LEGISLATIVE COUNCIL

Wednesday 3 May 2006

The PRESIDENT (Hon. R.K. Sneath) took the chair at 2.16 p.m. and read prayers.

LEGISLATIVE REVIEW COMMITTEE

The Hon. J. GAZZOLA: I bring up the committee's first report for 2006.

Report received.

QUESTION TIME

POLICE BUDGET

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

Leave granted.

The Hon. R.I. LUCAS: Members will be aware that prior to the election the Labor Party promised a 2 per cent efficiency dividend to be applied to all agencies but promised to quarantine key agencies such as police. Members will be aware that subsequent to the election the government has broken that commitment by saying that police will not be quarantined; and agencies have been asked to provide savings of up to 3 per cent or 4 per cent of their budget. I remind members that 3 per cent to 4 per cent of the police budget would be a cut in the order of $15 million to $20 million in the total police budget, and, of the approximately $500 million spent in the police budget, almost $400 million is spent on salary costs for employees. My questions are:

1. Will the leader confirm that it is impossible to cut 15 per cent to 20 per cent of the non-salary budget—that is, almost $20 million of $100 million—without severely damaging the quality of policing in South Australia?

2. If the leader agrees with that, will he confirm that, therefore, the only way of achieving the Treasurer's required saving of up to 3 per cent or 4 per cent—or $20 million—will be to cut employee numbers within the public sector of the police department?

The Hon. P. HOLLOWAY (Minister for Police): I suggest that the Leader of the Opposition should wait until the budget on 21 September. I can understand why the Leader of the Opposition is trying to create speculation in relation to the budget, but the fact is that this government, as I indicated yesterday to an almost identical question from the Leader of the Opposition, has increased police numbers over its first term by 246; and we will increase police numbers by a further 100 per year, which will involve a significant investment in the police department over future budgets to achieve that goal. In order to fund those increases and other priorities of the government, it is necessary, right across government, to look at how we conduct operations to see what efficiencies we can make.

The sorts of figures the honourable member is using are entirely speculative on his part. The Treasurer may have been talking about overall goals for the budget. As I indicated yesterday, each government department is looking at its operations to see whether there are areas where savings can be made. Quite clearly, for those departments, such as the police department, where wages are a significant component—

The Hon. R.I. Lucas: 80 per cent.

The Hon. P. HOLLOWAY: Yes; that is right. The Leader of the Opposition has done his homework, at least in that regard. Clearly, savings and efficiencies are much more difficult to achieve in those departments than other departments.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: I suggest that the Leader of the Opposition wait until the budget comes down on 21 September. We are going to go through a proper exercise of looking at every department—and no department should be immune—and in the end cabinet will look at efficiencies.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: I certainly have not confirmed it. The Leader of the Opposition is running around with speculation. The $20 million figure is entirely speculation on his behalf. Quite clearly the Leader of the Opposition has no idea whatsoever of what the budget processes are. When he was Treasurer I am sure he would never have speculated on what the final budget outcome might be, and this government has no intention of doing so either. On 21 September all will be revealed. One thing I am absolutely sure of, as I said yesterday, is that the police budget will be increased.

RADIOACTIVE WASTE

The Hon. D.W. RIDGWAY: I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about radioactive waste in South Australia.

Leave granted.

The Hon. D.W. RIDGWAY: Currently radioactive waste is stored at 134 sites in South Australia and there is no central repository. In the last of a series of press releases from the former environment minister, the Hon. John Hill, he pledged that the government would collect all radioactive waste in South Australia and move it to a central store. In the stage 3 feasibility study, completed by the EPA in November—and, incidentally, not released until late in December 2005—Olympic Dam was named as a preferred site for a radioactive waste storage facility, but since then BHP has stated that it is unable to commit to plans to store radioactive waste until it has determined where mining operations could occur in future. In light of that, my questions are:

1. Where will South Australia's radioactive waste be stored?

2. Over what time frame can the minister provide for the removal of this current radioactive waste from hospitals and universities across South Australia?

The Hon. G.E. GAGO (Minister for Environment and Conservation): I thank the honourable member for his important question. I note that this government has done far more about the storage of radioactive waste than did the former Liberal government, which sat on its hands and did nothing. Instead we have conducted a full audit of the state's deposits. This government has fought against the national waste repository being located in this state and we won that fight, for which South Australians are very grateful and demonstrated that at the last election. I guess the proof is in the pudding. However, we recognise that we have a responsibility to take care of our own low-level radioactive wastes. The government has commenced negotiations with BHP

Billiton to investigate the storage of low-level waste at Olympic Dam, and BHP is considering it as part of its feasibility study, which it is anticipated will be completed next year. If the feasibility study does not allow for this repository, the government will consider other options for storage.

The Hon. D.W. RIDGWAY: By way of supplementary question, what are the other options the minister has referred to?

The Hon. G.E. GAGO: They will be considered on an as needs basis.

GLENSIDE HOSPITAL

The Hon. J.M.A. LENSINK: I seek leave to make a brief explanation before asking the Minister for Mental Health and Substance Abuse a question about potential substance abuse within the Glenside campus.

Leave granted.

The Hon. J.M.A. LENSINK: In November 2005 several questions were put to both the minister for health and the former minister for mental health and substance abuse in relation to an incident in which a mental health patient in the secure ward of Glenside was able to obtain enough alcohol and cannabis to become heavily intoxicated, and indeed this was the subject of my question yesterday. Anecdotal advice is that illicit drugs are readily available at the Glenside campus and it is well known amongst residents that drugs can be obtained. My questions are:

1. Is the minister aware of drug and alcohol usage by patients at the Glenside site? If so, is she aware of whether staff at Glenside turn a blind eye or whether they actively try to prevent it?

2. What protocols exist in relation to drug and alcohol use at Glenside? If such protocols exist, have they been reviewed in the past 12 months?

3. What will be the impact of the proposal to collocate drug and alcohol services to Glenside (which was a key commitment of the Rann Labor Party at the last election)?

The Hon. G.E. GAGO (Minister for Mental Health and Substance Abuse): I thank the honourable member for her many questions, which are quite broad and range across a number of different areas. First, I believe her comments in terms of making allegations against the staff of Glenside and other mental health facilities were outrageous. These people are incredibly hard-working and diligent; seven days a week, every day of the year, they are there looking after people who are in need of mental health services. To suggest that they are somehow turning a blind eye to a fairly significant problem is nothing short of a disgrace, and it demonstrates the honourable member's disdain for some of our very important workers. She should be ashamed of herself.

In relation to the evidence, as the honourable member herself indicated, it is only anecdotal. As I mentioned yesterday, if the honourable member has evidence or allegations of any mispropriety whatsoever, she has a responsibility to draw that to my attention. I will follow clearly set down procedures to investigate their validity and ensure that proper procedures are put in place so that any issues can be appropriately addressed. There were so many other questions I cannot remember them all, but I am happy to bring back a response to any that are outstanding.

The Hon. NICK XENOPHON: I have a supplementary question. Given the importance of monitoring appropriate doses of medication for patients on psychotropic medication and the interaction with other substances, how many random drug tests have taken place on patients at the Glenside campus in the past 12 months and, with the minister's support, widespread random drug tests of patients at Glenside?

The Hon. G.E. GAGO: I thank the honourable member for his supplementary question. I am not sure at this point that random drug testing in Glenside is actually appropriate. I am happy to look into that matter but I am not too sure how therapeutic it would be to run around drug testing mentally ill patients.

The Hon. NICK XENOPHON: I have a further supplementary question. Will the minister provide information on the therapeutic effects on patients of having illicit substances such as cannabis, methamphetamines or heroin in their system in addition to their psychotropic medication?

The PRESIDENT: That question hardly derives out of the original answer.

KANMANTOO COPPER AND GOLD MINE

The Hon. I.K. HUNTER: I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about a proposed redevelopment of the Kanmantoo copper and gold mine.

Leave granted.

The Hon. I.K. HUNTER: With mineral resource exploration in South Australia currently at record levels, I understand that mining company Hillgrove Resources, backed by funding from the government's PACE initiative, has conducted some successful preliminary drilling at the mine near Callington. Can the minister provide details of this proposed redevelopment of the Kanmantoo mine?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): I can inform all honourable members that Hillgrove Resources Limited has launched a prefeasibility study to evaluate the potential redevelopment of the Kanmantoo mine, which is located 55 kilometres east of Adelaide. This is yet another sign that mineral exploration in South Australia is booming thanks to the pro-mining policies of the Rann government. Hillgrove has commissioned leading mining industry consultants Roche Mining and Parsons Brinckerhof to work on the developing project. I understand that an updated resource assessment is planned soon, with an expected increase in the existing indicated and inferred resource of 197 000 tonnes of copper and 104 000 ounces of gold. The company's proposed schedule for this project will see the prefeasibility study take Hillgrove through to the first quarter of 2007, when a full bankable feasibility study will commence should stage 1 prove positive. Subject to suitable financing, approvals and licensing, Hillgrove will seek to begin production as soon as the first quarter of 2009.

The history of the Kanmantoo mine dates back to the very early years of the colony of South Australia, with Cornish miners discovering copper in 1845 and mining commencing the following year. Between 1846 and 1874, it is estimated that around 19 000 tonnes of copper ore were produced from the Kanmantoo underground workings. Other copper mines were worked in the Kanmantoo district during this period, with many bearing the names of famous Cornish mines—leading to the area becoming known as the Cornwall of the

Colony. Extensive exploration of the mine region in the 1960s led to its reopening as an open cut mine in 1971. Around 60 people were employed at the mine until 1976, when it closed due to falling copper prices. Hillgrove reports that approximately 44 000 tonnes of copper were produced from over 4 million tonnes of ore, grading 1.1 per cent copper, during the 1970s.

Hillgrove's efforts to drive this project to the prefeasibility stage are welcome. The Kanmantoo project demonstrates the significant mineral prospectivity in the Kanmantoo Trough and compares favourably with South Australia's internationally recognised mineral domains, such as the Gawler Craton and the Curnamona province. I am pleased to say that a significant factor in the success of the Kanmantoo project so far is the Rann government's highly successful $22.5 million 'plan for accelerating exploration mining' initiative. PACE funding was granted to Hillgrove Resources to assist in the exploration and development of the Kanmantoo resource. I look forward to further good news in relation to this project.

Three successful PACE exploration drill holes have provided Hillgrove with valuable geological information, enabling new mineralisation models to be developed. I am confident that Hillgrove will maintain its extensive community consultation program during the entirety of the project. It is also pleasing to see that Hillgrove is working closely with the local community, government agencies and other relevant parties to ensure that all the social, environmental and economic aspects surrounding the project are addressed.

DRUG REHABILITATION

The Hon. A.M. BRESSINGTON: I seek leave to make a brief explanation before asking the Minister for Mental Health and Substance Abuse a question about drug rehabilitation.

Leave granted.

The Hon. A.M. BRESSINGTON: It has been reported that 65 per cent of child abuse and neglect is perpetrated by problematic drug using parents. It is also a known fact that many female drug users have children and have no family support to assist them to raise their children. One of the barriers identified in a research project by Odyssey House in Victoria was that young women and children resist going into treatment because they fear losing their children in the welfare system. As a result, Odyssey House developed and implemented a program to assist these young mothers.

Will the minister tell us how many residential beds exist in South Australia for drug using mothers and what programs exist that allow families to stay together during the difficult journey of recovery? Will the minister consider a pilot residential program for mothers with children without family support? If so, when can we expect this to happen; if not, why not?

The Hon. G.E. GAGO (Minister for Mental Health and Substance Abuse): I thank the honourable member for her important question. I note that it is her first question in the council, and I congratulate her on that. She has certainly outlined a very important issue.

One of the programs of which I am aware is the Wool Shed, which is a residential rehabilitation facility that assists in effectively reducing drug use. Evidence suggests that residential rehabilitation is most appropriate, particularly for those most seriously affected by substance abuse, criminal activity and social disadvantage. The evaluation has shown that reduced drug use is still apparent two years after people exit the program. So, there is a significant drop in the drug use rate. There is also evidence of a significant improvement in mental health in areas such as depression, etc. The evaluation shows that there has been an increase in the tendency to rejoin employment and training programs, etc. in effect, to reconnect with mainstream activities of life.

An evaluation of the Wool Shed's services (which is operated by DASSA) was conducted by the National Drug and Alcohol Research Centre in 1997 and supports these outcomes. We are currently negotiating a re-evaluation of that service. Regarding the other specific points in the honourable member's question, I will bring back those details at a later date.

The Hon. A.M. BRESSINGTON: I ask a supplementary question. Is the minister aware that the Wool Shed does not provide suitable accommodation to allow children to remain with their parents or their mother while they are in rehabilitation. This is noted as a major barrier to young women entering into treatment.

The Hon. G.E. GAGO: I understood that there was some availability for parents, particularly mothers, to have contact with their children. I am happy to gain further information on those exact circumstances.

STATE EMERGENCY SERVICE

The Hon. J. GAZZOLA: I seek leave to make a brief explanation before asking the Minister for Emergency Services a question about the State Emergency Service.

Leave granted.

The Hon. J. GAZZOLA: As we approach winter, the likelihood of our emergency services agencies being called upon to respond to the effects of severe storm conditions increases. During these times it is extremely important that our emergency services agencies effectively respond to calls for assistance. What has the government done to ensure that our State Emergency Service responds as quickly as possible to calls for assistance?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): A newly renovated and much improved SES State Control Centre, which has been constructed on level 3 of the MFS headquarters in Wakefield Street, was opened by me last month. The centre has 100 square metres of floor space and is now fully operational should a major incident occur that requires multiple tasking call-takers to coordinate SES responses. The site has received an extensive equipment upgrade, including multiple media equipment which will enable the SES to further enhance its response and leadership role for severe weather and other large events within the state. It will also provide a closer alliance with the SAFECOM vision.

The SES responds to approximately 5 000 taskings per year, with around half of these relating to the impact of severe weather. During 2004-05, 66 per cent of SES incidents related to storm damage or flooding as a result of severe weather. When large events occur, the management of operations can often last for several days, requiring full staffing of the State Control Centre around the clock. The centre will be permanently in a state of readiness for immediate activation as the need arises, as well as being staffed in preparedness whenever the Bureau of Meteorology gives warning of severe weather. Facilities for liaison officers from other appropriate response/incident management agencies

(that is, other emergency service organisations, the police or local government) will be provided to enable such agencies to be physically present in the control centre with telephone and data cabling facilities.

This is a new capacity for the SES control centre and will ensure that the SES is better able to respond as lead response agency for severe weather and flood. Like all operational areas of the SES, the state control centre will rely on volunteers to operate and support the staff. Most significantly, SES volunteers have been involved from the very beginning of this project. Indeed, the design and layout currently in place were the result of direct input from volunteers who will be working the centre. Obviously, training has been conducted and will be ongoing for those staff and volunteers who will be using the centre in preparation for what will be expected to be our peak winter demand period.

The volunteers are thrilled and excited about the new facility. It is indeed very impressive. The volunteers of the state headquarters unit will staff the control centre when emergencies arise. The control centre will be able to accommodate six core receipt and dispatch operators; a full crew of volunteers, usually numbering around 15; and the four liaison positions. I know that the SES appreciates the collaborative approach the MFS has shown during the process, and it is also very appreciative of the role the CFS played at the last operations centre.

SEXUAL OFFENCES

The Hon. P. HOLLOWAY (Minister for Police): I table a ministerial statement made today in the other place by my colleague the Premier on the subject of sexual assault and rape law reform.

POLICE, DNA TESTING

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Minister for Police a question on the subject of DNA testing.

Leave granted.

The Hon. R.D. LAWSON: On 1 December 2005 the Police Commissioner, Mal Hyde, was interviewed on ABC Radio 891. During the course of his interview with Messrs Abraham and Bevan he said:

> . . . the DNA legislation has caused us an enormous amount of frustration and angst because it is extremely complicated.

He was asked by Mr Bevan:

> . . . do you think. . . that the DNA legislation needs to be streamlined, simplified?

The Police Commissioner responded:

> There's absolutely no doubt in the world in respect of that. . . and we've made requests to the Attorney-General's office to change a whole raft of things, it's the most complicated piece of legislation that I have had anything to do with.

My questions to the Minister for Police are:

1. Does the minister share the Commissioner's concerns about the DNA legislation?

2. What does the government propose to do in relation to those concerns, and when might the parliament see some draft legislation?

The Hon. P. HOLLOWAY (Minister for Police): I do share the concerns of the Police Commissioner. I have had lengthy discussions with the Police Commissioner over recent days on the question of DNA testing. Following those discussions I went down to the forensic science section of Administrative Services and the section of the police that deals with DNA testing to see for myself the procedures that are used to try to get an understanding of the procedures that are used and therefore some of the problems that police face. Recently there has been the Dean case, where the finding in that case has also brought to light some further complications in relation to the law. The judge in that case has made some initial comments but, as I understood, certainly up to last week, Judge Shaw had not given the written findings in relation to that case. Clearly, that case of Dean does raise a number of issues in relation to the handling of DNA, and it indicates some of the problems that police face, particularly in relation to the timely destruction of DNA records and how they can be used for testing. There is no doubt there are issues in relation to DNA testing.

I certainly agree with the Police Commissioner's comments as quoted by the Hon. Robert Lawson that the matter is incredibly complex. Something does need to be done about it, yes; and very shortly I will be taking a submission in relation to some changes in this area which seek to simplify and clarify some of our laws in relation to DNA procedures. I hope that we will be able to have some legislation introduced into this place before the winter recess. Certainly, that will be my aim. But, at this stage, the cabinet submission will merely be seeking to draft the legislation. So, of course, given the complexity, how quickly I can introduce a measure will depend on how quickly this complex legislation can be considered and redrafted.

COURTS, SENTENCING

The Hon. D.G.E. HOOD: I seek leave to make a brief explanation before asking the Minister for Police, representing the Attorney-General, a question about sentencing and parole periods.

Leave granted.

The Hon. D.G.E. HOOD: Yesterday, in the District Court of South Australia the judge sentenced a man to three years in prison with an 18-month non-parole period for causing grievous bodily harm. His victim was the father of three who was savagely bashed in an unprovoked drug and alcohol-fuelled assault. The victim is now unable to feed himself and will not walk again after he endured what was described by the court as:

> . . . an unprovoked and sustained attack which consisted of a punch or punches, many kicks and about three lots of jumping or stomping. . . when he was lying, for most of the attack, on the ground in his front yard.

The judge also made the observation that the perpetrator was at the time under the influence of alcohol and, to a degree, under the influence of another drug, namely cannabis. The maximum penalty for the offence is five years in gaol. My questions are:

1. Does the Attorney-General feel that such a sentence was adequate and appropriate?

2. If not, will the Attorney-General consider the use of minimum sentencing as a means of ensuring that appropriate sentences are given in the case of such terrible crimes?

The Hon. P. HOLLOWAY (Minister for Police): Whenever particular court cases are considered it is obviously important that any minister commenting on it is aware of all the facts. I will pass that question on to the Attorney, and I am sure that he can consider all the facts. In relation to the honourable member's comments that the person who

committed that crime was under the influence of alcohol, the honourable member would probably be aware that during the last session of parliament the government introduced legislation to ensure that intoxication was not to be used by the courts.

The Hon. R.D. Lawson interjecting:

The Hon. P. HOLLOWAY: What was that?

The PRESIDENT: The minister should not respond to interjections. Interjections are out of order.

The Hon. P. HOLLOWAY: I was interested to hear what the honourable member was saying because, of course, my colleague the Attorney-General was a very strong supporter of bringing in that legislation to ensure that the courts would not apply the drunks' defence (I think is the term commonly used) in relation to particular cases. Whether or not that was a factor in this case, obviously we would not know from the information provided to us. However, I will pass the questions on to the Attorney-General and bring back a reply for the honourable member. Obviously, the Attorney has the capacity, if necessary, to ask the DPP to review such cases.

CROWN LEASES

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about crown leases.

Leave granted.

The Hon. CAROLINE SCHAEFER: The government currently proposes to resume a 50-metre strip of land on property where perpetual leases have water—that is, river, lake or coastal—frontages. The stated purpose of this land grab as stated by Alan Holmes, CEO of the department, in the *Stock Journal* of 20 April is to 'ensure coastal and river environments are maintained and conservation values preserved'. My questions are:

1. Is it envisaged that the 50-metre margin of land will be dynamic? That is, if coastal erosion does take place, will the 50-metre strip continue to roll back and back and back, and, if so, how far? Where will the line be drawn?

2. Will the minister reconsider the decision to impose all survey costs on landowners?

3. Will the minister agree to share the costs of any fencing required, as would be the normal process between a landowner and the Crown?

4. What extra funding does the minister envisage needing and what extra funding has she requested, given that the Crown will now be the caretaker of a minimum 50 metre strip of coastal land right around the state?

The Hon. G.E. GAGO (Minister for Environment and Conservation): The perpetual accelerated freeholding scheme involved devolving crown land owned by the state to lessees and offering them a freehold arrangement. Incentives were given by the government to assist those landholders to take over those freeholding arrangements. The land involved is crown land, and I have to remind members of that: it is not land owned by those individuals. In fact, it was land leased by the government to these people.

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: This program is most important. There are approximately 8 500 lessees with 14 400 leases between them. We have already received applications from 94 per cent of those lessees. In fact, the vast majority of the people involved have participated in this scheme—

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: —and are successfully moving through the process to have their homes and properties made freehold. At the same time, precious and vulnerable waterfront and coastal land has been retained by the community in order to protect it in perpetuity. Evidence indicated that we needed to extend the 30-metre margin to a 50-metre margin in order to provide added protection to our waterfront and coasts in terms of management. The honourable member seemed to suggest that this all has to be managed at once. In fact, it does not. Most of the land is in quite reasonable condition at present. It allows the government the opportunity and potential to manage those areas, if required. No dynamic proposals are considered at this point. The current mark is 50 metres.

I am aware that a very small number of lessees of waterfront and coastal properties have raised issues with the freeholding process. I am planning to meet with some of those people and their local member of parliament, along with officers from the agency, to discuss their particular situation. Obviously, at this point I am not prepared to discuss those individual cases. Certainly, the government and the department are prepared to look at individual cases and deal as fairly and sensibly as possible with the new requirements.

The Hon. D.W. RIDGWAY: I have a supplementary question. Is the minister aware of how many hectares are involved in a 50-metre stretch of land along the coastline in these perpetual leases; and who will pay for the pest, vermin and weed control on the land?

The Hon. G.E. GAGO: I do not have details of the particular hectares involved at this point, but I can bring that information back to the honourable member if he wishes. Pest and weed control is currently part of the levies under the Natural Resources Management Act and the new board arrangements. The water catchment and pest control levies are now being consolidated into a single levy, so part of the management of those areas will be provided through that mechanism. I also understand that other partnerships include the South Australian government working with local councils, so there are a number of different mechanisms available to the government to enable us to manage those areas.

The Hon. CAROLINE SCHAEFER: By way of further supplementary, given that the minister has just said that financing the pest and weed control on this new and vast reserve will be the responsibility of natural resource management boards, by how much will natural resource management board levies be increased?

The Hon. G.E. GAGO: I thank the honourable member for her supplementary question. I did not say that it would be the sole responsibility in terms of payment; I said that a number of mechanisms were available—the honourable member needs to listen. In terms of one of the mechanisms available, the NRM levies are the responsibility of the boards. They are currently devising management and implementation plans for management in their regions. They have the autonomy to determine their own levies in accordance with their plans.

As the honourable member knows, there is a rigorous process for the approval of any significant levy change, which includes coming to the minister and going to the Natural Resources Committee of the parliament, which has to sign off on it as well. The process of levy adjustment requires full and

extensive consultation. It is a rigorous process that involves a broad range of interest groups within that region. They can participate in those considerations and there is a rigorous process before any significant levy changes can be made.

The Hon. D.W. RIDGWAY: By way of supplementary question, in the original question I asked whether the department will pay for half the fencing, as in any normal neighbour relationship when it comes to rural fencing.

The Hon. G.E. GAGO: I have not heard of any such normal arrangement. I understand the fencing costs are incurred by the landholder.

BIODIVERSITY

The Hon. R.P. WORTLEY: I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about biodiversity.

Leave granted.

The Hon. R.P. WORTLEY: The people of South Australia have a true appreciation of the diversity of our plants and wildlife. This can be seen by the many South Australians, interstate and even international visitors who visit our many gardens and parks. You only have to go down to the Botanic Gardens to see the thousands of people who go through there every day, enjoying the lush green foliage and the different species of plants, both common and rare. One can spend hours walking through there, listening to the bird life and the like. Also, many thousands would be down at the Cleland National Park with their kids, having a barbecue and enjoying the beautiful playground built there. After that they may go for a walk on the walking trails or even in Lochiel Park and look at the native wildlife. It is a beautiful experience. Would the minister advise what is being done to protect South Australia's biodiversity?

The Hon. G.E. GAGO (Minister for Environment and Conservation): I thank the honourable member for his very important and poetic question. South Australia does indeed have a very beautiful and diverse ecological system, and our primary industries depend upon its health and robustness. However, since European settlement I am distressed to say that 23 species of mammals and 26 species of plant have become extinct in South Australia, while 24 per cent of known species are currently listed as threatened at the state level. Therefore, we have a serious issue to face: how to protect and preserve our biological wealth.

South Australia's strategic plan has a target of no species loss, and it is one of the more important targets in the plan's objectives to attain sustainability. The strategic plan target says that our aspiration is to no longer lose species as a result of our natural resource management processes. We have learnt much about the requirements of our unique environments here in South Australia and we are determined to use that knowledge to help maintain biodiversity.

While species extinction and creation are a natural process (it is a bit like births and deaths), the strategic plan target aims to alter our practices so that we no longer drive species to extinction through inappropriate natural resource management. The South Australian government has developed a draft strategy, the 'No Species Loss—A Biodiversity Strategy for South Australia 2006-2016', as a way of helping to halt the decline in the state's biodiversity over the next 10 years. It has been developed as a whole of government strategy to guide the state's approach to the protection, conservation and sustainable use of South Australia's biodiversity.

The intention for this biodiversity strategy is that it will inform and guide the development and delivery of biodiversity targets within the management of South Australia's natural resources. Other strategic plan targets that are integrated into the biodiversity strategy are the marine and land biodiversity targets. One of these is a plan to establish 19 marine parks, and another one worthy of mention is for five biodiversity corridors. The strategy will guide biodiversity conservation activities across government, natural resource industries and the community for the next five to 10 years.

Climate change is a serious issue that requires close attention in the natural resource management and biodiversity protection fields. As the climate changes, species need to be able to move into habitats that are more suitable to them, and this requires an integration of our landscapes. The draft strategy addresses this through the inclusion of climate change impacts on ecological restoration programs and state environmental reporting. The strategy is currently out for public consultation until 2 June 2006 and, as part of the regional consultation for biodiversity strategy, the Department for Environment and Heritage will hold a series of meetings at each of the NRM regions and in Adelaide over the months of May and June this year. In fact, I am pleased to advise that there will be a public meeting tonight at the Wine Centre at the corner of Hackney and Botanic Roads, and members are invited to attend.

The Hon. SANDRA KANCK: I have a supplementary question. In light of the minister's professed concern for ensuring that species are not made extinct in South Australia, and the fact that the IUCN lists the blue fin tuna as critically endangered, will the new environment minister list the blue fin tuna on South Australia's endangered species list?

The Hon. G.E. GAGO: I need to seek further advice on that matter.

COROMANDEL VALLEY

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Minister for Urban Development and Planning questions about Coromandel Valley.

Leave granted.

The Hon. SANDRA KANCK: Because the state election was impending, the Environment, Resources and Development Committee, of which I was a member, did not meet after the first week in February. However, during that time assorted plan amendment reports (or PARs, as they are more commonly known) continued to roll in for the scrutiny of the committee. If the committee does not meet to discuss the PARs, it obviously cannot make any recommendations to the minister about what should happen with them. In that situation, the plan amendment report will become law in the form in which it arrived at the committee. This happened during the election, or just before the election (I think it was on 15 March): a PAR arrived—the Coromandel Valley Character Stage 2 Plan Amendment Report. It was received by the committee secretary in mid-March, with a deadline date for the committee to take any action by 20 April. Obviously, it was only yesterday that the membership of the reconstituted committee was announced, so clearly there has been no capacity for the committee to look at this PAR. I understand that the Hon. Paul Holloway, as the minister, had reservations about this PAR but signed off on it anyway. My questions to the minister are:

1. If he had reservations about this PAR, why did he sign off on it?

2. In the light of those reservations, will he now prepare a ministerial PAR that addresses the concerns of the residents of Coromandel Valley and reflects the outcome of the Onkaparinga council's public consultation?

The Hon. P. HOLLOWAY (Minister for Urban Development and Planning): It was some time ago that this PAR came to my attention, but my recollection is that the problem we had was that, if I did not agree to the PAR, it would have expired and the pre-existing zoning would continue for the area. In the view of the residents, who were concerned about the new PAR (and I agreed with them), the pre-existing situation would have been far worse in terms of the land subdivision. Essentially, the issue was about the area of the blocks. If the PAR had not been approved, the situation would have been even worse. Although generally, as result of that consultation period, the residents were very unhappy with the outcome, it would have been even worse if the PAR had not been approved; therefore, we would have gone back to the existing situation, where the block sizes would have been even less satisfactory. That is my recollection of the situation.

As to how we overcome that, as I understand it the Onkaparinga council was aware of the situation, but there was not the capacity for it to address the issue. Of course, the preferable situation would be if the council were to further consider the needs of its constituents and seek to alter the situation. It would be much better if the council itself does it. If it does not, there is the capacity to do a ministerial PAR, but Planning SA already has an enormous amount of work with the many requests it has on its books. In my view, the preferable way this matter could be dealt with would be for the council to seek a review or create a new PAR for the area. I will examine the matter. It was a situation that arose just before the election campaign. Certainly, it was a situation where we had to make a decision that was really the lesser of two evils. I will revisit the situation and provide a report for the honourable member.

SOUTHERN SUBURBS, DEVELOPMENT

The Hon. T.J. STEPHENS: I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question about development in the southern suburbs.

Leave granted.

The Hon. T.J. STEPHENS: As members would be well aware, the southern metropolitan area is developing rapidly. Members may also be aware of the recently announced Seaford Meadows development that is expected to house around 6 000 new residents. While the development will be welcomed by the majority of people, it has been reported recently that current services in the area will struggle to cope with the influx of people. It has also been reported that several schools are no longer taking enrolments, medical centres are not taking any more patients and the Noarlunga hospital is beyond capacity.

Furthermore, it has also been detailed that the Onkaparinga council had pushed for an assessment of services, facilities and infrastructure in the area where the development will take place prior to the land being released, but this has not occurred. My question is: will the government confirm that the southern metropolitan area has the necessary services and infrastructure to cope with developments such as Seaford Meadows, given that no assessment of services was called for by this government?

The Hon. P. HOLLOWAY (Minister for Urban Development and Planning): This is a matter that was raised publicly some time back. Seaford Meadows is a new development, and it will take place in the southern suburbs. In all new subdivisions there is always some pressure on infrastructure, and Seaford Meadows will be no different from any of those other areas. I think the honourable member raised matters in relation to the health system. There is no doubt that within the southern suburbs, as well as many parts of this state, we could do with more general practitioners. The tragedy is, of course, that the provision of medical schools is in the hands of the federal government. We know that this state is not able to produce enough GPs through its medical schools, and the federal government has been very tardy indeed in responding to that issue.

There have been some recent indications from the commonwealth that it might provide more positions in our medical schools, but the tragedy is, of course, that, even if we could increase the number of places next year, it would still be six or seven years before someone graduates from those programs and actually gets out there and provides the services. In relation to health, there is no doubt that we do have a real and growing crisis but, sadly, it is something that the state government has very little capacity to deal with. The training of medical specialists is undertaken through the universities, and the funding of those places is controlled by the commonwealth government. Similarly, in relation to the—

The Hon. Carmel Zollo interjecting:

The Hon. P. HOLLOWAY: Yes, that's right. The state government has done what it can in terms of providing scholarships in other areas, but the commonwealth government has to take much more seriously its responsibilities in this area.

The Hon. D.W. Ridgway: It's always someone else's fault.

The Hon. P. HOLLOWAY: Well, in relation to the medical crisis, yes, it is. In fact, until the people of Australia ram home the responsibility in relation to the shortage of GPs to where it belongs, which is the federal government, we will continue to have a crisis. As I have said, it is going to get even worse. We have an ageing population, and we have a situation where, even if we increase the number of places tomorrow, it will be some years before we get the benefit. There is a real crisis developing, and it is about time that the federal government in this country was held to account for it. I hope that that will be the case at the next federal election. But that is just one of the areas. In relation to schools and the like, the first point that needs to be made is that the development on that land will be a progressive development. Houses will start appearing fairly soon, but the area will not be developed in one hit. The need for those schools will be addressed, as they have been in the past.

In relation to those departments under my control, for example, the police, I am aware that a new police station is being built down there at Aldinga in that vicinity, and the number of police allocated to that region will increase. So, the state agencies will respond. The demand for those schools will not happen tomorrow, but it will happen progressively.

An honourable member interjecting:

The Hon. P. HOLLOWAY: It is unlike the medical example, where it takes six years to train a doctor. The

honourable member asked, 'What about education?' In relation to education—

The PRESIDENT: The honourable member is out of order.

The Hon. P. HOLLOWAY: —you can respond much more quickly, because you have some time, and we do not have such a shortage in that area as we do in the medical area. It is also important to point out that the Land Management Corporation, which has supplied this land at Seaford Meadows, tendered the sale in September 2004. That required the developer to submit to a development deed, which requires the developer, in consultation with Planning SA and relevant government agencies, to determine on an annual basis human services requirements and provide the land for these services at market rates. In addition, the development deed requires the developer to prepare a master plan for Seaford Meadows to guide the structure plan for the area in consultation with council, and also requires the developer to obtain in principle support from the council for the master plan and to seek final approval from the LMC.

I am advised that, as part of the master planning process, Planning SA has facilitated meetings with infrastructure and service providers across government to ensure that services were adequately addressed in the master plan. I am also advised that the final master plan makes land provision for a range of services, including a future primary school, shops, child care, public open space, a medical centre and a nursing home. In addition, the plan seeks to maximise access to public transport and proposes a transit oriented development, should the Seaford rail extension occur as foreshadowed in the strategic infrastructure plan. So, I believe that the infrastructure needs of this area will be adequately addressed, but I reiterate that for some services, such as medical services, sadly, the government's hands are tied by inactivity on behalf of the commonwealth government.

MATTERS OF INTEREST

CLEAN START

The Hon. I.K. HUNTER: I rise today to speak about a campaign called Clean Start, which is about a fair deal for cleaners in the CBD. It is of interest to me, and I think it will be of interest to all those who care about a fair go. I should start by reiterating the point I made in this place yesterday that in the current political climate trade unions are as important now as they have ever been. Yes, they are facing the realities of the new economy and are constantly changing to meet the needs of their members, but the values they embody are enduring and Australian values. As I said in my first speech to this chamber, I do not shy away from my support for trade unions, and I will give an example of why now.

While I am a firm believer in the role of private enterprise as a driver of economic growth in this state, I also believe the relationship between an employer and an employee is not a naturally equal one. Workers can negotiate their conditions best when they do it collectively, and I will always fight for their right to do so. That is why I am indebted to the Liquor Hospitality and Miscellaneous Workers Union here in South Australia for bringing the plight of office cleaners to my attention through its recent research paper, 'A clean start for the property industry'. My grandfather, Keith Hunter, worked for several years as a cleaner in the Reserve Bank building on Victoria Square. He worked late shifts and the pay was not great, but the conditions he enjoyed were stable and fair compared with the sometimes appalling situation many office cleaners find themselves in today.

As we all know, cleaners are the largely unseen backbone of our workplaces. The research paper reveals some disturbing statistics about the treatment of cleaners in the CBD office buildings across Australia, and I quote some of them here, as follows:

- 60-80% of cleaners are employed on a part-time or casual basis.
- Cleaners are forced to hold a number of cleaning jobs—each with very little security.
- Shifts are often 2-4 hours long and can start at any hour during the day or night.
- Building Service Contractors Association of Australia estimates average hours of work to be 15 hours per week, but in reality many cleaners work even fewer hours in each job.

The average income for cleaners in Australia is just over $14 000 per annum. The Australian Council for Social Services puts the Australian poverty line at $15 288 for an individual, and $32 864 for a family. The average Australian worker earns almost four times as much as the average Australian cleaner. The level of pay is only one aspect of the deteriorating conditions suffered by cleaners. There is a myriad of occupational health and safety problems facing cleaners, from the dangers of chemicals and machinery to the risks associated with shift work and erratic work hours. The toll that this type of unpredictable work can take on the families of these workers is incalculable. Of course, the federal government's WorkChoices legislation is set to make a lot of cleaners and their families even worse off by removing even the most basic protections, and allowing the raw dog eat dog laws of the marketplace to determine the conditions.

WorkChoices is bad news for cleaners; it is bad news for property owners, whose cleaners will be put under even more pressure; and it is bad news for Australian families. Following the release of the research paper, the LHMU has launched the Clean Start campaign to raise the awareness of the conditions endured by many of our office cleaners, and to urge all of us to do what we can in our own workplaces and in the wider community to improve conditions. I imagine that nobody in this place would like to see this appalling situation continue, or, as seems likely, to get worse. I urge all members to get behind the Clean Start campaign and show the cleaners of South Australia that their call for a fair go will not fall on deaf ears.

CORRECTIONAL SERVICES, MENTAL HEALTH

The Hon. R.D. LAWSON: I want to speak about the appalling state of mental health services in South Australia's correctional services facilities. Yesterday, I drew the attention of the council to a coronial finding into the death of Darryl Kym Walker, an Aboriginal man aged 31, who hanged himself in his cell in the Port Lincoln prison in June 2003. I also outlined to the council—and the record is in *Hansard*—some of the comments made by Dr Ken O'Brien, the Clinical Director of the Forensic Mental Health Service in South Australia. In particular, I referred to Dr O'Brien's vivid description of the mental health presence, or, rather, absence,

in country prisons. He stated that in non-metropolitan prisons there are no psychologists, no social workers who have mental health experience and no dedicated mental health nurses available to handle many cases.

Dr O'Brien is not the only observer to make this observation. The chair of the South Australian Parole Board, Frances Nelson QC, has, on a number of occasions, highlighted the inadequacy of mental health facilities for prisoners and those on parole. She has highlighted the fact that a very high proportion of persons in our prisons have mental health issues, many of them induced by the ingestion of illicit drugs, but others with other forms of mental health issues. The Correctional Services Advisory Council, a body appointed by the government to advise the minister on correctional services matters, as early as its report tabled in November 2003, commented graphically upon the absence of services. For example, in paragraph 4.4 of that report it states:

> Information gained by council members during visits and consultations has again confirmed Council's view that the level of mental health services available to offenders, both at the prison and community corrections level, is inadequate. This is further reinforced by the fact that the Council is aware that there are no dedicated mental health workers in any of the prisons or community correctional centres notwithstanding the Department is managing an increasing number of offenders with mental health issues.
>
> The department's problems in this area are further compounded by the number of bed spaces available at James Nash House which in turn results in the department having to manage prisoners with high dependency mental health needs.

The government has been well aware of this issue. It has been raised in this council and in the community. It has been raised by its own Correctional Services Advisory Council. Indeed, in the report to which I am referring—the report tabled in November 2003—Dr Ken O'Brien was reported again as lamenting the total inadequacy of services for prisoners. This has the effect of those prisoners being released into the community when their mental health issues have not been appropriately addressed. Not surprisingly, many of them reoffend and are back in custody all too soon. Community safety is being compromised by having people at large without having had their mental health issues addressed.

This government is very fond of blaming the previous government for running down services, and the like, but here we have the perfect example where, under the watch of this government, services have been declining. It was this government in its first budget that cut psychological services to prisons and abandoned the very healthy link that had been established between the Department for Correctional Services and the University of South Australia for the training of psychologists. This deplorable situation must end. The government should address it.

ANZAC DAY

The Hon. R.P. WORTLEY: On Tuesday 25 April we marked the anniversary of the first major military action fought by Australian and New Zealand forces during World War I and enjoyed one of the most important national occasions—ANZAC Day. Like many Australians, I hold the tradition of ANZAC close to my heart. My great uncle was killed at the Somme in France during one of the great battles in World War I. I say 'great' by how large it was, how many men were killed and how brutal and ferocious the fight was. The fact is that my uncle probably died buried in a trench up to his neck in mud, or was blown to pieces after being forced up over the trench, or died of poisoning as a result of mustard gas. I often go to the War Memorial on North Terrace with my partner and son to look at his name engraved on the wall. Recently, my son and I went to the Australian War Memorial in Canberra. If anyone has not been there, I recommend they go there. It is a truly spectacular building, filled with magnificent exhibitions that give a graphic portrayal of the horrors these young boys went through during the years of battles they endured. It can be a truly gut wrenching and emotional experience.

We are now seeing grandchildren and great grandchildren marching in honour of their ancestors and, while there is some debate within the RSL on the merits of this, there is no greater honour to the diggers than to have their future generations marching in their memory. I had the honour and pleasure to lay a wreath at the RSL Memorial at Port Elliot during the dawn service. Port Elliot is a small seaside town, six kilometres south of Victor Harbor. It was a cold but beautiful morning and over 300 people gave up their public holiday sleep-in to pay tribute to our fallen diggers. The local RSL president, who is a councillor on the Alexandrina council, took charge of the ceremony. The local priest said the Lord's Prayer and the bugle played the *Last Post* while we all stood there in silence and remembered the incredible sacrifice made by our forefathers over the two world wars and the various conflicts in which Australia has been involved over the past 90 years.

The sound of the bugle played as the sun peeped over the sea, giving us time to remember the 8 000 Australian soldiers who were killed at the Gallipoli landing. It is a time we can reflect on the ultimate sacrifice that these solders made for Australia and New Zealand. As the *Last Post* ends, we signal that the duty of these fallen soldiers is over and they can rest in peace.

After the service I, my partner and son joined the crowds for coffee and snags at the local hall. It was here that I was introduced to a number of locals who were eager to discuss their local issues. Port Elliott is a charming seaside town. The people are like people in many other towns around Australia: decent hard-working citizens who are honest taxpayers and who expect to be treated as well as they treat you. Many people from around the state go to Port Elliott to retire. While having a chat and a cup of tea, a previous member of mine who retired about five years ago came up and introduced his wife and told me that they now call Port Elliott home.

Bearing in mind that this is a community where so many people who are enjoying their latter years are becoming slower because of the ageing process, I note that the most common topic I heard in discussion was the problem of crossing the very busy road running through the centre of their town. During the summer and spring months Port Elliott is bustling with life as the local population swells in number and the town has a dramatic increase in traffic. Many of the locals have extreme difficulty crossing the road safely and this causes anxiety among many elderly citizens of the area. They all agree that the solution to the problem would be to put a pedestrian crossing at the bakery, the busiest location in town. After a lifetime of paying taxes and being productive members of the community, it is not much to ask for a pedestrian crossing to be installed to make life a little easier for our aged citizens. I will discuss the issue with the Minister for Transport to see whether we can accommodate the people of Port Elliott.

I encourage all members of this place to make the effort to go into the community and lay wreaths during the dawn service, to meet people and discuss the issues affecting South Australia, because it is not only invigorating—

Time expired.

MINERAL EXPLORATION

The Hon. T.J. STEPHENS: I rise today to speak about recent comments from the Premier regarding the issue of mining within South Australia—an issue of great importance to our state and indeed the whole of Australia. The Liberal Party is acutely aware of the significant value of further mining exploration within our state and is committed to ensuring that we go the right way about fostering an industry that is so important to our future. The Liberal Party will always support what is best for South Australia and will fight for the right mix of utilising our valuable resources while minimising the impact on our environment.

This is why I was quite frankly offended by comments from Premier Rann on Monday tying the future of mining in South Australia to the reform or abolition of the upper house. I really could not believe what I was hearing. As members would be well aware, the South Australian Resources and Energy Investment Conference began on Monday morning and will finish later today. This major conference has been looking into the future of mineral, energy and petroleum exploration in our state. The Premier was quoted on morning radio as telling the 300 industry delegates attending the conference:

> My aim is to remove bottlenecks that are impeding progress. The government's sole and overarching goal is simply to make South Australia the most competitive place to do business in Australia and New Zealand.

The Liberal Party will be delighted to look at any legislation that will benefit mining in this state and will in no way be trying to impede its progress. It has now become eminently clear, if it was not already, that the Premier's pet project for this next term of parliament is to attack this place whenever possible in his quest for total control. The Premier will jump on any opportunities to discredit this institution whenever he gets half a chance, with his diatribes about bottlenecks and time wasting.

Only on Monday did my colleague the Hon. Rob Lucas issue a press release explaining that, over the past four years, of the more than 200 bills introduced by the Rann government, 98 per cent were passed by the Legislative Council and only 2 per cent were defeated. These statistics are hardly damning of the role of this place in the legislative process and provides further evidence that the Premier simply has an agenda.

Moving on to the Premier's view on mining, we are well aware that in the past the Premier agitated against uranium mining. But he proves that one can have their cake and eat it too. On 19 October last year the Premier was recorded in *Hansard* as saying:

> People know that deep down I do not like uranium, which is why I want to get it out of the country.

Talk about having a bob each way! As soon as he senses public opinion shifting one way or the other, the Premier will change his stance on almost anything. He has come to realise that he cannot ignore the tremendous opportunities mining presents to our state. He, along with the Treasurer and the Minister for Mineral Resources Development, knows the benefits on offer, and only yesterday the new member for Newland spoke with passion in his maiden speech in the other place about these opportunities. However, their party stance on uranium mining can only be described as a joke.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! The honourable member would probably be assisted if the conversations in front of him were taking place in another part of the building.

The Hon. T.J. STEPHENS: Thank you, Mr Acting President. My colleagues in this place have spoken before about the farcical situation regarding the 'no new uranium mine' policy and I will not bore honourable members with the details. The Labor Party has not got its act together in regard to its contradictory stance on mining policy; this is a party that describes itself as progressive yet continues to endorse an outdated policy. The state party lost its chance to stand up and effect change at its state convention late last year; the Premier would not put his credibility on the line by standing up to the federal wing of his party. Premier Rann continued on with his comments on Monday:

> Mining will be critical to our state's prosperity in the second, third and fourth decades of this century. South Australia in 2006 is very similar to Western Australia in the 1970s in terms of the huge economic potential of mining.

For once I wholeheartedly agree with the Premier, yet we have already fallen so far behind and there is much work to be done before we can enjoy the same sort of success that Western Australia has experienced by being proactive in utilising its natural resources.

Finally, I say to the Premier that he has done well to accurately read popular opinion regarding the mainstream view on the benefits of mining, but I warn him that he may well have misread the public's view on the importance of this place.

DISCOVER '06

The Hon. A.L. EVANS: I would like to speak on Discover '06. Talent searches have enjoyed varying degrees of success with *Australian Idol*, in particular, doing very well in capturing the public's attention and making such events popular again. The inception of local talent search Discover '06 began when community radio station Life FM made the decision to find South Australia's finest Christian artist. Life FM secured sponsorship from a number of Adelaide-based companies including major sponsor EMT, which offered to provide a fully produced album to the winner. Other prizes included a hosted website, photography, printing of posters, marketing, publicity and retail exposure through one of Australia's largest Christian retailers, Koorong.

The process began with calling on Life FM listeners to submit an entry—a CD demo plus a short biography of the contestant. A judging panel sorted through the initial entries and chose 25 semi-finalists who were scheduled to perform two songs live at Koorong bookstore in front of family, friends and all who were interested in Christian music. The performances were heavily promoted on Life FM with a view to encouraging family-friendly events that people could take their children along to and hear great live music.

The judging panel consisted of Life FM program director Sarah McIlwraith, Life FM board member Dewalt Hatzenberg, and Rob Jenkins from EMT. Each week there was a special guest judge that included local and national Christian music artists. The semi-finals produced some excellent performances, making it difficult to choose the 12 artists who would compete for the major prize.

On Wednesday 29 March Life FM announced the finalists—three bands and nine soloists—on their breakfast program. They each performed two songs live in front of a

crowd of approximately 600 to 700 people at the Norwood Town Hall, and the guest judges included Ollie Sebastian (Guy's brother) and Lee Cunningham. All the performers amazed the crowd with their talent, and the judges adjourned to a private room to discuss each performance at length. After much deliberation and prayer, they chose 20-year-old Skye Parkinson as the winner.

Everyone who took part agreed that the night was a great success and wanted more opportunities for Christian artists to perform in Adelaide. Life FM is now excited about Discover '07 and is, in fact, having discussions with interstate Christian radio stations to see whether a national contest can be developed. I congratulate the winner of Discover '06, Skye Parkinson, on her achievement and thank Life FM and all those who were involved in making the event such an outstanding success.

CHAIN OF BAYS

The Hon. SANDRA KANCK: This time eight days ago I was delighted to be inspecting the Chain of Bays on South Australia's West Coast, travelling from Streaky Bay to Point Labatt in the company of members of the Friends of Sceale Bay. They spent the day showing me the many environmental and planning problems associated with the coast in this region.

The Friends, and in particular one of the members, David Letch, last year prepared and submitted to the District Council of Streaky Bay the highly credible Chain of Bays Management Action Plan. The 'Chain of Bays' is a term the Friends have coined to cover the southern coastline of the district of Streaky Bay and includes Corvisart, Sceale, Searcy and Baird Bays. Amongst the plan's recommendations is that all the unallotted crown land on the edge of that stretch of bays should be declared as a new coastal conservation park. I think that 'Chain of Bays Conservation Park' has a very nice ring to it but, more than that, with its very high cliffs, sandy beaches, large sand dunes, sea lions, dolphins and the highest number of sea eagles and ospreys in South Australia, it needs and deserves such protection.

Three years ago, a housing development application for the cliff tops at Searcy Bay became a controversial issue, with resulting state and national media coverage. Fortunately, those houses did not go ahead, but the whole area remains under threat from a variety of sources. If the area were a conservation park, there would be a ranger who would have power to control some of the activities. As it is, one of the latest causes of damage that is simply ignored is that of teenage boys, not yet old enough to hold a driver's licence, riding on small motorbikes through the sand dunes of Sceale Bay. Such use has the potential to cause blow-outs in the dunes and, ultimately, destroy them—perhaps with an associated economic cost to farmers when the dunes become mobile.

As we were pulling up at one of the locations, known as Smooth Pool, we saw two men just completing the shovelling of sandy dirt into the back of their utility. They drove off as we got out of our cars. It is not an activity that is condoned by the Streaky Bay council, but it does not have the resources to police this precious coastline. At least if it were a conservation park some of these vandals might think twice about doing such things, and there would be a greater chance of their activities being brought under control with the occasional presence of a park ranger.

The sea lion colony on nearby Nicholas Baudin Island, which our Premier has championed, alone gives justification for the appointment of a ranger. On the Calca Peninsula, where the South Australian Osprey, which is listed as a vulnerable species, is found, the Friends of Sceale Bay showed me an empty .303 cartridge box they had found on the track. Who knows why someone was carrying or using guns in that area, but the thought of what damage could be done is pretty scary.

Aquaculture has been proposed at Sceale Bay in the past but did not go ahead; however, those leases could be reactivated at any time. Mr Ian Nightingale of PIRSA Aquaculture told a public meeting that his department is no longer interested in those sites, so why have they not been extinguished? In a letter in 2003, Minister Jane Lomax-Smith stated her agreement 'that a whole of government perspective needs to be applied to the future planning of the West Coast to retain its unique unspoiled character'. Nearly three years later, such a perspective, and any action, appears to be in a holding pattern.

The local council does not appear to have any real understanding of how to ameliorate environmental impact. Indeed, unbelievably, the council's Coastal Management Officer put in an application to build a house amongst dunes at Sceale Bay and, unbelievably, the council approved this now, bright ochre-coloured, development. When the Friends of Sceale Bay asked for some extra protection for the environment along some of the cliff tops, the council sent in a grader to knock out a blade's width of native vegetation to put up poles and fencing wire. There were far more sensitive ways in which this could have been done, and that graded area is now being overtaken by South African ice weed and box thorns.

As the Chain of Bays Management Plan states, this coastal and marine system ranks amongst the finest examples of southern temperate coastline in the world. In that case, why has this government made noises over a number of years but still done nothing about it?

CROWN LEASES

The Hon. CAROLINE SCHAEFER: As long ago as July 2002, I began asking questions about the government's ridiculous intention to change the rental on Crown lease perpetual land to commercial rental. This showed just how little understanding the government had of either the history or purpose of perpetual leases. Eventually, after outrage from across the state, a lower house select committee was formed and a bill was introduced in late 2003. The effect of the bill was to force landholders into freeholding via the carrot and stick method. They were offered freeholding now for $2 000 per title or $6 000 per title later on, with some concessions for adjoining titles, which were achieved by way of opposition amendments.

However, the real sting in the tail is that the previous minister has stated that it is government policy to refuse transfer of title on land that has not been freeholded. What this means, then, is that you can freehold now or you can freehold later at treble the cost, but you cannot sell your property or transfer title unless you freehold. So, no selling and no succession planning until you meet the government's demands. It is nothing short of blackmail. But there is more. We now know that there will be no transfer of land unless certain 'conditions' are met. More blackmail. In the case of

waterfront land, the condition is the resumption of all land adjoining water for a minimum of a 50 metres strip, except that that 50 metres strip, due to seemingly random decisions by the Coast Protection Branch, has turned, in many cases, into 100 metres or even 150 metres. One of the reasons stated is that climatic change could put some of these properties at risk during higher tides, flooding and erosion, etc.

However, if the same formula was applied to coastal suburbs in the city, down the urban strip we would have no Glenelg, no Somerton Park, and so on. It also seems amazing that land that is perpetual lease or pastoral lease is at this great risk from some tidal wave, but their next door neighbour, if they happen to be on freehold land, is at no such risk, according to this government. Worse still, the cost of surveying this strip of land, or any fencing required to separate it for the purposes of viably farming, is required to be borne by the landowner.

I acknowledge that even Mr Hill has made some concessions, and coastal property can be freeholded now for what is, in effect, $608—and the government seems to think that that is adequate compensation. I will use as an example one of the many cases sent to me by constituents across South Australia. This particular couple have 100 acres of coastal leasehold land close to Smoky Bay. According to current commercial rates in that vicinity, the property would be worth approximately $300 000. After the perpetual lease accelerated freeholding process is completed, they will own approximately 33 acres; the rest will have gone back to the Crown.

To add insult to injury, they will have no coastal frontage themselves. That will leave them with a property with a value in the vicinity of $80 000. Surveying costs of $5 000 will have to be borne by them, and an estimated eight kilometres of fencing will cost about $14 500 if the property owner does it himself. However, he is not a well man. So, if he gets in a fencing contractor, that will cost about $22 500. In addition, they face a capital value loss of more than $200 000. This is not equitable and it is not fair. This government must revisit the matter, and it must at least agree to compensation for the loss of income and land, and to share the cost of fencing.

CRIMINAL LAW (SENTENCING) (VICTIM IMPACT) AMENDMENT BILL

The Hon. NICK XENOPHON obtained leave and introduced a bill for an act to amend the Criminal Law (Sentencing) Act 1988. Read a first time.

The Hon. NICK XENOPHON: I move:

That this bill be now read a second time.

I dedicate this bill to the memory of Lee Charles McIntyre, born on 5 January 1974, who died all too prematurely on 26 November 2004 as a result of a motor vehicle accident, and I will discuss Mr McIntyre's accident and the effect it had on his family in the course of my second reading explanation on this bill. This bill is a fundamental but simple reform that I hope will receive the support of all members in this and the other place. The current law as it stands is that a victim impact statement for a family being read to a defendant applies only to indictable offences. This initiative occurred a number of years ago, and a number of amendments in 2001 provided for victims to read their victim impact statements in front of the court and to the defendant. That plays an important restorative role in giving a sense of justice to the victim or the victim's family. Those current provisions apply under section 7A of the Criminal Law (Sentencing) Act. That section deals with victim impact statements.

It provides that a person who has suffered injury, loss or damage resulting from an indictable offence committed by another may furnish a trial court with a written personal statement—a victim impact statement—about the impact of that injury, loss or damage on the person and his or her family in accordance with the rules of court. Further, it provides that the court, on convicting the defendant of the offence will, if the person so requests when furnishing the statement, allow the person an opportunity to read the statement out to the court and in any other case to cause the statement to be read out to the court. If the court considers that there is good reason to do so, it may exercise any of the powers it has with regard to a vulnerable witness in order to assist a victim who wishes to read out a victim impact statement to the court.

Section 9B of the act deals with requirements relating to defendants appearing at court. That section specifies that a defendant who is to be sentenced for an indictable offence must be present when the sentence is imposed and throughout all proceedings relevant to the determination of the sentence, subject to two exceptions, as follows. First, the defendant may, with the prosecutor's consent, be absent during the whole or part of the proceedings; and, secondly, the court may exclude the defendant from the courtroom if it is satisfied that the exclusion is necessary in the interests of safety or for the orderly conduct of the proceedings. As I understand it, these are exceptional matters indeed, and my understanding is that the amendments brought by the former government to do with victim impact statements were spurred on by community concerns in relation to the Liddy case, where former magistrate Liddy was not prepared to face his victims in court and, as I understand it, that was the subject of bipartisan support from both the former attorney-general, the Hon. Trevor Griffin, and the current Attorney.

Amendment 4(i) proposes to introduce similar provisions in relation to prescribed summary offences as those that apply to indictable offences. Amendment 4 still deals with victim impact statements and covers the same sort of issues and circumstances as are covered by section 7A of the Criminal Law (Sentencing) Act 1988. In effect, all it does is to extend the category of offences to include prescribed summary offences so that persons who have suffered injury, loss or damage as a result of such offences may also furnish the trial court with a statement about the impact of that injury, loss or damage on themselves or their family. I have circumscribed the nature of the matters to which this would extend to matters involving the death of or serious harm to a person. Serious harm is defined to include harm that endangers or is likely to endanger a person's life or harm that consists of or is likely to result in loss of serious or protracted impairment of a part of the body or a physical or mental function of or harm that consists of or is likely to result in serious disfigurement.

I also point out—and this may interest members on this side of the chamber who have a union background who have acted in cases where there have been industrial accidents—that, at the moment, where there is death as a result of an industrial accident, invariably those matters are dealt with in a summary fashion. So that for the corporation or the employer, if it is an individual, there is no requirement for them to be in court, because it is not a matter for which there is a potential custodial sentence. This bill does not seek to change it; it seeks to require that the defendant, in cases where there has been death or serious harm, must attend in

court should the victim or the victim's family so require, so that there can be a victim impact statement.

I know that, in the cases that I referred to last year when we were dealing with the whole issue of workplace safety and occupational health and safety laws, there was the very terrible and tragic case of Andrea Madeley, whose son Danny was killed as an 18 year old apprentice. In that case—and I understand it is still proceeding before the courts—what I can say, without reflecting on the facts of that case, is that in such a case Mrs Madeley does not have the right to read a victim impact statement about what the effect of the loss of her son has had on her. This law would apply in those cases, and I think appropriately so. That is the key criterion: the impact of serious injury or death, before these new proposed provisions are triggered.

I refer to the transitional provisions in schedule 1. This provision proposes that, in matters where a defendant has not been sentenced in relation to the offence before the amendments apply, the proceedings will relate to an offence whether it was committed before or after the commencement of this act. I know that there may be some questions about that, and I would welcome any contribution from the Hon. Robert Lawson when this matter is dealt with when the second reading contributions have been made. There may be an issue here of retrospectivity. I believe it is not retrospective in the true sense of the word because it does not relate to substantive rights. This bill does not seek to increase the penalties for particular offences; it simply gives a procedural right. It gives a procedural mechanism for a victim, or the victim's family, in order to present a victim impact statement.

What is the importance of victim impact statements? I note that both the current Attorney and the former attorney (Hon. Trevor Griffin) have spoken out on this in terms of parliamentary debates in the context of this matter. I refer to the remarks of Michael O'Connell, the Victims of Crime Coordinator in South Australia, to a conference on Sentencing—Principles, Perspectives and Possibilities, in Canberra from 10 to 12 February this year. He refers to the right of victim impact statements being enshrined in this act, which came into operation in 1989. He states:

> Since then, in 1998 victims of indictable offences have been given the right to read, or have read, their impact statements during the sentencing process. Both the right to submit a written impact statement and the right to read a personal. . . statement have been reinforced in the Declaration of Principles Governing Treatment of Victims in the Criminal Justice System that forms Part II of the *Victims of Crime Act* 2001.

Mr O'Connell made a telling point. He states:

> . . . there is a growing body of knowledge that shows victims' participation—initially by impact statement and more recently victim-offender conferences—is both an integral component of restitutive paradigm and a positive way to augment the existing criminal justice process thereby enhancing the conventional paradigm. I warn, however, that restoration can have different meanings for victims, offenders and the public, which should not be ignored.

He goes on to say that this is something that is rarely used in the Magistrates Court, and I believe that is because of the constrained nature of the circumstances in which a victim's impact statement can be made. He also makes a telling point that most justices, judges and magistrates felt that impact statements sometimes or often contained useful information that would not otherwise be available to them. No justice, judge or magistrate found impact statements 'never useful' when sentencing offenders. So I believe that this has a useful role in our criminal justice system. Even where there is no prospect of a custodial sentence, it is important in terms of giving some sense of restitution to the victims and their families.

I would like to reflect on the case that has prompted this legislation, a case that commands our attention, and that is the death of Lee Charles McIntyre as a result of a motor vehicle accident in November 2004. In that case, the man in question was charged with the offence of driving without due care, and the police and the prosecution service did not decide to proceed with the more serious offence of driving in a manner dangerous. In that case, the defendant, Benjamin Staveley, was not required to attend any court hearings, and he pleaded through his lawyer. He is entitled to do that under the current system. He was not doing anything that is not allowed or is in any way improper in the current system.

But it begs the question whether that is appropriate in our criminal justice system—whether it is appropriate that anyone charged with that sort of offence should, at least at the time of sentencing, face the victim, or the victim's family where the person is deceased, and listen to a victim impact statement. The consequences of Lee Macintyre's death have been devastating to his family, and it appears that the grieving process has not been as it should have been had they had the right to give an victim impact statement.

Before I read from the victim impact statement that Julie Macintyre, Lee's mother, wanted to read to the court, I think it is worth reflecting on the statement made by the Labor Party in its election manifesto for Justice for Victims, because I would like to think that this bill is entirely consistent with Labor Party policy in relation to this. The Premier's statement in the election manifesto states:

> Victims are not bystanders to crime; so they should not be bystanders during the court process. A Labor government believes in 'justice in sentencing'—justice for victims, justice for the families of victims, and justice for the community.

It goes on to make the following point:

> For the first time in our legal history, the Rann Government will give victim of crime advocates the legal right to make victim impact submissions at the sentencing hearing in cases that result in the death, or total permanent incapacity of the victim. We will also give Victim of Crime Advocates the legal right to make victim impact submissions at the sentencing hearing in cases that result in the death or total permanent incapacity of the victim. This will take place in all courts including the Magistrates Courts. Victims who no longer have a voice will still be heard in court.

This bill is entirely consistent with Labor Party policy. Indeed, I think it is important that it be progressed without delay. I will read the victim impact statement which Julie McIntyre wanted to read in the court but which she never got an opportunity to read, because she has no right to do so. There was a suggestion that the defendant, through his lawyer, may have given permission for such a statement to be read. I am not sure whether or not that progressed, but the point made by Mrs McIntyre is that it should be a right of victims or their families, not at the behest or grace of the defendant in such cases. This is what Julie McIntyre wanted to say to the court, and, since she did not have an opportunity to say it to the court, I think it is important that it be recorded. The victim impact statement states:

> Firstly just as you have had nothing to say to us, Lee's dad and his brother Matt have nothing to say to you. But Len was the one who answered the knock at the door and Matt found his brother dead on the road. They now visit Lee in plot 74 at Enfield cemetery. Four months ago, Lee's sister Joanne suffered a miscarriage, almost certainly brought on by stress. So our emotional pain is physical too; if we could crawl in a hole and die, we would. Four months after you killed Lee you advertised your cursed registration plate FPR (Ford

Performance Racing) for $3 000. This lack of respect added further to our pain. You have not a clue the suffering you have caused.

The result today will not reflect the consequences of your actions. I can accept that you did not mean to kill Lee but from the moment you stopped your car you did have control of your emotions, and emotions control actions. I know you were lawyered up, given your actions since killing Lee. This is your right but unfortunately that does not help your victims, we are talking death here. You are not the victim, Lee was, and I speak for Lee now when I say:

If you can do something good for someone who is in sorrow or in pain, then I can be contented, for my life was not in vain!

I hear Lee say these words all the time, in my dreams and in my nightmares. I ask that you read the 12-month anniversary memoriam. Do something good so Lee did not die in vain. Victims need something good to come from a senseless death so they can move on in their grief.

As you have been acting under instructions from your lawyer it may be that you have come with an apology today. For me an apology should have come when it really counts, now is too late. You have had 17 months, two adjournments and a psychiatrist assessment. You are willing to spend more on a lawyer than a fine.

There are those who show remorse from the outset, some who act out of remorse and others who just don't care. Myself, if I killed I would care, I would accept treatment from the ambos and willingly offer a blood test. I would hope that my first phone call would be to 000 and that I could render assistance to my victim. I would do anything I could to help the victim's family and would accept that I changed their lives and was the cause of their emotional trauma. That would include giving the police the reason why I was careless.

As a mum I will never get over the emotional damage you have inflicted on me. I cry for every mother who has lost a child, no matter what the age or reason. I'm alive but I'm not living, even simple things like signing my name I can't do. No doctor can fix my broken heart. But no matter what, I am determined to make something good come from Lee's senseless death. To lose a child is the ultimate of grief and unless you live it, you can only imagine.

So instead of saying sorry to us save it for your mum because you didn't just wreck our lives, you wrecked your parents as well. She is probably carrying your guilt and shame while you hide behind your ego. Everyone makes a mistake, even you, but if you had the courage to admit it from the start maybe your mum's pain would not be so bad. In fact she would have been proud of you. But instead you have turned yourself into the victim.

No matter what advice you have been given, you have free will. Nothing said today will bring Lee back but you could have made a difference in our grieving. You didn't! Now you have to live with the consequences for your lack of respect and remorse.

I thank God Lee was my son. He made mistakes but he also acted with respect and did care for anyone hurting. I can say I was proud of him.

That statement is signed by Julie McIntyre. It is an emotional and raw statement, but that is what victim impact statements are about. In the context of the court and being able to read out that statement where a death or serious injury has occurred, I believe it will be an important part of the grieving process consistent with the philosophy behind victim impact statements; and for those other cases involving industrial cases, where we have had all too many deaths in this state in recent weeks, I believe that is also an important part of the restorative process and giving a sense of justice to victims. I commend this bill to members. It is straightforward. It is not radical. It does not change substantive rights but it does give some additional procedural rights to victims, which I believe will go a long way in giving a sense of justice to victims of crime in this state.

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

ROAD TRAFFIC (PENALTIES) AMENDMENT BILL

The Hon. NICK XENOPHON obtained leave and introduced a bill for an act to amend the Road Traffic Act 1961; and to make a related amendment to the Criminal Law Consolidation Act 1935. Read a first time.

The Hon. NICK XENOPHON: I move:

That this bill be now read a second time.

The main aim of this bill is to introduce aggravated offence provisions for relevant offences, if someone might be charged following an accident. The aggravating circumstances are similar to those introduced last year in relation to the offence of careless driving but go further in that they include all prescribed concentration of alcohol (PCA) offences, the new drug driving offences and other offences. In essence, this bill proposes to increase the penalty in relation to some of these offences, and I will discuss that briefly. But the key issue is that, under the current legislation, the amended legislation that was passed late last year as a result of, in part, the findings of the Kapunda Road Royal Commission presided over by Gregory James QC, it appears that the whole issue of aggravating circumstances is a matter for a discretion by the court. In other words, if there is PCA or drug driving involved, essentially it provides a sentencing guideline; it is a matter that may be considered. It is a matter of discretion for the court.

I am saying that these are matters that must be considered in the context of sentencing. If there is a prescribed concentration of alcohol involved, drug driving or other factors that constitute an aggravated offence, they must be considered as such, as distinct from the current position, which essentially says that these are matters that could be considered but not must be considered. That is a fundamental and key difference that I believe needs to be rectified.

I will briefly refer to some of the provisions of this bill. I hope that it gets through the second reading stage so that it can be the subject of further scrutiny and debate in committee, for which the Legislative Council is so well known, compared with the other place. We are not circumscribed by the rules of the other place, and that is why this is a true house of review and scrutiny when it comes to legislation of all forms, whether government or private members' legislation. I point out that this bill provides for an increase in penalty for failing to stop. At the moment the law allows for a five-year penalty, and this provides for an increased penalty to seven years for the act of failing to stop to render assistance at the time of an accident. That seems more consistent with the government's own views in relation to tough penalties for dangerous drivers and for these types of offences.

In relation to some of the provisions of the bill, which I will refer to briefly, currently clause 5(1) toughens penalties in two ways: it increases the severity of the penalty and also introduces penalties for offences in their basic form and in an aggravated form. For basic offences the penalty proposed is imprisonment for five years and disqualification from holding or obtaining a drivers' licence for a period of not less than one year, as the court thinks fit. In the case of aggravated offences the penalty proposed is imprisonment for seven years and disqualification from holding or obtaining a drivers' licence, being not less than two years, as the court thinks fit.

Clause 5(2) provides the circumstances which make an offence an aggravated offence for the purpose of subsection (1), as follows:

(a) the offender committed the offence in the course of attempting to escape pursuit by a member of the police force;

(b) the offender was, at the time of the offence, driving a vehicle knowing that he or she was disqualified, under the law of this state

or another state or territory of the commonwealth, from holding or obtaining a driver's licence or that his or her licence was suspended by notice given under this act; and

(c) the offender was, at the time of the offence, driving a vehicle in contravention of a provision of division 4 or in contravention of sections 47, 47B or 47BA.

Clause 5(2) provides further that, if a person is charged with an aggravated offence against subsection (1), the circumstances alleged to aggravate the offence must be stated in the instrument of the charge.

When the Statutory Amendment (Vehicle and Vessel) Offences Bill 2005 becomes operative—I understand it has not, but I stand to be corrected by the government—the penalty that will apply for this offence is imprisonment for five years and disqualification from holding or obtaining a driver's licence for such period, being not less than one year, as the court thinks fit.

This bill is aimed at further strengthening this penalty by introducing tough penalties for aggravated offences such as misuse of a motor vehicle and drunk driving offences. Clause 6(2) provides a definition of serious harm for the purposes of clause 6(1)(3b) relating to aggravated offences. Serious harm is to be defined as follows:

(a) harm that endangers or is likely to endanger a person's life; or

(b) harm that consists of, or is likely to result in, loss of, or serious and protracted impairment of, a part of the body or a physical or mental function; or

(c) harm that consists of, or is likely to result in, serious disfigurement.

Section 45 of the Road Traffic Act deals with careless driving. That section currently provides that a person must not drive a vehicle without due care or attention or without reasonable consideration for others using the road. In 2005 the Statutes Amendment (Vehicle and Vessel) Offences Bill passed through both houses of parliament with bipartisan support. It was assented to on 8 December 2005, but I understand that it has not yet commenced operation.

Clause 7 of the bill amends section 45 of the Road Traffic Act dealing with careless driving. Clause 7, in relation to the amendment to section 45, sets out the circumstances in which an offence is to be considered an aggravated offence for the purpose of that section. It provides that, if an offender committed the offence while there was present in his or her blood a concentration of 0.8 grams or more of alcohol per 100 millilitres of blood, or the offender was at the time of the offence driving a vehicle in contravention of section 45A or 47, it will be taken to be an aggregated offence.

Section 45A of the Road Traffic Act deals with the offence of excessive speed. Currently, the maximum penalty under this or the Motor Vehicles Act applicable to a person who exceeds the speed limit by 45 km/h or more is a fine of not less than $600 and not more than $1 000 for a first offence and a fine of not less than $700 and not more than $1 200 for a subsequent offence, with an expiation fee of $500.

Clause 8 proposes to substitute the penalty provision following a fine of not less than $700 and not more than $1 200 for a first offence as a basic offence. For a first offence it is an aggravated offence; for a subsequent offence it is a basic offence with 12 months' imprisonment. For a subsequent offence that is an aggravated offence it is two years' imprisonment. Again it needs to be taken into account that, if you are going that fast, it is equivalent to being a seriously intoxicated driver, even in terms of reaction times. Even an increase of 10 km/h or 15 km/h is equivalent to a delay in reaction times equivalent to someone who is well under the influence. When it is 45 km/h in excess of the speed limit, there is simply no excuse for that. Essentially this bill proposes to bring some sense of perspective to the current penalties that apply and they ought to be more appropriate, given the risks involved with excessive speeding.

Clause 9, which amends section 46 of the act, relates to reckless and dangerous driving. The penalty that currently applies to a person who drives recklessly or at speed or in a manner which is dangerous to the public is a fine of not less than $700 and not more than $1 200 for a first offence, and a fine of not less than $800 and not more than $1 200 or three months' imprisonment for a subsequent offence.

Subclause (1) increases the penalty applicable to such offences to imprisonment for two years for a basic offence and imprisonment for five years for an aggravated offence. Subclause (2) provides the circumstances in which the offence can be an aggravated offence in relation to the instrument of the charge—such as attempt to escape police pursuit, the person being disqualified, the prescribed concentration of alcohol, and drug driving provisions—and means that those matters must be taken to be aggravated circumstances. Clause 10, which relates to driving under the influence, also deals with that.

In essence, the bill aims to bring into line what I consider to be reasonable community expectations whereby, if you are driving in a particular manner which is dangerous and which has a high risk of causing injury or death on the roads, there ought to be clearer, mandated guidelines on the issue of penalty and that it ought to be an aggravated offence as a matter of course if you fulfil certain threshold requirements—such as driving with a prescribed concentration of alcohol, being in a police pursuit, drug driving, and speeding excessively. The current legislation does not do that.

I commend what the government did last year in terms of improving the situation, but this is a further reform that I think, after reflection since that bill was passed, is needed. I believe these are sensible amendments that ought to receive the support of honourable members and I commend the bill to the council.

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

UPPER SOUTH EAST DRYLAND SALINITY AND FLOOD MANAGEMENT (NATURAL RESOURCES COMMITTEE) AMENDMENT BILL

The Hon. SANDRA KANCK obtained leave and introduced a bill for an act to amend the Upper South East Dryland Salinity and Flood Management Act 2002. Read a first time.

The Hon. SANDRA KANCK: I move:

That this bill be now read a second time.

This is basically the same bill that I introduced in October last year—in fact, I could probably give the identical speech. It arises from the fact that up until the election was called I served on both the Environment, Resources and Development Committee and the Natural Resources Committees. I am very much aware that the ERD committee is over-loaded with work—in fact, it is so busy that despite its brief in the committees act it could do nothing else but plan amendment reports. On the other hand, the Natural Resources Committee is very under-utilised.

One of the acts that the ERD committee oversees is the Upper South East Dryland Salinity Flood Management Act, because that act gives certain powers to the ERD committee, as follows:

1. The Environment, Resources and Development Committee of the parliament—
    (a) is to take an interest in—
        (i) the minister's progress in constructing the works required to implement the project; and
        (ii) the effectiveness of what is being done to improve the management of water in the Upper South East; and
        (iii) the extent to which the minister is achieving various milestones in the protection, enhancement and re-establishment of key environmental features through the implementation of the project; and
        (iv) the manner in which the minister's powers under this act are being exercised; and

That, for instance, means that the ERD committee has regular reports that come before it. It has also meant (particularly in the past 12 months when that project has become far more controversial) that the committee has had people from the South-East coming into parliament to give evidence before the committee, and it has also involved visiting the Upper South-East on at least two occasions to have a look at what is happening there.

It is quite an involved issue and project and, given that the ERD committee is already over-subscribed with its workload, I think it is important that some of that workload be taken off that committee and given to the Natural Resources Committee. When the Upper South East Dryland Salinity and Flood Management Act was passed in 2002 there was no Natural Resources Committee and it is my belief that, had there been, the USEDS Act (as I prefer to call it) would have referred these matters to the Natural Resources Committee rather than the ERD committee.

Having been a member of both committees, I spoke informally with other members of the two committees and asked them about their view on transferring that responsibility from the ERD committee to the Natural Resources Committee. I do not believe it went to respective party rooms or caucuses, but informally all the members said that it was a good idea. Now that we have resumed and we have newly constituted ERD and Natural Resources Committees I think it is timely that this change is made so that the new members of the Natural Resources Committee can start to get their head around this issue. It is one of major environmental consequence for this state. I hope that this time the Labor and Liberal Parties will take it back to their respective party rooms and reach agreement that this transfer should occur, and I hope that that will happen reasonably quickly.

The Hon. I.K. HUNTER secured the adjournment of the debate.

TAXATION, PROPERTY

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

1. That a select committee be appointed to inquire into and report upon all matters relating to the issue of the collection of property taxes by state and local government, including sewerage charges by SA Water, and in particular-
    (a) concerns about the current level of property taxes and options for moderating their impact and the impact of any future increases;
    (b) concerns about inequities in the land tax collection system, including the impact on investment and the rental market;
    (c) concerns about inequities in the current property valuation system and options to improve the efficiency and accuracy of the valuation process;
    (d) consideration of alternative taxation options to taxes based on property valuations;
    (e) concerns about the current level of council rates and options for moderating their impact and the impact of any future increases; and
    (f) any other related matters.
2. That standing order 389 be so far suspended as to enable the chairperson of the committee to have a deliberative vote only.
3. That this council permits the select committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the committee prior to such evidence being reported to the council.
4. That standing order 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating; and
5. That the evidence given to the previous Legislative Council Select Committee on the Collection of Property Taxes by State and Local Government, including Sewerage Charges by SA Water, be tabled and referred to the select committee.

I rise to speak only briefly to this motion and, in doing so, I indicate that my comments apply equally to Notices of Motion Nos 5 and 6. My intention is to indicate just the general principle on which Liberal members will vote in relation to these issues. I certainly do not intend to reiterate the arguments for the original establishment of each of the select committees or, indeed, to summarise the evidence that has been taken, because that would be contrary to standing orders anyway.

The general principle upon which the Liberal Party moves the re-establishment of these committees and will support the re-establishment of other committees, if members choose to move for their re-establishment, is that there has been a convention in the Legislative Council (and I think it is soundly based) that, when a member has successfully moved for the establishment of a select committee and an election intervenes, and that member post election wants to see a conclusion to his or her term of reference in a select committee, that committee ought to be entitled to conclude its work and present its final report and evidence to the Legislative Council. If that were not to occur, of course, all the work that had been previously undertaken by members, and people who have given evidence in good faith, would be wasted because there would be no final report or conclusion by the Legislative Council's select committee. The evidence presented to the committee would not have been formally presented to the Legislative Council as part of the final report.

Liberal members believe that it is a sound principle. The most recent example I can recall is the interactive gambling select committee, which I believe was moved on the motion of the Hon. Mr Xenophon. I cannot remember who supported its establishment, but it was established nevertheless and had not concluded its work prior to the election before last; it was re-established after the election. I was one of the five members of that committee, and we concluded the taking of our evidence, tabled it and presented a final report to the Legislative Council.

I have indicated to other members, such as the Hon. Mr Xenophon, that, if he chooses (and I understand that he has given notice today to re-establish the committee he first moved), Liberal members would support the re-establishment of that committee and enable it to conclude its investigations and present a final report. As to the other committees, our

former colleague and good friend the Hon. Mr Gilfillan moved committees in relation to resources for the police and the Office of the DPP. I have had a discussion with the Hon. Sandra Kanck, and it is really a judgment call for her as to whether or not the Democrats, on behalf of the Hon. Mr Gilfillan, believe that there is still work to be done in either or both of the committees. If they so choose, again on the principle we espouse, Liberal members are prepared to support the conclusion of the work of the two committees.

The final point I make is that this committee still has a fair bit of work to do in relation to property taxes. We have still not heard from the Commissioner for State Taxes, and a number of the interest groups, on the importance of property taxes in South Australia. Of the committees, it is probably one with the most work to do. Certainly, at the other end of the continuum, unless various ministers and others change their mind, the committee on what is known as the 'Atkinson, Ashbourne, Clarke' issue probably does not have as many witnesses, and it may well be closer to presenting a final report than the property taxes committee. The 'stashed cash committee', if I can refer to the second committee in that way, still has a little bit of evidence to take in relation to one or two of the terms of reference that have not yet been fully explored.

In summary, I suspect that some of the committees are much closer to reporting. My understanding from discussion with members who have been on the police and DPP committees, for example, is that if they were re-established they were pretty close to reporting. As I said, at least one of the committees is pretty close to reporting as well. However, the property taxes committee has a fair bit of work still to do. With that, I indicate that I will not seek a vote on the motion today, nor on the other two motions. I am certainly happy to discuss our general principle and comments I have made today with members who might still be reflecting on their position. If they are in a position to vote next Wednesday, we can perhaps proceed to move for a vote to establish the committees then. If there is an argument, and members want more time to reflect on it, I am happy to consider that as well.

The Hon. SANDRA KANCK: I will briefly address the motion and, like the Hon. Mr Lucas, I will address all the motions at one time. I think that it is very reasonable to allow committees that have taken a great deal of evidence to be able to complete their inquiry—in particular, the Atkinson, Ashbourne, Clarke committee, where I do not expect that we would be hearing too much more evidence.

If members remember, I amended the terms of reference last year, particularly so that we could look at what the government should do in the future if something like this arises. I think it is really important that, from that perspective, we are able to look at all the evidence we have obtained and make some recommendations in that regard. With respect to committees that were set up as a consequence of proposals of my former colleague the Hon. Ian Gilfillan, I have yet to speak to him. He is on holidays at the moment, but when he gets back I hope to speak to him about whether he thinks it is worthwhile to resuscitate those committees. Equally, I am looking at whether or not the electricity select committee that got going a couple of years ago should also be revived. I advise that we will support all these motions with regard to getting these committees going again.

The Hon. I.K. HUNTER secured the adjournment of the debate.

AUDITOR-GENERAL'S REPORT

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

1. That a select committee be appointed to inquire into and report upon issues relating to allegedly unlawful practices raised by the Auditor-General in his Annual Report 2003-04, and, in particular—
   (a) all issues related to the operation of the Crown Solicitor's Trust Account and the $5 million 'interagency loan' between the Department for Administrative and Information Services and the Department for Water, Land and Biodiversity Conservation;
   (b) whether the practices were in fact unlawful;
   (c) the extent to which these practices have been used in other departments;
   (d) issues of natural justice surrounding the treatment of Ms Kate Lennon;
   (e) why agencies were unable to meet statutory reporting deadlines;
   (f) suggestions as to how the management of unspent funds should be approached in the future; and
   (g) all other related matters.
2. That standing order 389 be so far suspended as to enable the chairperson of the committee to have a deliberative vote only.
3. That this council permit the select committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the committee prior to such evidence being reported to the council.
4. That standing order 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses, unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating; and
5. That the evidence given to the previous Legislative Council Select Committee on Allegedly Unlawful Practices raised in the Auditor-General's Report 2003-04 be tabled and referred to the select committee.

My arguments in support of this motion have been espoused in respect of Notice of Motion No. 4 previously discussed.

The Hon. I.K. HUNTER secured the adjournment of the debate.

ASHBOURNE, CLARKE AND ATKINSON INQUIRY

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

1. That a select committee of the Legislative Council be appointed to inquire into and report upon the following matters—
   (a) Whether the Premier or any minister, ministerial adviser or public servant participated in any activity or discussions concerning—
      (i) the possible appointment of Mr Ralph Clarke to a government board or position; or
      (ii) the means of facilitating recovery by Mr Clarke of costs incurred by him in connection with a defamation action between Mr Clarke and Attorney-General Atkinson.
      (The activity and discussions and events surrounding them are referred to in these terms as 'the issues'.
   (b) If so, the content and nature of such activity or discussions.
   (c) Whether the Premier or any minister or ministerial adviser authorised any such discussions or whether the Premier or any minister or ministerial adviser was aware of the discussions at the time they were occurring or subsequently.
   (d) Whether the conduct (including acts of commission or omission) of the Premier or any minister or ministerial adviser or public servant contravened any law or code of conduct; or whether such conduct was improper or failed to comply with appropriate standards of probity and integrity.

(e) Whether the Premier or any minister or ministerial adviser made any statement in relation to the issues which was misleading, inaccurate or dishonest in any material particular.

(f) The failure of the Premier, Deputy Premier, the Attorney-General and the then minister for police to report the issue in the first instance to the Anti-Corruption Branch of SA Police.

(g) Whether the actions taken by the Premier and ministers in relation to the issues were appropriate and consistent with proper standards of probity and public administration and, in particular—

  (i) why no public disclosure of the issues was made until June 2003;

  (ii) why Mr Randall Ashbourne was reprimanded in December 2002 and whether that action was appropriate;

  (iii) whether the appointment of Mr Warren McCann to investigate the issues was appropriate;

  (iv) whether actions taken in response to the report prepared by Mr McCann were appropriate.

(h) What processes and investigations the Auditor-General undertook and whether the Auditor-General was furnished with adequate and appropriate material upon which to base the conclusions reflected in his letter dated 20 December 2002 to the Premier.

(i) Whether adequate steps were taken by Mr McCann, SA Police and the Office of the Director of Public Prosecutions to obtain from Mr Clarke information which was relevant to the issues.

(j) Whether the processes undertaken in response to the issues up to and including the provision of the report prepared by Mr McCann were reasonable and appropriate in the circumstances.

(k) Whether there were any material deficiencies in the manner in which Mr McCann conducted his investigation of the issues.

(l) Whether it would have been appropriate to have made public the report prepared by Mr McCann

(m) The matters investigated and all the evidence and submissions obtained by and any recommendations made by the Anti-Corruption Branch of SA Police.

(n) Whether Mr Ashbourne, during the course of his ordinary employment, engaged in any (and, if so, what) activity or discussions to advance the personal interests of the Attorney-General and, if so, whether any minister had knowledge of, or authorised, such activity or discussion.

(o) Whether Mr Ashbourne undertook any and, if so, what actions to 'rehabilitate' Mr Clarke, or the former member for Price, Mr Murray DeLaine, or any other person into the Australian Labor Party and, if so, whether such actions were undertaken with the knowledge, authority or approval of the Premier or any minister.

(p) The propriety of the Attorney-General contacting journalists covering the Ashbourne case in the District Court during the trial and the nature of those conversations.

(q) With reference to the contents of the statement issued on 1 July 2005 by the Director of Public Prosecutions, Mr Stephen Pallaris Q.C.—

  (i) what was the substance of the 'complaint about the conduct of the Premier's legal adviser, Mr Alexandrides';

  (ii) what was the substance of the 'telephone call made [by Mr Alexandrides] to the prosecutor involved in the Ashbourne case';

  (iii) what were the 'serious issues of inappropriate conduct' relating to Mr Alexandrides;

  (iv) whether the responses of the Premier, the Attorney-General or any minister or Mr Alexandrides or any other person to the issues mentioned in the Director of Public Prosecutions' statement were appropriate and timely; and

  (v) whether any person made any statement concerning the issues referred to in the Director of Public Prosecutions' statement which was misleading, inaccurate or dishonest in any material particular.

(r) Whether it would be appropriate in future to refer any credible allegation of improper conduct on the part of a minister or ministerial adviser (that has not already been referred to the police) to the Solicitor-General in the first instance for investigation and advice.

(s) If the reference of such an allegation to the Solicitor-General would not be appropriate (in general or in a particular case) or would not be possible because of the Solicitor-General's absence or for some other reason, who would be an alternative person to whom it would be appropriate to refer such an allegation in the first instance for investigation and advice?

(t) Whether Mr Alexandrides assisted in framing the terms of reference for the inquiry proposed by the government in the resolution of the House of Assembly passed on 5 July 2005.

(u) What action should be taken in relation to any of the matters arising out of the consideration by the inquiry of these terms of reference? The select committee must not, in the course of its inquiry or report, purport to make any finding of criminal or civil liability.

2. That standing order 389 be so far suspended as to enable the chairperson of the committee to have a deliberative vote only.

3. That this council permit the select committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the committee prior to such evidence being reported to the council.

4. That standing order 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating; and

5. That the evidence given to the previous Legislative Council select committee on the Atkinson/Ashbourne/Clarke Affair, be tabled and referred to the select committee.

The reasons for the re-establishment of this committee I have espoused under Notice of Motion No. 4. I do not propose to add to the debate at this time.

The Hon. I.K. HUNTER secured the adjournment of the debate.

ADDRESS IN REPLY

Adjourned debate on motion for adoption.
(Continued from 2 May. Page 48.)

The PRESIDENT: I remind members of the council that two new members will speak to this motion. I ask that they be shown the same courtesy as other members when they make their maiden speech.

The Hon. M.C. PARNELL: I support the motion for the adoption of the Address in Reply. I am particularly proud to be here today as the first member of the Greens in South Australia to be elected to this parliament. It was nearly 11 years ago that I called together a group of friends to meet in my loungeroom. I also invited Dr Bob Brown from Tasmania. My hope was that this group would establish a credible Green party in South Australia. From those early beginnings the party grew and saw its vote steadily increase from election to election. Buoyed by the success of our colleagues interstate, we knew it was only a matter of time before we had success in South Australia. With my election, the Greens are now represented in six of the nine Australian parliaments. I would particularly like to thank our four senators and all the other elected Green members around Australia who have encouraged and supported our endeavours in this state.

My pride at being here is tempered by the huge sense of responsibility that I owe to the members of our party and our

supporters. I know that I am here today because of the effort put in by thousands of people over the past 11 years. I have been entrusted with the task of bringing to this place the Greens' core values of peace and non-violence, social justice, participatory democracy, and respect for the environment. It is a responsibility that I take very seriously and I commit to doing my utmost to repay the faith that my party and the people of South Australia have placed in me.

I came to South Australia from Victoria with my wife, Penny, just over 16 years ago. What I did not know at the time was that two of my great-great-grandparents had actually beaten me here: they arrived at Port Adelaide from England, one in 1850, the other in 1854. So, rather than being just an expatriate Victorian, I was quite chuffed to learn that my forebears were actually pioneers in the early settlement of South Australia. My ancestors settled on York Peninsula, Kangaroo Island, the Mount Lofty Ranges, and the Mid North. Their remains are found in cemeteries all over the state.

My decision to come to South Australia was motivated by similar reasons to my ancestors' 150 years ago: I came here for work. However, I have to say that it was very different work from that of my ancestors. They lived tough lives clearing the land to make it productive for agriculture. I came here to work for the Wilderness Society, to help the campaign to protect what was left of our wild natural places. How times have changed. I am not one of those who blames our pioneering forebears for the changes they made to the landscape; I believe that we live in our own time and place and that what we do reflects prevailing values. Where I am less understanding is when environmental destruction is perpetrated by those who know better or where it is born out of greed rather than ignorance or necessity.

With the European settlement of South Australia being then only 14 years old when my great-great-grandparents arrived, no doubt they would have had contact with the traditional owners of the land, both here in Adelaide and in the surrounding areas where they settled. Today, at conferences and formal gatherings, such as in this place, we often acknowledge and pay our respects to the Kaurna people as the traditional owners of the Adelaide region. That respect has been a long time coming. At times it can also smack of hypocrisy if we say the words whilst ignoring the real and present disadvantage faced by the descendants of those people whom our farming forebears displaced all those years ago.

Reconciliation with Aboriginal Australia is still very much a work in progress, but events such as the walk across the King William Street Bridge six years ago, whilst largely symbolic, serve to remind us that underlying values of decency are widespread in our community. An important role that we have as parliamentarians is to show leadership in a way that allows these values to come to the fore. Whether it is deserved or not, members of this place hold positions of some respect in the community, and we have the capacity to help bring out the best in people, or we can send out alternative messages of dog eat dog, look out for number one, and greed is good.

One thing we often find difficult in the Greens is to explain to people that we are not a single issue party. I will be talking a fair bit about the environment today, because for the past 16 years my paid work has been in that field, but the Greens also have a lot to contribute in terms of social justice and economic issues. Nationally we have led the debate on the appalling treatment of asylum seekers and refugees. Personally, I believe that some of my life experiences, such as working as a live-in carer in the disability sector and more recently as a respite carer of a young boy with cerebral palsy, give me a pretty good idea where we have failed some of the most vulnerable people in our society. I have also worked in the housing sector, having set up a free legal advisory service for tenants in regional Victoria some years ago—a service that continues to this day.

Having a university degree in commerce, majoring in economics, and a masters degree in regional and urban planning, I am confident in engaging in key debates over the economic and social development of this state. Many of the economic indicators against which we judge our performance as a state do not measure genuine progress or, indeed, any of the most important things in life. Growth in the GDP does not tell us whether we are a more compassionate society, whether we have time to read our children stories before bed or whether people with disabilities or mental illness are given the support and opportunities they deserve.

I came to a career in environmental conservation largely through the inspiration of my wife, Penny, whom I first met at law school in Melbourne 24 years ago. One of my first conversations with her was about a trip she had just taken to Tasmania. But it was not a holiday. Penny had just come back from the Franklin River blockade, where she and her sister, Flick, had both been arrested for the heinous crime of trespassing on public land in the magnificent rainforest wilderness of South-West Tasmania.

I believe we all owe a great debt to those who are prepared to go out on a limb to risk their liberty or even their careers to protect our special places. Such people may fall foul of the laws created in places like this, but sometimes that is what it takes; it is necessary. What struck me about that campaign to save the Franklin River from an unnecessary and destructive dam was that there were people in the world who talked about caring for the environment and then there were those who really stood up to be counted. I was pretty much an armchair conservationist in those days, but that campaign gave me a real fright. It was so close and could so easily have been lost.

After a close federal election and a split High Court decision I decided that sitting on the fence or in the armchair just was not good enough, and I wanted to do more. So, in 1988 I quit my job as a solicitor, and Penny and I spent a year cycling around Europe. That was another part of my environmental road to Damascus—which shows what a poor understanding of European geography I have. Seeing what passed for forests, wetlands and beaches in much of Europe only served to reinforce that in Australia we have so much of our environment that is still in good condition, still supporting a diverse range of plants and animals and still capable of protection and conservation if only we have the will. One such area on which we will be judged here in the time of this parliament is the Coorong, which is rapidly dying due to a lack of environmental flows down the River Murray.

After returning from Europe with the travelling bug out of our systems and having made a new start in Adelaide, Penny and I were committed to treading a little more lightly on the planet. With not much money and living in cheap rental housing, we even made our own low impact soap to wash the kids' cloth nappies. We did not own a car for the first four years in Adelaide, and that helped fuel my passion for working on sustainable transport issues. The first organisation I joined in South Australia was the Cyclists' Protection Association, now called the Bicycle Institute of South Australia. I was also the first public officer of the

group People for Public Transport, which had its work cut out for it when the Labor government of the day moved to slash public transport services by one-third as a cost cutting measure. It also threatened to stop all trains, trams and buses at 10 p.m. on week nights. With a tenacious community campaign, we managed to prevent the curfew, but the service cuts ran deep and patronage, not surprisingly, continued to fall.

Not long afterwards, Penny's parents, Hugh and Les, gave us an old car, which we accepted, and to this day I do not think many people understood why we would voluntarily wait at a bus stop with a baby and a toddler when we could be like normal people and drive everywhere. It was around this time, in the early 1990s, that I wrote a small book entitled *Greening Adelaide with Public Transport*. I remember that the then transport minister, Diana Laidlaw, bought 10 copies. I am not sure whether she or any of her advisers actually read it, but some of the ideas have since surfaced in TransAdelaide policy and practice, so perhaps it had some impact. The thrust of the book was quite simple, and it is as true today as it was back then when I wrote it. It is that, for the passenger transport sector to reduce its contribution to greenhouse gas emissions, we need to seriously address car dependence; and that making public transport more attractive, more reliable and, most importantly, more frequent was a vital component of any greenhouse strategy.

Recently, the Director of the South Australian Museum, Dr Tim Flannery, described climate change as 'the greatest threat facing humanity today'. The warning bells do not ring any louder than that. This government has promised legislation to reduce greenhouse gas emissions and described this as the centrepiece of its environmental agenda. That sounds very good. However, the reductions necessary will not be met unless all sectors are targeted, including the transport sector. So far, the focus of government transport policy is bigger and better roads to reduce congestion. To my mind it makes about as much sense as going to the doctor with a congested nose, only to be told, 'We'll have to widen it.'

Two books on transport have pride of place in my library. The first is a hard cover copy of the original 1968 *Metropolitan Adelaide Transport Strategy*—the MATS Plan for Adelaide. This book is an example of what happens when you give a packet of texta colours to traffic engineers. These days we try to restrict the sale of felt pens to help prevent graffiti, but even the worst graffiti vandal is not a patch on the architects of the MATS Plan, who managed to obliterate the whole of Hindmarsh under a freeway cloverleaf. The second book is the 1994 *British Royal Commission into Transport and the Environment*. That commission advocated the abandonment of freeway building and road widening projects, mainly because they do not work.

Experience everywhere shows that traffic expands to fill the available space, and you are back where you started. Although this royal commission report was written by leading figures of the British establishment, Friends of the Earth gave it the following endorsement:

> This report is extremely good news. It shows that traffic growth can be controlled and presents a credible package of measures to meet people's needs whilst protecting the planet.

I am happy to lend the report to honourable members, but not the MATS plan. I look forward to seeing how the government will reconcile its greenhouse and transport policies.

In 1996, after spending six years as campaign coordinator with the Wilderness Society and the Australian Conservation Foundation, I decided to re-enter the legal profession as a solicitor with the Environmental Defender's Office, a new community legal centre specialising in public interest environmental law. In many ways, this was my perfect job—a marriage of my legal training and my environmental work. In this new role, I could pick and choose clients according to the environmental merits of their case, and I did not have to charge them for it. We judged the importance of a matter by its environmental and public interest credentials and not by the size of the client's bank balance.

Whilst the Environmental Defender's Office has given me some of my most satisfying professional experiences, I must say that it was frustrating in the extreme to have successful court challenges overturned by the executive arm of government through regulations, or, in this parliament, through legislation. It seems that every time we had a win for the environment in court, or we looked like winning, the government would step in, always on the side of big developers or polluting industry and never on the side of the victims of pollution, or those seeking to protect and defend the environment.

In 1999, I successfully represented the Conservation Council of South Australia in one of this state's longest ever environment trials. The case was over tuna feedlots in Louth Bay near Port Lincoln. Our win in that case lasted less than a week before the government stepped in with special regulations. These regulations did not address any of the environmental concerns raised during three weeks of evidence; they simply abolished the right of appeal. The defeated aquaculture proposals were then photocopied, relodged and approved, this time with no appeal rights. That was seven years ago, but the government is still doing it.

Regulations to limit rights of public appeal against development of the commons—because that is what the marine environment is—the commons—have been gazetted twice in the past few months. It is a real indictment of public policy in this state that the only response to those who are critical of development is to remove their rights of representation and appeal.

Another example is as recent as two weeks ago. As an environmental lawyer, as many people here know, I have represented the Whyalla Red Dust Action Group in its ongoing campaign for a healthy environment and relief from the harmful dust emissions from the OneSteel Whyalla Steelworks. Despite the Environment, Resources and Development Court saying, on several occasions, that the company had a case to answer, the previous parliament saw fit to undermine the rights of the people of East Whyalla and effectively sentence them to many more years of pollution at levels that are known to cause harm to human health.

On 18 April, the Supreme Court found that the residents had no standing to pursue the case and that the company had no case to answer. The court cited the legislation passed in this parliament as a reason for barring the action. The people of East Whyalla never even had the chance to have their claims tested in court before the government stepped in to protect the company from the consequences of its actions. It is this type of behaviour that has encouraged me to seek a voice where the laws are made rather than just where the laws are applied.

Apart from my wife Penny, there are many others who have helped form my world view and who played a role in my decision to stand for election to parliament. First and foremost are my mother and father, who provided a stable and loving home where many of the values that I hold dear were formed. These included values of community service.

In fact, it never occurred to me not to put my hand up for volunteer community work, because I was taught from an early age that contributing to your community was the glue that helped hold society together.

Mum passed away a few years ago, but I am delighted that my father Max Parnell has come over from Victoria to share in my first speech today. Also here today are my three children, Felix, Eleanor and Mungo. Whilst their more recent memories of their dad are of long hours in meetings or in front of a computer, for most of their very early years I did part-time paid work so as to be able to share both the work and the fun of family life with young children. Without you kids I would not have had the opportunity to run the lunch-time chess club at school, or help out with the pedal prix team, and I also would not have the distinction of being probably the only lawyer (male lawyer, at least) to have been granted an adjournment in a court case on the grounds of a conflicting engagement—having to convene a local play-group. I am told that my Goldilocks and the 17 bears routine is still a model for inclusiveness at the Eden Hills playgroup.

I am also pleased to say that my three children attend state schools—Eden Hills Primary, Blackwood High and Glenunga International High School—where, as they say on the sign at the school gate, we are public and proud.

Lastly, I would like to finish where I started by thanking those who have supported me, those who have provided inspiration, and also all the members and supporters of the Australian Greens, whose efforts over many years paved the way for our historic entry into this parliament. To my fellow legislative councillors, thank you very much for your welcome and your encouragement. I look forward to working with you all over the next four or eight years and beyond.

Honourable Members: Hear, hear!

The Hon. D.G.E. HOOD: I support the motion for the adoption of the Address In Reply. I would also like to express my condolences on the recent passing of former members of parliament. I take this opportunity to express my thanks to Her Excellency for her address in this chamber on Thursday last week. I am sure that, like me, all members here today greatly appreciate the fact that our state is represented by such an outstanding person in the role of Governor. Mr President, I take this opportunity to congratulate you on your election to the very high office that you hold. The fact that your election was unanimous and unopposed is testimony to the esteem in which you are held by members of this council. In the short time that I have known you, I have found you to be honest and fair and a person worthy of such high office. I wish you well as president. I would also like to thank the members of this council for the warm welcome they have shown me, and to the Hon. Andrew Evans for everything he has done in making my election to this council possible.

My speech today will comprise three main issues: first, my background and the experiences which have shaped my life thus far; secondly, a brief outline of some key issues that will underpin my thinking as I cast my vote on proposed legisla-tion in this chamber; and, thirdly, my response to key aspects of the government's legislative agenda as outlined both during the election campaign and last week.

I was born at Woodside Hospital in the Adelaide Hills during January 1970. My father was a soldier in the Aus-tralian Army from this time until I reached my 20s. During this time my mother was a stay-at-home mother initially, before entering the paid work force after my brother and I reached school age. She then held down several different jobs over the years, including providing domestic cleaning services for a former president of this council, the Hon. Jamie Irwin. Despite being legally blind, my mother is, and always has been, able to find work of one form or another. Despite having the worst of upbringings, suffering ongoing major health problems and being legally blind since her adoles-cence, she has been a wonderful mother who instilled the values of hard work, honesty and respect for others into me from my childhood years. Indeed, despite the very difficult circumstances my mother has faced, she has always remained positive, optimistic and generous to others.

The same must be said of my father. While still a very young man, at just 19 years of age, he saw 12 months active combat in Vietnam during 1968-69. Experiences that he has relayed to me that occurred during that time are nothing short of horrendous. Despite these very difficult experiences, my father was an excellent parent, sometimes resorting to holding down three jobs at one time, and on a weekly basis going 36 hours without sleep in order to make ends meet for his wife and two boys.

It was in this environment that my personality and values were shaped. I was brought up in the working class suburb of Salisbury and educated at two good local public schools. Afterwards I was accepted at a South Australian university where I gained a Bachelor of Economics and a Bachelor of Arts (Honours) majoring in politics. Following this, I entered the work force immediately and set about repaying the HECS debt that I had incurred. During these early adult years my life went through significant change as I left the education system and entered the work force. Until this time I had not had any involvement in religion of any kind. I was brought up in a home where religion was respected but not practised.

My time at university had prompted me to consider the validity of major world religions. In response, I decided to conduct my own intellectual inquiry into each of these beliefs in order to determine whether there was, and is, a satisfactory intellectual basis upon which one could base their faith. Despite having predetermined that this was highly unlikely, I decided that the only intellectually fair approach was to examine the facts as they stood. I hoped that my friends would undertake this intellectual search with me but, to my surprise, none of them deemed these issues worthy of their time, apparently. Since this time it has never ceased to amaze me how many people have closed their mind to religious faith, despite never having fully considered it and honestly examined the factual basis for its claims for themselves.

After some weeks of honest intellectual research and inquiry, and despite my pre-conceived belief to the contrary, I was astonished to find the historical manuscript and scientific evidence overwhelmingly in support of the Christian faith. For instance, I discovered that the theory of evolution is just that: merely a theory. Indeed, I discovered it to be a theory in some considerable difficulty. I discovered that the Second Law of Thermodynamics, an irrefutable immutable law of physics, not merely a theory, runs com-pletely contrary to the theory of evolution, rendering the theory of evolution not only improbable but plainly impos-sible according to many PhD qualified scientists.

I discovered also that many PhD qualified scientists argue that the fossil record is a much better argument against evolution than for it, and that the missing link is labelled the missing link because, after 147 years since the publishing of Darwin's *Origin of the Species*, it is still—as the name suggests—'missing'. It is my experience that those who most strongly disagree with this view have not fully examined the

matter. I also learned—to my surprise—that there is far more historical evidence to support the origins of the Christian church and its founder than there is to support the existence of Julius Caesar or Alexander the Great. As a result of this honest and genuine intellectual journey, I converted to Christianity shortly afterwards on the weight of the evidence before me. I have found it an intellectually, emotionally and spiritually satisfying faith ever since.

Following my time at university I entered the work force and worked in several positions before reaching senior management levels in a large multinational company. I left that position some 14 months ago, after meeting my now friend, the Hon. Andrew Evans, in order to devote my time to Family First. This was made possible through considerable financial sacrifice and the unfailing support and generosity of my wonderful wife Lisa throughout this time.

I would like now to comment on the key issues which will and have shaped my thinking as I consider the legislation requiring my consideration and, ultimately, upon which I must vote in this chamber. At its most fundamental level, I believe that our society currently faces many significant challenges. It is true that, in a strict economic sense, our society has never been so rich, and in that sense we are enjoying times of unprecedented economic prosperity. Unemployment levels, interest rates (notwithstanding this morning's rise), inflation and the real cost of many consumer goods are at or near 30 year lows. Real wages are also at historically high levels.

Looking at these facts on the surface and in isolation, an external observer may conclude that these are the best of times. However, while I would not go so far as to label these the worst of times, I do believe that the economic data alone does not provide a true understanding of the state of play in our community. The sad fact is that important issues, such as rates of depression, drug use, suicide, crime, alcoholism and excessive gambling are at an all time high. From this it is clear that economic statistics, while important, do not provide the full picture. Further, divorce rates, marital breakdown and family separations have reached crisis levels. In addition, the age profile of our population is increasing. Our absolute population numbers are growing at a very modest rate which, combined with an ageing society, may reach a point where we see our population numbers decline for the first time in our history.

One might ask how we find ourselves experiencing such an overwhelming level of social challenges and difficulties in the midst of the longest economic boom in our history. How is it that, despite unprecedented wealth and untold resources being channelled into addressing these social problems, in some cases limited progress has been made and in others the situation has become resolutely worse? Clearly, this is a complex question which requires ongoing robust debate. In essence, however, I believe the crux of the problem lies, first, in treating individuals, as has been the case, as nothing more than economic units in assuming that greater levels of material wealth by necessity will result in greater happiness levels in our society. This equation makes the incorrect assumption that human beings are driven by material wealth and little else. The enormous levels of social hardship, breakdown and anti-social behaviour in our society strongly suggest otherwise. As has been argued by several social commentators, human beings are body, mind and spirit and thus have the material, social and spiritual needs which must be met in order to foster genuine happiness and fulfilment.

For the past generation, and some would argue two generations, some extremism has continued to permeate politics and, progressively, society in general. Recent elections, including the most recent South Australian election result, suggest that this period may have come to an end, or, at the very least, had its momentum slowed significantly.

This period has seen the continued erosion of family values and the pursuit of ideology which, while well intentioned and done sincerely, has in specific areas actually produced a negative outcome for our society. The rapidly aging population and the very slow growth of our state's population is a case in point. Both have been brought about, in part at least, through the termination of around 130 000 babies during the past 30 years. If this very high number was even halved, South Australia would enjoy a younger population and a significantly more populated state today, as an extra 65 000 babies would have been added to our community, increasing our social vibrancy and capacity to compete with other states in the arts, sports and commerce.

Further, this period has also seen an increasing breakdown in the important link between crime, deterrence, punishment and rehabilitation. Rehabilitation is a very important step in the justice process and must never be removed. Indeed, current resource levels for genuine rehabilitation in our prisons are simply not adequate and must be increased. However, we must not shy away from our responsibility as a society to set appropriate levels of deterrence and punishment for offenders within the justice system. For many years the sentences for specific criminal acts have been woefully inadequate, so as to serve as no deterrent at all. This has been demonstrated by several high profile cases in South Australia in recent times that have resulted in overwhelming community backlash, forcing the government to respond. During a recent conversation with a former justice of the South Australian Supreme Court I asked whether in his opinion sentences for crime in general were about right, too lenient or too harsh. His answer was immediate and decisive: far too lenient. When questioned about what could be done, his response was, 'Nothing, because any decent sentences are almost always overturned on appeal.'

This situation simply cannot continue. If the judiciary will not act to rectify this, legislation must be introduced to create minimum sentence levels to ensure appropriate consistency in sentencing, as well as providing adequate deterrence and reasonable punishment where appropriate. As law makers we must act on this in order to fulfil our obligations to the very hard working police, the victims of crime and to the community in general.

Over the past generation we have also seen a change in attitudes, and eventually the law, with respect to drug use in our society. South Australian legislation concerning marijuana use in particular has been significantly relaxed on the assumption that marijuana is essentially a harmless substance. This assumption is wrong. Recent data is categorical. First, marijuana users are six times more likely to develop schizophrenia than are non-users. Secondly, babies born to mothers who use marijuana during pregnancy have 11 times the risk of developing childhood leukaemia. Thirdly, marijuana users are four times more likely to report symptoms of depression than are non-users. Fourthly, of those who use marijuana three to 10 times during their life, 20 per cent go on to use cocaine or similar drugs. Of those who use marijuana 100 times or more during their life, 75 per cent go on to use cocaine or similar drugs. Fifthly, the American Psychiatric Association lists the harmful affects of marijuana as psychot-

ic disorders, hallucinations, anxiety disorders, impaired judgment, delusions and aggressive behaviour. Sixthly, there is four times more cancer causing tar in marijuana than in tobacco smoke.

In view of these very serious consequences of marijuana use, an appropriate change to the law, which significantly reduces availability, must be made as soon as possible. I will introduce a bill to this council to this effect in the coming weeks. As I have outlined, the very fabric of our society has seen significant change over the past few generations, some of which has had a negative impact. Perhaps the most significant has been the steady decline in our willingness as a society to apportion individuals' responsibility and appropriate accountability for their actions. We have become a society that encourages mediocrity, even from a child's early school years where teachers are encouraged not to fail struggling individual students and where difficult individual circumstances are seen to partly justify wrongdoing in some cases.

This reluctance of our society to encourage the individual's acceptance of the responsibility for his/her actions has grown over the past generation. The result is a less trusting, more cynical society less willing to engage its own community. As legislators we must seek to create the environment for individual members of our society to thrive because, as increasing numbers of our society grow, develop and thrive, so does our society as a whole.

Of course there have been social advances during this period, particularly in the area of social justice. It is appropriate that the most fortunate among us have resources diverted to the least fortunate of our community. It has often been said that society should be judged by how it treats its most vulnerable—a sentiment with which I wholeheartedly agree. It is important to recognise that assistance provided to the needy must take the form of a hand up and not merely a hand out. In doing so those in need further develop and retain a sense of dignity rather than dependence, as my own family experience would testify.

In essence I have tried to outline my belief that life is more than possessions and our society is not merely a product of economics. Despite our relative wealth as a community we have very real social problems. What is clear is that nearly two generations of extremist philosophy has provided little benefit to our society, other than some advances in the area of social justice. During this time, however, social problems such as drug use, depression, suicide, gambling addiction and crime have proliferated, to the detriment of our whole community.

I now turn to the government's legislative agenda for the coming four years. In a general sense the program outlined by the government will have my in-principle support, being subject to the detail contained within any specific proposed legislation. My position is that governments are elected to govern, and this will be my primary consideration whilst deliberating over legislation presented in this chamber. This does not in any way commit me to vote in favour of any specific government legislation, but it provides an insight into my thinking as I approach the years ahead in this parliament. This being the case, I wish to state for the record that I will in no way support the government's proposal to abolish this Legislative Council. There is simply no justification to abolish this council, especially in light of the fact that the overwhelming majority of government-initiated legislation passed both houses of parliament and became law over the past four years.

It has been suggested that the Legislative Council is in some way not democratic or truly representative of the voting public. I find quite the opposite to be true. The current Legislative Council sees approximately 30 per cent of its members being non-government and non-opposition members. In the House of Assembly only around 6 per cent of elected members are from neither the government or the opposition. Further, the unicameral parliament in Queensland has been highlighted as an example that should be followed by South Australia. How ironic it is that there is a growing tide in Queensland in favour of the introduction of an upper house of parliament in that state. Indeed, just two weeks ago a conference was held in that state examining the benefits of introducing an upper house there.

The conference was opened by former Governor- General, Bill Hayden, and it featured many prominent state-based academics. Dr Scott Prasser, from the University of the Sunshine Coast, and Dr Nicholas Aronery, from the University of Queensland, jointly published an article in Queensland's *Courier Mail* newspaper of 19 April this year calling for the introduction of an upper house in the Queensland parliament. They argued the following:

> Queensland's weak unicameral parliamentary system has encouraged a lack of ministerial responsibility, political party dominance in public service appointments and secrecy in decision-making. These issues lie at the heart of the state's hospitals, childcare and energy scandals.

They went on to claim that the unicameral parliament has allowed the government to act 'contrary to the public interest on health matters'. Finally, they assert that the present Queensland parliamentary system 'offers few opportunities for external probing of executive government actions and even fewer pressures to reveal information. Government in Queensland is for major party and big institutional players only'. Further to these very serious issues relating to government in Queensland under a unicameral parliament, it is also true that Queensland has experienced significant political corruption, as the Fitzgerald inquiry categorically demonstrated. In addition, the now infamous and long-standing Queensland electoral gerrymander gives further cause for rejection of a unicameral parliament in South Australia. For the reasons outlined, I will strongly oppose the abolition of the South Australian Legislative Council.

Finally, I take this opportunity to thank the people of South Australia for entrusting me with the responsibility of representing them in this chamber for the years ahead. We are all very fortunate indeed to live in this wonderful state, and over the next eight years I hope to contribute to making South Australia a place where families thrive, where people feel safe in their homes and on the streets, where hard work is rewarded, where there are strong deterrents and punishment of criminal activity, where the sanctity of life is valued above all else and where decency, generosity and family values are championed in the parliament, in legislation and in the wider community.

Honourable members: Hear, hear!

The Hon. R.I. LUCAS (Leader of the Opposition): Along with other members, I also thank the Governor for the speech with which she opened parliament and, on behalf of the vast majority of South Australians, indicate our thanks to our governor for the magnificence of the work she undertakes on our behalf. It is a difficult and arduous task, but I know that she will have the support of all members in this chamber for however much longer she continues to undertake that role.

I congratulate the new members in this chamber who have made their maiden speeches and also the Hon. Mr Finnigan who, I think, is yet to make his. I hope, at the end of this Address in Reply, to be able to address many of the issues that the Hon. Ann Bressington raised in her contribution. I also hope that I, and all members in this chamber, will open our eyes and our ears to the issues she has raised—issues she has been raising for many years. Perhaps collectively as a chamber, as members of different political parties and as Independents, we might, with good will, be able to achieve progress towards the ends she and many others wish to see in this critical area.

As I said, I congratulate all members on their well considered and well thought out presentations in the Legislative Council. As I said when originally welcoming them to this council, I hope that they will not only enjoy their time here, for however long their term is in this place, but also that at the end of their term they will judge that their contributions have been of net benefit not only to their parties and particular interest groups but also to the people of South Australia.

I have acknowledged the work of retiring or defeated members of the Legislative Council on two previous occasions, but I am not sure whether anyone else has yet publicly acknowledged the Hon. Mr Cameron's contribution to his party, to the parliament and to the community. I have done that and I do so again. I think that when members leave this place, whether or not we have crossed swords or whether or not we have been enemies, as men and women of good will we can, hopefully, pay tribute to and acknowledge each other, even if we have disagreed during our time in the parliament.

I also want to acknowledge and pay tribute to the defeated and retiring House of Assembly members (and I hope I have all of them, because there are a number): Dean Brown, Dorothy Kotz, Joe Scalzi, Mark Brindal, Robert Brokenshire, Malcolm Buckby, Joan Hall, Wayne Matthew and John Meier. As I have said on many previous occasions, when an electoral tidal wave sweeps through the community, good and bad, hard-working and less hard-working members get swept away. My first experience of that was with one of the harder working members of the Labor Party in the late 1970s, Molly Byrne. Molly Byrne was the member for Tea Tree Gully with a very considerable margin and was very popular and very hard-working, but when the tidal wave of 1979 swept through South Australia her hard work on behalf of her constituents over many years was not recognised and she was gone—not through any particular fault of her own but because the electoral circumstances of the time conspired to mean that that was the end of her contribution to public and community life.

Without going through them individually, I can say the same thing about my lower house colleagues, a number of whom were extraordinarily hard-working on behalf of their constituents. They contributed much and had much more to contribute; however, the tidal wave came. Those of us who have been here long enough have seen tidal waves sweep in many directions; it is currently against us but at some stage in the future it will turn, and turn again.

It is unfair to the other members, but I want to at least briefly acknowledge the work of two of those members, one of whom is my friend and colleague Joe Scalzi, the former member for Hartley. I have been a member of the Hartley branch of the Liberal Party for more than 20 years, and I saw a number of candidates try to win the seat for the Liberal Party prior to Joe Scalzi. I have been paired with him during his term in the parliament, and I regard him as a friend and former colleague. He held against electoral swings for a number of years, when those within the Labor Party (and perhaps some within the Liberal Party) believed that he would not, but the size of the recent swing was too much even for his tremendous local community work and output. I acknowledge Joe Scalzi's commitment to the Hartley electorate, to the community, to the parliament and, of course, to the Liberal Party.

I also pay tribute to a friend and former colleague—Mark Brindal. I have read the comments made in the other place, and again, as with the Hon. Terry Cameron, so far I have not yet seen acknowledgment of or tribute paid to the contribution he made to the South Australian parliament and to the community. I regard Mark as a friend. He and Joe Scalzi were members of my original backbench education advisory committee, or whatever it was called, when I was shadow minister for education and they were involved in the education community. When Mark indicated that he was interested in parliament, I recall encouraging him to move down to the Hayward area and take on the then government whip, June Appleby, which he did successfully. He won two marginal seats from the Labor Party—Hayward, originally, and then the seat of Unley from Kym Mayes. He was going to try to win another marginal seat at the end of his career—that of Adelaide—before he indicated that he would stand down at the recent election.

I know that people have strong views about Mark as an individual and as a member of parliament. I am proud to say that he has been and remains a friend of mine. I believe that he made a significant contribution to the parliament and to the Liberal Party, and I hope that all members of the Liberal Party and the parliament would acknowledge his contribution. Certainly, in areas of interest to him, such as water resources, education and many others, he made a formidable contribution in terms of policy development within our party forums. I know that I speak for a number of my colleagues in placing on record our acknowledgment of his contribution not only to the Liberal Party but also to the parliament and to the community.

I want to devote the majority of my contribution to the Address in Reply to the issue of the Legislative Council and what I believe will be a major part of political debate for the next four years. In my view, it is a critical period for the Legislative Council for those of us who believe in the importance of this chamber as an institution. In my judgment, this is the first time that we have had a Premier who is committed to the abolition of the Legislative Council. We have a Leader of the Government in this chamber committed to the abolition of the Legislative Council, and we have a President who is committed to the abolition of the Legislative Council. I do not believe it has ever occurred in the history of this chamber when the Premier, the Leader of the Government and the President of the chamber are all committed to the abolition of this institution.

I think that it is a fair indication of the threat this chamber is under when people of considerable influence, such as those three members and others, hold that very strong view. Whilst the past president, the Hon. Ron Roberts, was of course a member of the Australian Labor Party, it was certainly my view that he did not share the view that this chamber ought to be abolished. Whilst I had many differences of opinion with him on many issues, I believe on this matter we shared a similar view in respect of the importance of the Legislative Council as a part of the bicameral system in South Australia. For those reasons, this debate will be critical.

The most recent outbreak of the debate on the future of the council commenced on 24 November last year. With the Adelaide *Advertiser* banner headline stating 'Rann to call referendum in 2010: abolish the upper house,' an exclusive to Greg Kelton stated:

> Premier Mike Rann wants Parliament's Upper House abolished and will ask South Australians to bring about the greatest electoral system changes in the state's history. . . Labor, frustrated by legislative delays and the watering down of new laws in the Legislative Council, will begin moves to get rid of it after the March 18 election which polls suggest it is likely to win.

The timing of the announcement was of interest to some of us. Certainly, a number of Labor ministers and members of the caucus (who, I might say, do not agree with the position of the Premier and the Leader of the Government on this issue) have indicated to me that they were unaware of this policy announcement being made by the Premier on 24 November. As I said, it is intriguing that it was on the very day that Ms Edith Pringle was to present evidence to a select committee of the Legislative Council. It was clear that the Premier was anxious about the evidence Ms Pringle would give to the select committee and was very keen to divert public attention away from what he thought would be the evidence given that day. I do not think that the concerns were particularly in relation to Mr Clarke or Mr Atkinson but perhaps related to events that involved Mr Rann on another tangential issue many years previously. I do not want to go into those issues today, as they are for another day.

As I said, it is intriguing that on the very day that that was to occur, unbeknown to many within the Labor Party the Premier made his announcement on the front page of *The Advertiser*. That was supported, of course, by *The Advertiser* in its editorial. I will not give *The Advertiser* the satisfaction of reading the whole of the editorial, but the headline probably gives an indication of the nature of it: 'High time to burn down the house'. The first sentence states: 'The demise of South Australia's Legislative Council cannot come quickly enough.' That is certainly a different attitude that is being expressed by the current editor and management of *The Advertiser* to that expressed over many years previously, which was the importance of a bicameral system of parliament in South Australia and the importance of the Legislative Council as a house of review.

We have also been treated over recent months and years to an ongoing push, not only from *Advertiser* editorial writers but from a friend of mine, Rex Jory, who writes the Jory Column in *The Advertiser*. He has led the charge in most recent times for the abolition of the Legislative Council, but he had a different attitude in earlier days. Dean Jaensch, who writes for *The Advertiser* has in recent times changed his position and supported the abolition of the Legislative Council. Of course, we have also seen the attitude of senior business leaders such as Mr Champion de Crespigny, confidante of the Premier, who supports the abolition of the Legislative Council, and Business SA, in its most recent incarnation, supports the abolition of the Legislative Council as well. So, to be fair to the Premier, it is not just the Premier who supports this issue—there are some senior business people (an *Advertiser* editorial writer, Dean Jaensch and others) who support the abolition of the Legislative Council.

When one looks at the sorts of arguments that people such as Jory and Jaensch use to support the abolition of the Legislative Council, they approach it from two different directions. The Rann/Jory/business leader rationale for the abolition of the Legislative Council is along the lines that the government is elected to govern and whatever it says should be allowed to be implemented, and that there should not be another chamber or mechanism that prevents the government of the day from instituting and implementing whatever it is that it might choose to implement.

The Rann/Jory/*Advertiser*/business leader view of the world is that the Legislative Council impedes economic development, such as mineral development. In the past two days, the Premier has claimed that mining has been inhibited or impeded by the Legislative Council, and the only way—

The Hon. P. Holloway: His speech was totally misreported.

The Hon. R.I. LUCAS: Well, there was nothing from either Mr Rann or you indicating that.

The Hon. P. Holloway: Read question time yesterday in the House of Assembly and you will see it.

The Hon. R.I. LUCAS: But on the radio news—

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! Interjections are out of order. The leader should direct his remarks through the chair.

The Hon. R.I. LUCAS: That has been the general nature and tenor of the rationale for the abolition of the Legislative Council: that the Legislative Council in some way is impeding progress and stopping crucial economic development, that we would get more jobs, development and growth if we could get rid of the Legislative Council and allow the executive arm of government, whoever that is, to implement whatever programs it might wish to implement during its particular parliamentary term.

The fact that in the past seven years—three years under the former Liberal government and some of the past four years under the past Labor government—South Australia has enjoyed some of the more significant economic growth figures that it has enjoyed for many years seems to have escaped the lead writers, business leaders and others. That occurred at a time when either the Liberal government or the Labor government controlled the numbers in the Legislative Council. There is not much intellectual rigour in the argument for the abolition or gutting of the Legislative Council.

Time—the next four years as we lead up to any possible referendum—will hopefully allow the public exposition of the paucity of the intellectual rationale for the abolition or gutting of the Legislative Council.

The Hon. P. Holloway: What about eight year terms? Do you support those?

The Hon. R.I. LUCAS: Yes, I do. I will address that in a minute. As I said, that is the argument from the Rann/Jory/*Advertiser*/big business corporate leader view of the world. However, the Dean Jaensch argument is slightly different. His argument is not that the Legislative Council is impeding growth and jobs development; his view of the world is that we can achieve all we need to achieve through multi-member electorates in the House of Assembly. So, his view of the world is that the reason Rann might want to get rid of the upper house is to get rid of some of the Independents (the Democrats, the Greens, the Family Firsts, the No Pokies and others) so that he can have an unimpeded view of the world to implement his particular programs.

Jaensch's view of the world and those who support his argument is different: they actually like the diversity of the minor parties and they want to see those parties represented in the House of Assembly in one chamber under a unicameral system. So, they support various versions of the Tasmanian lower house system with multi-member electorates and proportional representation which would allow the

representation of minor parties and Independents to a greater degree.

I have written on a couple of occasions to *The Advertiser*, and I must nail my colours to the mast. I think good governments can (and have been able to) achieve much of their program for the past 30 years in South Australia. It is a question of not taking your bat and ball and going home, flouncing off to a corner and complaining about things: it is a question of getting on, negotiating and arguing a case not only to the community but also to the individual members represented amongst the minor parties and the Independents.

Part of the argument that relates to the difficulty of getting legislative programs through the Legislative Council relates to this issue of whether or not governments are able to govern. The Dean Jaenches of this world have indicated they want multi-member electorates. I have indicated publicly that, whilst it is difficult and frustrating for governments not to get their legislative programs through the Legislative Council immediately, it is my view that it is almost impossible to run sensible, reasonable and rational government if you do not actually control what is going on in the House of Assembly, because that is the house where governments are established.

Having endured government between 1997 and 2002 where we were held to political ransom by Independents with the constant threat of no-confidence motions, censures, the establishment of inquiries and a variety of other 'We'll take our bat and ball and go home' arrangements in relation to various bills they wanted to see introduced or not, in my humble view that is more of a danger to good governance than the current circumstances. I frankly would not wish that on any government.

I think we have seen a little bit of that in Tasmania, where we see the extraordinary situation where Labor and Liberal will do almost anything to prevent the circumstances of our good friends the Greens being involved in coalition government or whatever it might be. In the interest of good governance I am a strong supporter of governments being able to govern in the House of Assembly. That is where they need to be able to make their decisions and implement their programs. We hope they do it without too much arrogance and hubris, but where you have a situation where the government does not control the numbers in the House of Assembly it is difficult.

It is not impossible, but it is difficult. In relation to the Legislative Council, no government since 1979—since we have moved to the 22-person house—has controlled the numbers in the Legislative Council. For 27 years, governments, Liberal and Labor—mainly Labor—have had to work their way through the process of convincing one member, as it was in the period 1979 to 1982 with a Liberal government, or what has occurred in recent times. I disagree with members who have said that this is the largest number of Independents and minor party members. We have six at the moment, but we have had that number or more over recent years, when one looks at the number of minor parties and Independent members represented in this chamber. So, it is no different in this current period from how it has been for a number of years, certainly for the past four years, and it was almost as many as that in the last four years of the Liberal government as well. It has also been the case until recent times in the Australian Senate, where governments have had to negotiate with a range of interests to try to get their programs through the upper house of parliament.

There are two differing arguments which have different rationales and, when one moves to what plan B might be, I do not think people have thought through the repercussions of the original arguments for plan B, and I intend to outline those in a moment. I want to look at the records of the Legislative Council. As the Hon. Mr Hood mentioned in his contribution, we see quite clearly that, over the past four years of the Labor government, notwithstanding this supposed record of obstructionism and legislative gridlock and other pejorative phrases that have been used over the years by the Premier and the editorial writers against the Legislative Council, 200 bills have been introduced by the government, three bills have been defeated and one has been delayed because of the government's view that there was a significant number of amendments.

It was not the government's view that there was a significant number of amendments: it was the government's view that, in political terms, its inner urban seat candidates did not want to see the government proceed with the development bill, as it was then, because there was significant opposition from community groups against that bill, as well as opposition to the government's plans from virtually every local government association in South Australia. The bill was supported by the development industry. The government did very well in donations from the development industry during the election campaign, but it did not want to proceed with that bill for those reasons, not because of the significant number of amendments.

The point is that 98 per cent of the government's legislative program was passed by both houses of parliament, in most cases with the government acknowledging amendments made mainly in this council or sometimes in the House of Assembly that improved the bill, or the government was prepared not to die in a ditch on the amendments, and the significant purpose of the legislation was achieved, albeit that it might have had to accept some amendments at the margins.

I am indebted to the work of the then and current Clerk of the Legislative Council, Jan Davis, and a speech that she presented to the 29th Conference of Presiding Officers and Clerks in Sydney in 1998. The paper she presented on that occasion was, 'The Upper House: A Snapshot of the South Australian Experience 1975 to 1998'. In that speech, the period before 1998 was summarised, and I quote from that contribution:

> Throughout this period of some 23 years, only 1.8 per cent of Government Bills have been rejected outright and this was usually after going through the whole legislative process to a deadlocked conference between the houses.

That does not just refer to a Labor government; it refers to Labor and Liberal governments, obviously, during that 23 years. That 1.8 per cent figure is strikingly similar to the 2 per cent rejection rate over the past four years. Certainly, this notion that, in the past four years in some way, magically legislative gridlock has developed, quite dissimilar to what has occurred for 20 or 30 years, is untrue, and the facts as outlined there, of course, are proof of that. Jan Davis' contribution in that speech also went on to state the following:

> In the last Parliament, the Legislative Council made a total of 2 234 amendments to Government legislation, whether introduced in the Council or in the House of Assembly.

I assume that, when the Clerk refers to the last parliament, it is the period 1993 to 1997 when there was a Liberal government and, therefore, a period of Labor opposition, or non-Liberal control of the Legislative Council, and a total of 2 234 amendments were achieved through government legislation, whether introduced in the council or the House

of Assembly. I seek leave to have incorporated in *Hansard* without my reading it a table at the back of that presentation entitled, 'The Statistical Summary of Bills Considered by the Legislative Council, 1975—1997'.

Leave granted.

South Australia
Statistical Summary of Bills Considered by the Legislative Council, 1975-1997

Year	Total number of govt. bills considered by LC	Total number of govt. bills that did not pass LC	Govt. bills negatived or laid aside in LC	Percentage of govt. bills that did not pass including lapsed bills	Percentage of govt. bills negatived or laid aside in LC
1996-97	106	*6	1	5.6	0.9
1995-96	120	6	1	5.0	0.8
1994-95	118	10	-	8.4	-
1994	59	7	1	11.8	1.6
1993	*41	*12	*1	*29.2	*2.4
1992-93	130	13	1	10.0	0.7
1991-92	100	9	5	9.0	5.0
1990-91	90	8	2	8.8	2.2
1990	51	12	2	23.5	3.9
1989	*39	*9	-	*23.0	-
1988-89	104	4	-	3.8	-
1987-88	109	7	2	6.4	1.8
1986-87	157	6	3	3.8	1.9
1986	45	10	-	22.2	-
1985	*51	*7	-	*13.7	-
1984-85	133	7	1	5.2	0.7
1983-84	128	4	-	3.1	-
1982-83	71	4	1	5.6	1.4
1982	32	13	-	*40.6	-
1981-82	131	8	5	6.1	3.8
1980-81	127	6	1	4.7	0.7
1979-80	72	1	-	1.3	-
1979	*11	*5	-	*45.4	-
1978-79	135	10	6	7.4	4.4
1977-78	84	9	2	10.7	2.3
1976-77	*126	*8	*7	*6.3	*5.5
1975-76	95	6	4	6.3	4.2

*These were periods when an election was held and hence a number of bills lapsed due to the prorogation of the Parliament.

The Hon. R.I. LUCAS: For each of the years from 1975 to 1997 the table indicates the percentage of government bills negatived or laid aside in the Legislative Council. I do not intend to go through all of its detail.

In summarising, the point that I am making is that good governments over the years, through a variety of mechanisms, have achieved most of their policy goals. It is varied. Those of us who were here in the early nineties when the gaming machine legislation went through the parliament will recall the then Labor government and people like the Premier, the Treasurer, and others who were part of the government in those days, placing considerable pressure, if I might put it that way, on the Hon. Mario Feleppa to, on a conscience vote, be in accordance with the conscience of other members to ensure the legislation went through. And that legislation went through in 1993.

I can remember in the Liberal government's time, between 1983 and 1997, this parliament sitting through Friday and Saturday early in the legislative term as the Hon. Graham Ingerson negotiated with the Hon. Michael Elliott and others for an interminable period to achieve amendments to the WorkCover legislation. There have been many examples where governments, through persuasion, cajoling, lobbying, compromise, negotiation, or whatever, have managed to achieve their legislative purpose. Perhaps the most long winded one of all was, of course, the electricity privatisation, when, at the time, there were many within my own party who were frustrated with the role of the Legislative Council, and who, contrary to their own signed declarations, the party's constitution and platform, harboured and expressed inappropriate thoughts about the abolition of the Legislative Council.

The Hon. J.S.L. Dawkins: Shame!

The Hon. R.I. LUCAS: Shame, as my colleague, the Hon. Mr Dawkins, says. None of those came from the Legislative Council. Even at that time, after a period of almost 18 months, the bills were passed, because, as you know, Mr President, former members of the Labor Party made judgments which they believed to be in the public interest to support those bills, which resulted in their being expelled from the Labor Party with all that that entailed for

those members. They personally gained nothing out of it. They made their judgment call and accepted the penalty from their former colleagues. But, they are all examples of how governments over the years have managed to achieve, as I said, 98 per cent of their legislative program being passed either in whole or with amendments through the Legislative Council.

The major role for the Legislative Council, which is opposed by Mr Rann in particular, is the important purpose of accountability of the executive arm of government to the parliament. That is the major driving force. In my view, it is not the sort of argument that the business leaders, and others, have picked up on, which is impeding the progress and economic development and jobs argument. I believe that is a furphy that the Hon. Mr Rann has used to get on board credible people and organisations to support the abolition of the Legislative Council.

What is driving the Hon. Mr Rann is his arrogance, in my humble opinion, as a leader and as a member of parliament, in wanting to see no opposition to whatever it is that he wants to do. The Legislative Council is in a position to establish, for example, select committees, or terms of reference for standing committees, which the executive arm of government does not want. And that is the same for a Liberal government. The government in this chamber now squeals when committees or inquiries are established. During the period 1993 to 2002, as an opposition, and with other minor party members, we established a number of select committees which looked at the EDS contracting arrangements, the water outsourcing arrangements, and a variety of other—

The Hon. J.S.L. Dawkins: The Queen Elizabeth Hospital.

The Hon. R.I. LUCAS: The Queen Elizabeth Hospital, and other inquiries which, as an opposition, it was felt that the public interest determined that the executive arm of government should be held accountable. If there is no Legislative Council, I can assure you, Mr President, there will be no select or standing committees looking at anything which the Premier does not want looked at. The Economic and Finance Committee will not allow terms of reference to which the Premier and other senior ministers do not agree. That is quite different, of course, from the period 1997 to 2002 when the Independents and others maintained the numbers on those committees. Of course, that is the case here in the Legislative Council.

If the Premier and the Leader of the Government get their way, and if you get your way, Mr President, in relation to these issues, we will have the situation where the Premier of the state can do anything and there would not be the capacity for the parliament in any forum to be able to establish an inquiry to investigate it. No standing committee would get up a term of reference. The opposition would move for a select committee in the House of Assembly and it would be defeated. The opposition would move for a term of reference to a standing committee and it would be defeated. Opposition members on the standing committee would move a motion within the standing committee and it would be defeated. The opposition would move for a royal commission or a judicial inquiry and it would be defeated. Mr President, that is the danger that confronts the people of South Australia. Journalists at *The Advertiser*, business leaders and others are being duped into supporting this notion. They are leaving themselves open, if we go down this foolish path of supporting the abolition of the Legislative Council.

The Hon. D.G.E. Hood: Just like Queensland.

The Hon. R.I. LUCAS: That is true. It is a frustration and an irritation to governments—Liberal or Labor—and it is an irritation to premiers—Liberal or Labor. Previously, there has never been a premier so arrogant and so full of his own self-importance who believes he—and he alone—can determine what is right, what ought to be investigated and what he, as an executive arm of government, ought to be accountable for in terms of the parliamentary process. It will be to the ultimate cost of the people of South Australia if this Premier, the Leader of the Government, indeed yourself, Mr President, and others who support this policy, including journalists at *The Advertiser* and Mr de Crespigny (who, as I understand it, has fled or is fleeing to the UK), and Business SA, and other fellow travellers such as Rex Jory, succeed with this policy. I trust and hope that they are not successful, because within a period of four years they would rue the day it had been achieved; they would rue the day they had been party to this policy; and they would rue the day they had been duped into supporting this policy. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

ADJOURNMENT

At 5.58 p.m. the council adjourned until Thursday 4 May at 2.15 p.m.