTS: No establishment figures have been provided to this place, but the recurrent figure has been provided.

The Hon. A.J. REDFORD: I am not talking about the recurrent figure. I asked what the establishment costs are. I received an answer that they are somewhere within a range of parameters that have already been provided and that there is some flexibility. I then asked what figures have been provided and when, and I was told that they are recurrent figures. I am not talking about recurrent costs. What are the establishment costs?

The Hon. T.G. ROBERTS: The options are still being looked at. Obviously, the officers have ballpark figures within which they are working, but I cannot put a figure on the options that they are looking at. All I can say is that those options are within a ballpark figure of $350 000 to $400 000. Some places you can walk into and start up business almost straightaway; in other cases you have to have a complete refit of the buildings. That work is being done. It was not the government that held up this bill for 12 months. If the bill was not going to go through, what would be the point of wasting the government's money on a building refit on something that may not have been passed? You would have been very critical of the government in that case.

We are looking at options. We do not have a definitive figure, but there are responsible people (working out of DAIS, I assume) looking at setting up a unit. If you want to tie the government down to a figure, it is not possible to do that. It may be possible later when the options have been looked at and one chosen. The people who assess the costs would probably be able to do that once that decision has been made, but at the moment they cannot.

The Hon. A.J. REDFORD: People often say to me that this mob cannot run a chook raffle. They ought to be listening to this diatribe. It is very simple. When we were in government—in fact, I do this in my private life and I used to do it when I was in business—we set a budget and tried to work within it. That might be news to the minister, but that is what people in normal life do. If we can shave a bit off the budget, well and good; if we exceed the budget, we look for an alternative way to do it. When we were in government—and I do this at home, and the Hon. Andrew Evans would do this with his church—we worked out a budget. People do not just sit there and say that it could be this or it could be that. This might be a difficult question for the minister—and most of them are—but what would be the budget for setting up the office?

The Hon. T.G. ROBERTS: I am not quite sure why the honourable member has got his knickers in a twist over this. If those certainties that are required by the honourable member were known, I would give them to him.

The Hon. A.J. Redford: You must have a budget.

The Hon. T.G. ROBERTS: I have given the honourable member one. I think everyone else in this committee has heard me say $350 000 to $400 000.

The Hon. A.J. Redford: You have a budget of $350 000: that is all I need; that is all that has been asked for.

The Hon. T.G. ROBERTS: I have given you that.

The Hon. A.J. Redford: Thank you.

The Hon. T.G. ROBERTS: That will have to be refined at the time when the office site is set up and whatever option is taken, plus those office on costs that occur when you go into buildings in that sometimes you find you can get away with less than that and sometimes you might find that you have to remove asbestos and it costs far more.

The Hon. A.J. REDFORD: I thank the minister for that. If he just gave me some simple answers. Some of these things are not tricks, if I can just assure the minister.

The Hon. T.G. Roberts interjecting:

The Hon. A.J. REDFORD: No. The minister has said earlier today that the recurrent expenditure is some $850 000 per annum based on current budgets and last year it was $500 000 per annum based on what he told parliament on 14 May 2003. What is the difference between what the minister said then and what the minister is saying now?

The Hon. T.G. ROBERTS: The budget again should be discussed in clause 15. We are discussing clause 4, which is the title of the office.

The Hon. A.J. REDFORD: Mr Chairman, I rise on a point of order. I am trying to comply with standing orders and the debate about whether or not we set up a separate office is quite relevant. If the minister wants to pull a point of order on me, fine, but if he is just having a general comment as to when we do it, then I am trying to comply with the standing orders.

The CHAIRMAN: What has happened is that members wanted to ask some fundamental questions. I did it in the early stages so that we would do them as they arose in the bill, but then the Hon. Mr Xenophon started asking questions and we had to allow them. By trying to be helpful, I think I have made a rod for my own back. However, it seems to me that we are asking a lot of questions without commenting on the bill. Until the bill is passed, you will be hardly able to work out a budget or anything else.

It seems to me that we are spending a lot of time on hypotheticals. Much of this is hypothetical until the bill is passed, and that is with the greatest of respect to everyone who has contributed so far. We have started on this track, minister, and I think that the Hon. Mr Redford has a right to some expectation that we try to conclude this at this stage, then we will move back to the individual clauses of the bill and work through it in that way.

The Hon. A.J. REDFORD: Mr Chairman, I will be guided precisely by you but what we are trying to debate is whether we should set up a new office called 'a commissioner's office' or use the existing office. What I am trying to do is establish what is the cost of setting up a new office so that we can balance up whether there is a public good as a consequence of the cost. I am trying to be cooperative and I am trying to follow the standing orders, but if the minister wants me to deal with it at clause 15, which he knows is well after the debate, and if he wants to try to defer it until then, I will move that we report progress, I will FOI all the information and we will come back in August and finish the bill then, if that is the way he wants to do it. All I want is some basic information.

The CHAIRMAN: Minister, you have no feed on cooperation; everyone is trying to be cooperative. I think the minister can try to answer this question.

The Hon. T.G. ROBERTS: Mr Chairman, the reply I gave earlier was the budget process as outlined. I mean, I have already given it. The recurrent budget will be derived from the $500 000 per annum the government has committed as part of its election promise, the ongoing cost to the HCS ombudsman's office, fees as proposed in clause 83 to be paid by registered service providers, including providers in both public and private sectors and funds—

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: It is how it is made up. Funds from the state Ombudsman's office are specifically allocated for handling health complaints, and that is the way in which the budget will be formatted. The situation, as we see it on this side anyway, is relatively clear in relation to—

The Hon. A.J. Redford: Do you want to do it or not? Why don't you just answer the question?

The Hon. T.G. ROBERTS: This is the second time I have read that reply out.

The Hon. A.J. REDFORD: I still do not understand. Why was it $500 000 last year and $850 000 now? If it is too hard for the minister, I will move that we report progress.

The CHAIRMAN: With the greatest respect to the Hon. Mr Redford, I think the minister has explained on about four occasions—and even I understand it—he is now allocating the commitment of $500 000 from the government and $350 000 will be diverted from the present budget of the Ombudsman to handle any of the new complaints. I do not know what more you need.

The Hon. A.J. REDFORD: Mr Chairman, if everyone listened carefully, I am talking about the recurrent budget. Last year the minister said that the total cost was $500 000 per annum. Earlier today he said that it was $850 000 per annum. Why is there a difference of $350 000 per annum as advised to us in May last year and what he is advising us now?

The Hon. T.G. ROBERTS: Mr Chairman, we are discussing a bill before this committee now which includes the figures that I have just given to you accurately. The figures that were given 12 months ago were seen to be accurate then. These are the figures that have been put into the replies for me to give to the committee in relation to the budget that has been structured for the unit now.

The Hon. A.J. REDFORD: I still do not understand why there is a difference of $350 000 per annum.

The Hon. T.G. ROBERTS: It was a different form of calculation. There is no smoke and mirrors. The way in which the figures were drawn up were different. If the member goes back to the way the replies were given last year, the $500 000 was a straight one off. The $850 000 includes a different calculation and a different formula.

The Hon. A.J. REDFORD: I have to say that I do not understand this. Let me read the exchange from last year to refresh the minister's memory. The minister said:

> Information provided to me in relation to the new services that will be provided by the new office is that $500 000 recurrent funding has been committed to establish this office.
>
> The Hon. T.G. CAMERON: Is the minister saying that it will cost $500 000 a year in recurrent funding?
>
> The Hon. Diana Laidlaw: No, it is what they have allocated, not what it is going to cost.
>
> The Hon. T.G. CAMERON: If you have allocated an additional $500 000 towards the cost of running the office, what then is the estimated total cost of running the office? You cannot do one without the other. Perhaps that is the way Labor governments spend money, but I would have thought that, if you were looking at one, you would have to look at the other.
>
> The Hon. T.G. ROBERTS: There has been funding that the government feels is adequately directed to the setting up of the office and the running of the office. The amounts that have been estimated are $850 000—
>
> The Hon. T.G. Cameron: I am not following you.
>
> The Hon. T.G. ROBERTS: You asked me.
>
> The Hon. T.G. Cameron: I did not understand what you said.
>
> The Hon. T.G. ROBERTS: I said that the estimated amount is $850 000. As I said before in answer to the honourable member's previous question, $500 000 will be allocated to recurrent funding. This is nothing to do with the objects.

The minister has come in today and said that it is now 50 per cent more than what he told the Hon. Terry Cameron last year. It is a very simple question: what is the difference today? If the minister cannot answer it, I will move to report progress and the minister can go away and do his homework.

The Hon. T.G. ROBERTS: I cannot explain it any differently than I have explained it three times now. It is $500 000 worth of allocated funding, and another $350 000 in funds will be raised in other ways.

The Hon. A.J. Redford: That is not the question. I did not ask the minister that question.

The Hon. T.G. ROBERTS: The question is: how is the funding allocated? If it has changed from this time 12 months ago, the only thing I can say is that the calculations from which the honourable member drew his conclusions are different than those which I have explained to the council.

The Hon. A.J. REDFORD: The minister has consistently avoided answering the question. There is a 50 per cent difference in the figure. I suggest that I move that progress be reported. The minister can go away and get a proper briefing about the total costing of this and we will come back and sort this out tomorrow. I move:

> That the committee report progress.

The committee divided on the motion:

AYES (12)

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

NOES (9)

Gago, G. E.	Gazzola, J.
Gilfillan, I.	Holloway, P.
Kanck, S. M.	Reynolds, K. J.
Roberts, T. G. (teller)	Sneath, R. K.
Zollo, C.	

Majority of 3 for the ayes.

Motion thus carried.

Progress reported; committee to sit again.

AUSTRALIAN INNOVATION FESTIVAL

The Hon. P. HOLLOWAY (Minister for Industry, Trade and Regional Development): I lay on the table a copy of a ministerial statement on the Australian Innovation Festival made earlier today in another place by my colleague the Minister for Transport, the Minister for Urban Development and Planning and the Minister for Science and Information Economy.

CONSENT TO MEDICAL TREATMENT AND PALLIATIVE CARE (PRESCRIBED FORMS) AMENDMENT BILL

In committee.

(Continued from 1 April. Page 1365.)

Clause 4.

The Hon. SANDRA KANCK: When we last discussed this bill I said that this bill presented an opportunity to correct what I believed was an anomaly in the current act on the basis that one has to seize the moment; these bills do not come along very often. I have had a briefing from the minister's office, and I have been told that, probably, there will be another amending bill to the Consent to Medical Treatment and Palliative Care Act later this year, and that the particular anomaly I raised will be able to be addressed at that time. I am therefore quite happy for things to progress without any further ado.

Clause passed.

Remaining clauses (5 to 7), schedules and title passed.

Bill reported without amendment; committee's reported adopted.

Bill read a third time and passed.

ADJOURNMENT

At 4.47 p.m. the council adjourned until Tuesday 4 May at 2.15 p.m.