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January e-Brief

A new year but same challenge

Welcome to my first e-brief for 2011. While it may be a new year, my challenge will remain the same as 2010 (and the years before it): to hold the Labor Government to account, to help constituents who are having problems with Government departments, and to push for reform of those departments and agencies, such as WorkCover, Families SA, and Disability SA, that have forgotten who they are there to serve.



I again have a heavy legislative agenda, with several Bills in the pipeline to improve South Australia's child protection system, our justice system, and protection of whistleblowers. I will also be taking steps to protect our civil rights, to try to restore balance to the rights of injured workers, and to improve complaint mechanisms.

Likewise, the Government plans to keep the Parliament busy with several major bills foreshadowed. As always, I will work to ensure that the Bills meet the rhetoric and our rights are upheld.

The new Attorney-General, John Rau M.P., has also promised us an Independent Commission Against Corruption (of sorts), something I and many others have long advocated for. While we are yet to see the Bill, from the discussion paper, which can be [downloaded from here](#), it is doubtful that the proposed model meets the expectations of those who have pinned their hopes on an ICAC.

It is my opinion that the existing complaints and investigative bodies have demonstrated they are unable to effectively investigate official corruption, yet as you will see the Attorney-General, in part, proposes to retain these institutions and merely improve access to them. A new investigative body, to be called the Commissioner for Public Integrity, is also proposed but its role will seemingly be limited. I encourage you to read the discussion paper and make clear to the Attorney-General your expectations of public integrity reform. Submissions close on the 25 March 2011.

I hope you all have a wonderful year and look forward to hearing from you should you need assistance.

Ann Bressington

Uranium in our water

As you would be aware, Ann has serious concerns about the practice of forced water fluoridation. Her concerns, based on science, extend to the potential serious health consequences of ingesting fluoride, the inefficacy of water fluoridation in preventing tooth decay, and the ethics of denying citizens the choice of whether they participate in this mass medication.



Knowing that the fluorosilicic acid used to fluoridate South Australia's water is an industrial waste product of the aluminium and phosphate fertiliser industries, Ann submitted a Freedom of Information request that sought the Certificates of Analysis of fluorosilicic acid used here over the past three years. The results revealed numerous contaminants, including concerning amounts of aluminium, heavy metals, arsenic and even trace amounts of uranium. To see an example of the Certificates of Analysis received, click [here](#).

Dr Paul Connett coming to South Australia

Dr Paul Connett, a Professor of Chemistry and Director of the Fluoride Action Network (www.fluoridealert.org), is coming to South Australia on the 14th February 2010.



Dr Paul Connett

Dr Connett, a leading researcher and advocate against water fluoridation, has recently launched his book *The Case Against Fluoride: How Hazardous Waste Ended Up in Our Drinking Water and the Bad Science and Powerful Politics That Keep It There*.

In addition to meeting with Members of Parliament brave enough to look at the issue of water fluoridation, **Dr Connett will also be holding a briefing in the Balcony Room of Parliament House at 10am on the 14th February**. This event is open to the public but places are limited, so if you would like to attend please RSVP by 11th February on (08) 8237 9596 or by emailing bressingtonoffice@parliament.sa.gov.au.

For those interested in learning more about Dr Connett's opposition to water fluoridation please see his *50 Reasons to Oppose Fluoridation*.

Campaign to save Ward 4G

As you may be aware, the Labor Party as a cost-saving measure plans to close Ward 4G, the specialist treatment unit at the Flinders Medical Centre for those suffering eating disorders, such as Anorexia Nervosa and Bulimia. Instead, the Labor Party proposes to send sufferers to the Margaret Tobin Centre, a general psychiatric institution.

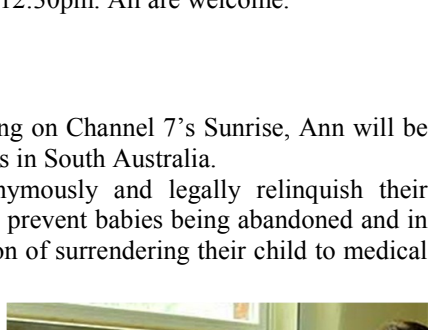
A small but dedicated group has sought to raise awareness of the impact this will have on those suffering eating disorders, including the inappropriateness of often young girls sharing a ward with those suffering general psychiatric conditions.

Currently signatures are being collected on a petition to save Ward 4G which can be [downloaded here](#) and returned to Duncan McFetridge MP. A **rally on the steps of Parliament** has also been organised for 9th February 2011 starting at 12:30pm. All are welcome.

Ann to move Baby Safe Havens Bill

As you may have seen reported in the media, including on Channel 7's Sunrise, Ann will be introducing a Bill this year to establish Baby Safe Havens in South Australia.

Baby Safe Havens enable women to safely, anonymously and legally relinquish their newborn babies, and have been shown internationally to prevent babies being abandoned and in some cases, tragically dying. Women will have the option of surrendering their child to medical staff or leaving the child in specifically designed chutes modelled on those used internationally (see photo).



Example of Baby Safe Haven in Japan

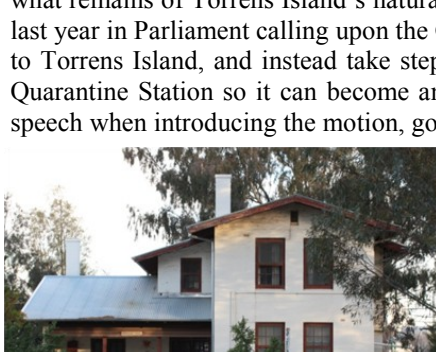
These women will be offered medical care and counselling anonymously and are able to reclaim the child within a defined period. If the mother does not come forward, the child will be placed in the care of the father or extended family or, if this unavailable, adopted to a loving home.

The Independent Weekly covered Ann's intentions in an article published on Friday, 26th November 2010, entitled *Chute Plan to Save Babies*. Tory Shepherd from the Advertiser also wrote a supportive opinion piece on Tuesday, 30th November 2010, which can be [read here](#).

Ann has also sent out the Bill for consultation. If you are interested in having input, please download the *Children's Protection (Lawful Surrender of Newborn Babies) Amendment Bill* and contact Ann with any feedback you may have prior to 4th February.

Torrens Island granted a reprieve

Ann has been campaigning to save the heritage listed Torrens Island Quarantine Station and what remains of Torrens Island's natural environment. As you may recall, Ann moved a Motion last year in Parliament calling upon the Government to abandon its plans to move heavy industry to Torrens Island, and instead take steps to rejuvenate the coastal environment and restore the Quarantine Station so it can become an important part of our heritage tourism. To read Ann's speech when introducing the motion, go to [official Hansard](#).



The former Doctor's residence, Refshauge House

Despite this Motion not being supported by either Labor or the Liberal Party, the Government have since withdrawn the application to the Development Assessment Commission to subdivide Torrens Island. While welcoming the news, Ann expressed her concern that it may only be a temporary reprieve, saying:

"While I was pleasantly surprised to hear that the Application by the Treasurer to the Development Assessment Commission had been withdrawn, I now fear this is only a temporary reprieve."

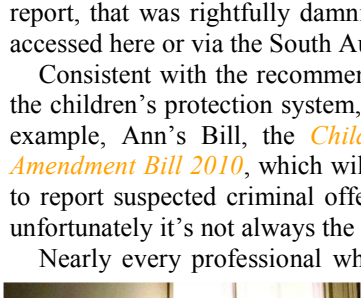
"We know that the Government's intentions have not changed, they still want to further industrially develop Torrens Island. We also know that the Liberal Party also supports the development."

Ann will continue to fight any further development of Torrens Island and advocate for the Government to meet its obligations under the *Heritage Places Act* for the Quarantine Station and to conserve the significant environmental value of the northern end of Torrens Island.

Reforming Families SA

Ann is committed to reforming South Australia's children's protection system. As you may be aware Ann established in 2007 a Parliamentary Select Committee into Families SA, following numerous complaints of mistreatment and abuse of process by Families SA staff. The resulting report, that was rightfully damning of Families SA, was handed down late in 2009 and can be accessed here or via the South Australian Parliament website.

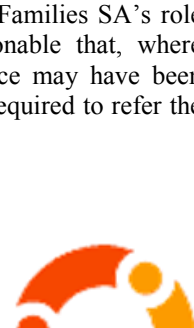
Consistent with the recommendations of the report and her own insights into the problems in the children's protection system, Ann has introduced several Bills to reform Families SA. As an example, Ann's Bill, the *Children's Protection (Reporting of Suspected Criminal Offence) Amendment Bill 2010*, which will go to a vote early this year, seeks to compel Families SA staff to report suspected criminal offences against children to Police. While this does usually occur, unfortunately it's not always the case.



Nearly every professional who comes in contact with children is required by law to notify Families SA through the Child Abuse Report Line of any case in which they reasonably suspect that a child is being abused or neglected. The Parliament made such notifications mandatory to assist Families SA to execute their role to protect children in need. Ann's Bill essentially extends the mandatory reporting requirement to Families SA itself. It is not Families SA's role to prosecute offenders so it is only reasonable that, where Families SA investigations reveal an offence may have been committed against a child, Families SA be required to refer the matter to the police.

Your thoughts on the HCSCC

A Motion is currently before the Legislative Council to establish a Statutory Authorities Review Committee inquiry into the Health and Community Services Complaints Commissioner (HCSCC). The HCSCC is responsible for hearing complaints from citizens about Government agencies such as Families SA and Disability SA, as well as the Health Department.



The Motion, moved by Rob Brokenshire MLC, is in response to numerous complaints of the HCSCC failing to investigate serious complaints lodged with it, particular against Families SA.

Ann has long held concerns about the effectiveness of the HCSCC, with many of her constituents reporting that the HCSCC was just 'another mouthpiece for the Department'. Families SA in particular needs close scrutiny and Ann is keen to see the inquiry established.

As a sitting member of Statutory Authorities Review Committee, Ann will be able to use the inquiry to explore possible reform of the HCSCC so that it better fulfils its mandate. To assist this, Ann is keen to hear from anybody who has complained to the HCSCC, regardless of whether they were happy or not with the outcome.

If you have contacted the HCSCC or know someone who has, please send a summary of your experience to Ann at bressingtonoffice@parliament.sa.gov.au.

Ann calls for a Criminal Cases Review Commission

On the 10th November 2010, Ann introduced a Bill to establish a criminal cases review commission (CCRC). Modelled on the successful Criminal Cases Review Commission established in the United Kingdom in 1997, and since replicated in Scotland and Norway, the South Australian CCRC would be an independent body with powers to actively investigate claims of wrongful conviction and refer substantiated cases to the Full Court for appeal.

The Criminal Cases Review Commission will replace the current petition process by which a person claiming to be wrongfully convicted lodges a petition with the Attorney-General for consideration. While the Attorney-General should only consider the petition in accordance with established legal principles, particularly those relating to a fair trial, as has been demonstrated here in South Australia, the petition is often politicised.

The establishment of a criminal cases review commission has broad support in the legal profession, by elements of the judiciary, including the former Justice of the High Court, Michael Kirby AC CMG, and by those who have suffered a miscarriage of justice, such as [Lindy Chamberlain](#).



Ms Chamberlain, who famously suffered a miscarriage of justice when she was not believed that her daughter had been taken by a dingo, wrote to Ann in support of a criminal cases review commission, saying:

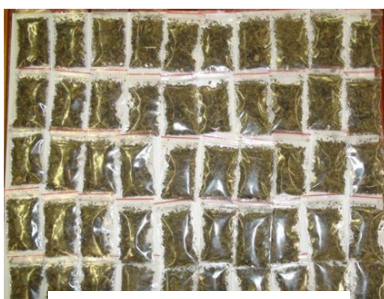
"It is wonderful to see that South Australia is taking the lead and making the attempt to begin bringing the justice systems of our great country into the 21st century at last... A commission where all the facts can be reviewed is desperately needed in this country, a place of last resort; properly protected against abuse by the guilty, but available when the system has failed the innocent."

To see a copy of the *Criminal Cases Review Commission Bill 2010*, [click here](#). To read a copy of Ann's speech when introducing the Bill, [click here](#).

On the same day as introducing the Bill, Today Tonight Adelaide covered the calls for the establishment of a CCRC, which can be viewed by clicking on the above screen shot.

Expiation Notices for drug dealers not users

Ann has introduced a Bill into Parliament, entitled the *Controlled Substances (Simple Cannabis Offences) Bill*, that seeks to close the loophole that allows street dealers to be in possession of up to 50 street deals of cannabis and not face criminal conviction.



50 street deals of cannabis

The Cannabis Expiation Notice Scheme currently allows a person to be in possession of up to 50 street deals (100grams) of cannabis, which could retail for up to \$1250, but only face a \$300 fine (see photo).

That the Cannabis Expiation Notice Scheme inadvertently captures dealers is supported by the results of a recent Freedom of Information request, which revealed that last financial year over 5211 expiation notices were issued for possession of less than 25grams of cannabis, but only 375 were issued for possession of more than 25grams but less than 100grams of cannabis. SA Police's figures tally with common sense, as users are rarely found in possession of more than a street deal (2-5grams). It is street dealers, who buy in ounces, who are in possession of more than 25grams.

Ann's Bill will restrict the Cannabis Expiation Notice Scheme by reducing the expiable amount to 25grams – less than 1 ounce. Ann plans to move the Bill to a vote in March this year.

If you no longer wish to receive Ann's e-Briefs or have received it twice, please reply to this email with 'unsubscribe' in the subject line.

Have a question or comment? Please email Ann at bressingtonoffice@parliament.sa.gov.au or call (08) 8237 9596.