HOUSE OF ASSEMBLY

Tuesday 16 November 1999

The SPEAKER (Hon. J.K.G. Oswald) took the chair at 2 p.m. and read prayers.

THIRD PARTY INSURANCE

A petition signed by 22 residents of South Australia, requesting that the House urge the Government to reverse its decision to charge metropolitan rates for compulsory third party insurance for residents of Aldinga and Aldinga Beach was presented by Mr Hill.

Petition received.

PROSTITUTION

A petition signed by 58 residents of South Australia, requesting that the House urge the Government to strengthen the law in relation to prostitution and ban prostitution related advertising, was presented by Mr Scalzi.

Petition received.

HIGH INTELLECTUAL POTENTIAL PROGRAM

A petition signed by 122 residents of South Australia, requesting that the House urge the Government to continue the Students with High Intellectual Potential Program at The Heights, Glenunga International School and Aberfoyle Park High School, was presented by the Hon. R.B. Such.

Petition received.

A petition signed by 144 residents of South Australia, requesting that the House urge the Government to make travel subsidies available for students admitted to the High Intellectual Potential Program, was presented by the Hon. R.B. Such.

Petition received.

PAPERS TABLED

The following papers were laid on the table:

By the Premier (Hon. J.W. Olsen)—

Office of the Commissioner for Public Employment—Report, 1998-99
Office of the Commissioner for Public Employment—South Australian Public Sector Workforce Information, 1998-99

By the Minister for Human Services (Hon. Dean Brown)—

Community Information Strategies Australia Inc (CISA)—Report, 1998-99
Disability Information & Resources Centre Inc (DIRC)—Report, 1998-99
HomeStart Finance—Report, 1998-99
Jam Factory Contemporary Craft and Design Inc—Report, 1998-99
Office for the Ageing—Report, 1998-99
South Australian Museum Board—Report, 1998-99
Road Traffic Act—Regulations—
Clearways
Road Rules—Readers Guide

By the Minister for Government Enterprises (Hon. M.H. Armitage)—

Industrial Relations Advisory Committee—Report, 1998-99

By the Minister for Education, Children's Services and Training (Hon. M.R. Buckby)—

Education Act—Regulations—Teachers Registration

By the Minister for Environment and Heritage (Hon. D.C. Kotz)—

Arid Areas Water Resources Planning Committee—Report, 1998-99
Board of the Botanic Gardens and State Herbarium—Report, 1998-99
Clare Valley Water Resources Planning Committee—Report, 1998-99
Eyre Region Water Resources Planning Committee—Report, 1998-99
Mallee Water Resources Planning Committee—Report, 1998-99
River Murray Catchment Water Management Board—Report, 1998-99
Water Well Drilling Committee—Report, 1998-99

By the Minister for Industry and Trade (Hon. I. F. Evans)—

Department of Correctional Services—Report, 1998-99
South Australian Metropolitan Fire Service—Report, 1998-99
Department of Industry and Trade—Report, 1998-99
Regulations under the following Acts—
Emergency Services Funding—Remission of Levy
Liquor Licensing—Dry Areas—Brighton.

QUESTIONS

The SPEAKER: I direct that the written answers to the questions, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 4, 8, 11, 12, 15, 18, 20, 25, 26, 40, 42 and 50.

ABORIGINES, LIFE EXPECTANCY

In reply to **Ms BEDFORD** (29 September).

The Hon. D.C. KOTZ: The following information has been provided by my colleague, the Treasurer:

The issue of life expectancies impacts on the provision of superannuation wherever death and disability insurance is provided, and benefits are paid in the form of income streams or pensions.

In setting the cost of providing death and disability insurance in lump sum schemes, the life expectancy of the whole Australian population is taken into account as well as the actual experience of the members of the particular scheme. In any superannuation scheme, the costs of insurance are not set according to any particular group's life expectancy or mortality rates.

In the pension scheme, the same disability and death cover is available within the scheme irrespective of any deviation from the life expectancy experience for the scheme for any particular group.

The schemes also have standard ages at which persons can retire and access their benefits on account of age. These ages are consistent with those established both in private and public sector schemes. To enable any group to access their normal retirement benefit earlier than the standard age at which retirement benefits are available, on the basis that the group had a life expectancy less than the average established for the scheme, would result in higher level of employer superannuation support as part of the remuneration package during the working life of the member. From an employment perspective such an arrangement would be unworkable.

NEW YEAR'S EVE

The Hon. J.W. OLSEN (Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.W. OLSEN: Today I wish to advise the parliament that the government has approved a pay offer for public servants working on New Year's Eve which it believes is fair and equitable for all involved. We have had ongoing

discussions with government agencies, Treasury and Finance and all relevant public sector unions.

Public sector employees working on New Year's Eve or New Year's Day between 6 p.m. on New Year's Eve and 6 a.m. on 1 January will receive an additional 100 per cent payment on top of existing entitlements and overtime, effectively delivering a minimum 200 per cent payment. This means that employees will receive all-up payments ranging between 215 per cent and 300 per cent or 315 per cent for someone working overtime after three hours.

This measure will cost the state government $1.5 million and recognises the uniqueness of this New Year's Eve. The additional 100 per cent is on top of existing shift and overtime penalties which would normally apply for employees committed to work over the period.

The government accepts that public sector employees who are required to work should be fairly compensated. Eligible employees seeking time off in lieu of payment will receive two hours for each hour worked. Public sector employees required to be on call over the period will receive an on-call payment of $50 unless existing awards are higher.

More than 4 000 shift workers are expected to be required to work over the period, predominantly police, hospital staff and firefighters. Around 1 100 day workers are expected to work overtime, largely drawn from SA Water, ETSA business units and Infotech employees. Some 450 employees will be on call over the period.

The government has made a prompt decision to enable agencies to plan rosters and ensure that employees are aware of their pay arrangements before giving a commitment to work. To assist employees with concerns over child-care availability, my department will request that chief executives finalise rosters before 1 December 1999.

The South Australian government has taken a responsible and fair approach to this issue and, hopefully, acceptance of this government's offer will moderate some of the more outlandish claims. My government has adopted this sensible and moderate ground.

In other states, for example, the New South Wales government has offered a 400 per cent payment for employees and a $250 payment for employees required to be on call, as well as announcing a half-day public holiday on Friday 31 December 1999 and declaring Saturday 1 January and Monday 3 January 2000 public holidays. Employees in one of the New South Wales government electricity corporations will receive a payment of 500 per cent.

The Victorian Government has not finalised a position, and in Western Australia both the Saturday and Monday have been declared public holidays. The Queensland government has offered a flat $250 additional payment for employees rostered to work on top of existing shift allowances and overtime rates.

Meanwhile, a Queensland government electricity corporation—I am told without reference to the government—has announced a family benefit of up to the cost of $2 000 for employees required to work. This apparently can include a holiday or family visits to theme parks. I am confident that the South Australian offer will be well received by both public sector employees and the wider community.

BUS AND RAIL TERMINALS

The Hon. DEAN BROWN (Minister for Human Services): As the minister representing the Minister for Transport and Urban Planning, I lay on the table a ministerial statement from that minister.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

Mr VENNING (Schubert): I bring up the 37th report of the committee on mining oil shale at Leigh Creek and move:

That the report be received.

Motion carried.

The Hon. R.G. KERIN (Deputy Premier): I move:

That the report be published.

Motion carried.

QUESTION TIME

ELECTRICITY, PRIVATISATION

The Hon. M.D. RANN (Leader of the Opposition): Given that the first probity auditor for the ETSA privatisation stood down due to a conflict of interest, can the Premier assure the House absolutely that the process has not been contaminated and that no inside information has been passed on to any of the bidders?

The Hon. J.W. OLSEN (Premier): I understand that the Treasurer intends to make a brief ministerial statement (I believe later today) in relation to that position. However, my understanding is quite clearly that it has not been.

STATE ECONOMY

Mr CONDOUS (Colton): Will the Premier inform the House of South Australia's recent export performance and the state of the economy generally?

The Hon. J.W. OLSEN (Premier): I am pleased to have been asked this question, because in a series of statistics—economic indicators for South Australia—only yesterday South Australia received even more encouraging economic indicators. The latest figures released indicate that merchandise exports have increased by 8.7 per cent over the last 12 months notwithstanding the fact that there has been a reduction at a national level of 4.9 per cent. So, quite significantly, South Australia's performance is well ahead of that of other states—well ahead of the national average.

Over the year exports of wine, road vehicles and aquaculture all shared a strong growth. The strong performance in exports of road vehicles out of South Australia is in contrast to the sluggish domestic car sales over the past year. The value of exports to East Asia over the period was higher than in the previous year, which clearly suggests to us that the full effect of the Asian financial crisis on our exporters may now have passed. We see the Asian economy starting to pick up, with some strength, with prospects of growth over the next few years. We have maintained our links with those Asian economies throughout this period (we have not been just a fair weather friend to those economies) and we have had a consistent focus on and interaction with Asia, which will be to our long-term benefit.

The success of the Food for the Future plan, in particular, is driving continuing export growth. In the two years to 1998-99 the value of South Australia's food industry grew to $7 billion from $5.8 billion. That is a 10 per cent increase a year. At this rate, the Food for the Future plan will meet its

objective, which is a target of $15 billion worth of exports by the year 2010. Not only will we meet that target but it looks as though, on this basis, we will meet it in advance of 2010. These figures exclude the wine industry. With this included, the food and beverage industry is already worth something like $8.7 billion annually. As I have previously mentioned, Southcorp, I think in the month of June, exported 2.1 million cases of wine—that is 25 million bottles. That is a lot of glass going through the ACI glass factory here at Thebarton; it is a lot of labels by Collotype; and it is a lot of cardboard boxes that have to be produced in order to pack the wine. Companies such as Scott's Transport are the beneficiaries, and it is building at Gillman additional warehousing to take the stock from the country and regional areas to meet the export potential.

In addition, building commencements are running higher than the national average. We have a 5 per cent annual growth compared to a 6 per cent fall nationally, which is our strongest growth in four years. Building approvals are up by nearly 19 per cent, compared to 11 per cent nationally. Retail trade is up nearly 3 per cent. House prices are increasing, which gives people confidence not just in Adelaide but across the state, with the real estate market experiencing its strongest growth in over five years. House prices outside Adelaide have increased 10.1 per cent, from $105 700 in September 1998 to $116 400 in September 1999. In the Adelaide metropolitan area, house prices rose almost 8 per cent, from $116 400 to $125 700 during the same period.

That increase in the value of people's most precious asset breeds confidence, and it is that confidence which feeds into more economic growth within the state. The Jones Lange Lasalle figures indicate that the Adelaide market for both office and industrial space has outperformed the national average over the past year; and that is an indication of an increasing level of business confidence. BIS Shrapnel has forecast (and I mentioned this to the House previously) two years of future growth. ANZ job advertisement figures are up 11 per cent. The important issue, of course, is employment trend lines, and we have seen now 16 months of employment trend line growth.

Employment has grown 2.4 per cent in the course of the past year. Importantly, net interstate and overseas immigration gain is 7 per cent in the year to about 3 200, which is now making a net positive contribution to population growth for the first time since 1992. The number of people whom we are losing to other states of Australia is at its lowest level for over five years at 2 800, down from a high of, I think, 8 000 in the 1994-95 period. Not so many people are leaving the state and, importantly, population growth, that is, people shifting to South Australia, has now risen substantially. We are now outperforming New South Wales in that regard.

That is giving impetus to the economy and to the housing and real estate markets, which is underpinning confidence. That confidence is showing up in retail sales and is an indication that many in the retail industry will be taking on additional staff during the course of next year.

A range of other indicators, whether it is the Westpac confidence indicator or the Telstra small business indicator, all highlight that the economic base, growth and direction of South Australia are the most vibrant, strong and resilient that we have had for some time. The most encouraging aspect is not only in exports and the success of the Food for the Future plan but also the population growth for South Australia—that is a key to the future direction of this economy.

ELECTRICITY, PRIVATISATION

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to the Premier. Has the government now retrieved all documents from the first probity auditor for ETSA's privatisation who resigned due to his having a conflict of interest, and has the government carried out a background check on the present probity auditor to ensure that he does not have any conflicts of interest?

The Hon. J.W. OLSEN (Premier): I will refer the question to the appropriate minister.

The Hon. M.D. Rann: The ETSA sale used to be yours but you have now shuffled it.

The SPEAKER: Order!

ADELAIDE TO DARWIN RAILWAY

Mr VENNING (Schubert): Will the Deputy Premier indicate the potential benefits to South Australian primary producers from the construction of the Adelaide to Darwin railway link and the benefits to regional communities that may result?

The Hon. R.G. KERIN (Deputy Premier): Certainly, as we all know, this project is an absolute icon and it has been widely welcomed right across South Australia, whether that be in the regional areas or in Adelaide. One area in which there is quite a bit of excitement about the project is the Upper Spencer Gulf, whether that be Port Augusta, Whyalla or Port Pirie. Many small businesses are looking very seriously at how they can get in on the ground floor in relation to securing some work from this project. Certainly there will be some employment outcomes for that area. The project has been a terrific boost for morale in the Upper Spencer Gulf area.

The area is very keen to capitalise on the project. I attended a dinner in Port Augusta a little less than two weeks ago, and certainly the air of optimism was very high amongst the business people who were present. Certainly they are very grateful for the fact that the project has finally been announced.

In the next few years the potential for that area to benefit greatly from the construction is very high, and we must ensure that we maximise those opportunities. Businesses in the area also need to ensure that they put their best foot forward. There are certainly long-term benefits beyond the construction stage for agricultural produce and for seafood. As the Premier just said, with Food for the Future and our targets in that respect this will help enormously. There are really two issues.

One issue not mentioned very often is that even with non-perishable goods the shorter lead time to fill orders in Asia will be important. Quite a few people have mentioned that one of the problems with sea freight is that quite often the time between ordering and delivery is too long. Certainly, the more obvious benefit is in the area of fresh or chilled food, whether that be seafood, pork or other meat. With horticulture, the railway will be an absolute boost for our targets in the food plan. We certainly look forward to the benefits that the food industry and the many primary producers in South Australia can reap from that.

One of the other real benefits for regional communities will be within the mining industry. The railway line's construction has the potential to open up a lot of areas in the north. Most members would have read of the SACE project and how it can benefit from this, but there are other projects

as well. The railway offers greater access, another way through the north end and also a route back the other way for backloading, which, in some cases, will perhaps offer even cheaper freight. All in all, across regional South Australia the railway line is extremely welcome. It is now up to us to make sure that we maximise the benefits of the railway line.

ELECTRICITY, PRIVATISATION

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to the Premier—not the Treasurer. Given the serious breaches of probity which occurred in the Premier's water outsourcing deal in which the ultimately successful bid was received over four hours late after other bids had been opened, photocopied and distributed to unauthorised personnel, amongst a series of lapses of probity, can the Premier, without referring it away to the Treasurer, outline the protocols for the acceptance of any late bids or expressions of interest in the ETSA privatisation process?

The Hon. J.W. OLSEN (Premier): Here is the Leader of the Opposition trying to sort of work his way into this story. As has previously been indicated, a range of issues that have been identified will be addressed. We were asked to report back within the course of seven days. It is a commitment I gave. It will be a commitment that will be honoured.

ADELAIDE TO DARWIN RAILWAY

Mr HAMILTON-SMITH (Waite): As the Adelaide to Darwin railway has been identified as a key infrastructure project with significant economic development potential for the state, will the Minister for Industry and Trade outline to the House the likely benefits set to flow to industry and business in the area of enhanced trade performance?

The Hon. I.F. EVANS (Minister for Industry and Trade): As the Premier advised the House this afternoon and as I advised the House last week, certainly South Australia's recent export performance has been outstanding, outstripping other states. It was pleasing for the Premier to announce the statistics today that South Australian exports are again up 8 per cent compared to a national decline of around 4 or 4.9 per cent. That really is good news for the state. There is no doubt that the Adelaide to Darwin rail line will be very important for South Australia. Of course, those export figures that we have been quoting are on the back of an Asian economy that has not been travelling as well as we would like. There are signs now that the Asian economy is starting to recover from the position in which it found itself over the last 12 to 18 months. It is important that South Australia keep investing in transport infrastructure to ensure that our exporters are best placed to take advantage of the export market.

Ultimately, that is where the Adelaide to Darwin railway link really does enter the equation, because it does provide an alternative means for South Australian exporters to get their export produce to the markets. Of course, the Adelaide to Darwin rail line will connect to the new deep sea port in Darwin. The Northern Territory government has spent a significant amount of money upgrading the port so that it is ready for this particular development. It will provide an integrated Australasian trade route for the produce from southern Australia, that is, South Australia and Victoria in particular. I know that the Deputy Premier just referred to time sensitive exports in the food industry, but it is interesting to look at some of the time savings that companies will make in terms of sending their products to the export market.

For instance, it will save about three days on items shipped to Singapore, that is, eight days as opposed to 11 days; 18 days on goods shipped to Manilla, that is, 11 days as opposed to the current 29 days; and 11 days on goods going to Tokyo. For those South Australian exporters in the export market who have time sensitive goods—food is a classic example—it is obviously a huge advantage to knock three, 11 or 18 days off the export time to get the product to the market. That is why the Adelaide to Darwin railway line will be particularly important for South Australian and southern Australian businesses: it will provide a far quicker service.

Of course, it will also provide an alternative to road transport which is important. It will be a running time of around 38 hours between Adelaide and Darwin and that will provide quite a competitive service to the current mode of transport that is available. It will also provide a very competitive service for Victorian companies through the use of the rail and the Northern Territory port: it will provide a very quick and economically viable export route to the Asian market, and that will be quite important to the success of the Adelaide to Darwin railway line.

The savings associated with the rail link's supplying goods to the Northern Territory should lift the South Australian component of goods into the Northern Territory from the current share of around 50 per cent to around 60 per cent. Just the pure construction side of the project will provide good opportunities for the South Australian economy. The total length of the Alice Springs to Darwin railway line is about 1 410 kilometres; it will involve about 17 million cubic metres of earthworks; 120 new bridges and about 1 200 new culverts. Obviously, that is a lot of construction and building work available to companies, and one of the reasons the Premier has established the Partners in Rail Program is to enable South Australian companies to have the best chance of maximising their input into the project.

The government will continue to invest in transport infrastructure. It is important for our exporters. We have upgraded the airport runway and we have now secured the Adelaide to Darwin railway line, and it is investing in infrastructure such as this that gives our exporters the best chance to grow.

ELECTRICITY, PRIVATISATION

Mr CONLON (Elder): My question is directed to the Premier. Why did the government fail to respond to a request from the Auditor-General for crucial advice on the role of the second probity auditor for the sale of ETSA, requested by the Auditor-General prior to the completion of his report to parliament; and when will that advice be provided? On 10 November in public evidence, the Auditor-General told the Economic and Finance Committee that he had requested the Treasurer on 11 October 1999 to provide him with a copy of the Treasurer's legal advice dealing with the contractual responsibilities and resources of the second probity auditor. The Auditor-General—

An honourable member interjecting:

Mr CONLON: In public evidence, for your assistance. The Auditor-General told the committee on 10 November that he had still not received a copy of that advice and that he was unable to agree with the Treasurer and his legal adviser that the contract did not limit the role of the new probity auditor.

The Hon. J.W. OLSEN (Premier): I would be more than happy to refer the question to the minister for a response.

ADELAIDE TO DARWIN RAILWAY

The Hon. D.C. WOTTON (Heysen): Could the Minister for Tourism outline to the House the importance of the existing passenger rail service to South Australia's tourism industry; explain the new tourism opportunities the Adelaide to Darwin rail link will provide; and inform the House how the government intends to capitalise on these opportunities? And we are still waiting for the Bridgewater line!

The Hon. J. HALL (Minister for Tourism): I thank the member for Heysen for his question, knowing of his very great and real interest in the growth of the tourism industry in this state. The completion of the Adelaide to Darwin rail link will be very important to our state, and it will obviously make us the hub of rail in Australia. It is quite important for the House to know that South Australia has a very historically significant position in rail in Australia because (for those members who do not know) Australia's first railway was, indeed, a South Australian line. For those members who are interested, it was the original line for the cockle train, a route laid down in 1854 for horse drawn trains. That is quite significant as we expand our rail tourism, and putting it in historic perspective is quite important.

As we know, most of Australia's truly great rail trips have a hub in Adelaide or South Australia. If members look at just some of the great rail trips of this country, they will see that many of them come through South Australia. We have the Indian Pacific, and for those members who are interested in figures, I inform the House that when it leaves Sydney it travels 4 352 kilometres and, indeed, is one of the longest straight stretches of railways in the world, as we know, covering 478 kilometres. We know that as it enters South Australia that train truly travels through some of the most spectacular landscapes in the world, and I think that is a very important rail journey.

We know of the enormous interest that exists internationally in the resurgence of rail travel, and the advent of the Darwin-Adelaide rail link will help this. We know about the magnificent Overland, its importance to Adelaide and the connections with Melbourne over the years. Certainly, the trip on the Ghan unquestionably will be one of the great railway trips of the world. Several weeks ago the member for Giles mentioned trying to persuade the government to put a spur line to Coober Pedy, and I am sure that would be another interesting rail adventure.

These are the sorts of opportunities that are opened up, and I think the Premier and all those involved in obtaining this rail link for South Australia should be congratulated because, after 90 odd years, it is a pretty significant achievement.

As we know, the tourism industry in South Australia currently is booming, and the importance that we will place on the rail tourism in the future is very significant indeed. We know that, at the moment, more people are travelling to South Australia by train and cruise ship—

An honourable member interjecting:

The Hon. J. HALL: Yes, although not out of Bridgewater yet—and more people are coming by car. However, the opportunities are certainly exciting for us. We work in a very cooperative manner with the Northern Territory on a number of tourism projects as it is, and certainly discussions have already started to take place in relation to the opportunities that we can put together in providing tourists with access to this great new line.

When members look at some of the great rail journeys of the world in other countries, they see that the opportunities for us to capitalise are very significant indeed. We have the Pride of Africa and Orient Express journeys and, indeed, we have already had preliminary discussions with the people who are conducting the Orient Express activities in Queensland and the opportunities that this may bring for them in South Australia in the future.

We have undertaken a number of joint promotions with the governments in Victoria and the Northern Territory on activities for the future, but it is important for us to pursue all of them. The extension of the line will be very significant, and I think all of us look forward to ensuring that when it all happens it becomes part of one of the greatest rail journeys in the world. I know that many international visitors will be travelling to Australia to make sure that they get to experience one of those trips. I thank the member for Heysen and encourage him to keep promoting great train trips, particularly those that start and finish in South Australia.

ELECTRICITY, PRIVATISATION

Mr FOLEY (Hart): My question is directed to the Premier. Given that the Auditor-General's supplementary report on the sale of ETSA was tabled in this House almost three weeks ago and the Treasurer's admission today that issues have been raised with electricity reform sector officers over the past four weeks, why did the Premier and his government fail to act until the Auditor-General took the unprecedented step of telling the Economic and Finance Committee last week that he would not allow himself to be locked into a conspiracy of silence?

The Hon. J.W. OLSEN (Premier): No such thing is operating, Mr Speaker, let me assure you of that. As has been indicated, any issues that have been raised will be dealt with diligently, effectively and appropriately. I have given a commitment that the—

Mr Foley: That will be a change. You will be doing something awfully different.

The SPEAKER: Order! The member for Hart will come to order.

The Hon. J.W. OLSEN: As I indicated last week, upon the return of the Treasurer who has ministerial carriage of this issue, the issues that have been raised will be addressed and a reply given.

UPPER SPENCER GULF EMPLOYMENT

The Hon. G.M. GUNN (Stuart): Will the Minister for Employment explain to the House what the government is doing to generate employment in the Upper Spencer Gulf region of South Australia?

The Hon. M.K. BRINDAL (Minister for Employment): I thank the member for Stuart for his question and acknowledge, as do all members of the House, his long and outstanding contribution to the area that he has served so well, an area which has shifted over the years but which has always centred on the upper end of the gulf. The state government provides both direct and indirect assistance which impacts on employment and employment generation in the Upper Spencer Gulf region. Such measures include assistance to regional development boards in excess of $500 000 a year in state government funding to assist local government, business diversification

and expansion, including start up. That is in the form of funds for programs such as Kickstart, IT skills advantage and equity programs, as well as self-starter grants and Working Towns money.

Because the member for Giles always asks for a breakdown of funding in her area, I advise that it represents $164 000 for Whyalla, $185 500 to Port Augusta and $159 000 to Port Pirie. In addition, members will be interested to know that 126 small business employer incentive grants, which are $4 000 per placement, have resulted in a total of $504 000 in additional money going into the region. That is important because we have found extraordinarily successful take up from that program. People who go in on that $4 000 subsidy are often taken up by small business and become an important part of the business and of the community, so we think that is very positive for the region.

The Upper Spencer Gulf Common Purpose Group has been established to promote business growth in the region through a strategic network alliance. The Upper Spencer Gulf regional development boards have collaborated with the Department of Industry and Trade to produce a regional capability profile. The profile provides details on all firms in the Upper Spencer Gulf that are seeking to participate in the construction phase of the Darwin-Alice Springs railway. The report has been forwarded to the rail consortium and I know that it has the strong support and endorsement of members in the area who want to see maximum economic benefit to the region in the construction phase and once the railway line is built.

A regional exchange has been funded in Port Pirie to identify and fill labour shortages in the manufacturing and engineering sectors. This directly impacts on local employment. The state government will provide up to a maximum of $50 000 over the next two years for this program. Through our general youth training and recruitment programs, regional apprenticeship support programs have placed 106 young apprentices and trainees over the region in the past 12 months. The take-up rate into long-term employment is estimated at 70 per cent statewide, so that is a good result for the Upper Spencer Gulf and the three towns which we all look to support.

The Regional Development Council, under the auspices of the Deputy Premier, as announced formally yesterday I believe, and the Adelaide to Darwin railway line, which is a major initiative of this government, are factors that will benefit not only all South Australians but in particular the Upper Spencer Gulf. In conclusion, I must say that the key to the government's strategy in the Upper Spencer Gulf, as the member for Giles knows, is for ministers of the government to get out there and to talk to the local members (the members for Giles and Stuart) and to the local councils and communities to try to assist those towns and communities to develop what they know will grow.

The time has passed when a government can sit here and tell Spencer Gulf what is good for it. We are now in the phase where, in concert with the local members—regardless of which side of the House they are from—with the community and with local councils, we want to work together to create a better living and working environment for the people who wish to live—and continue to live—happily in the upper Spencer Gulf region.

ELECTRICITY, PRIVATISATION

Mr FOLEY (Hart): My question is again directed to the Premier. Given that the government has spent more than $60 million so far on the ETSA lease consultants and the current serious problems with the ETSA lease process it has helped put in place, is the government examining its legal options to recover money and/or withhold fees from these consultants, including any success fees; and, if not, why not?

The Hon. J.W. OLSEN (Premier): Because the government, unlike the member for Hart, does not want to prejudge sets of circumstances before they even unfold. In his enthusiasm, the member for Hart is trying to cast aspersions beyond that which I think he is entitled to do on the issues that have been drawn to the attention of the Auditor-General thus far. Trying to prejudge an outcome in advance does no-one any good and, in particular, it is not in the best long-term interests of this state's future. This initiative will be absolutely critical for the purposes of our starting the next millennium effectively a debt free state. It is our opportunity to do so. It was an opportunity that the Labor Party attempted to deny this parliament and the people of South Australia. I would simply ask that responsibility and bipartisanship be shown to ensure that, in the interests of all South Australians, we successfully conclude the process, return the maximum amount to the Treasury and retire the maximum amount of debt.

Members interjecting:

The SPEAKER: Order! The member for Schubert will come to order.

QUEEN'S THEATRE

Mr SCALZI (Hartley): Will the Minister for Environment and Heritage outline to the House how the heritage values of the Queen's Theatre are being shared with South Australians and protected for future generations?

The Hon. D.C. KOTZ (Minister for Environment and Heritage): I acknowledge the honourable member's interest in the areas of heritage throughout South Australia. All of us in this Chamber would recognise that the Queen's Theatre is certainly one of this state's foremost heritage buildings. Located at Gilles Arcade, off Curry Street, in the city, it is the oldest, purpose-built theatre on mainland Australia. It was built in 1840, and it is predated only by the Theatre Royal in Hobart. It is an extremely important building in terms of South Australia's heritage. Of course, the theatre is listed on the state heritage register, and it is managed by Heritage South Australia on behalf of the government. The government is certainly of the firm view that South Australians should have the opportunity to share in their heritage, including through the use of buildings such as the Queen's Theatre.

We have been keen to encourage the hiring of the theatre for both artistic and community activities. Therefore, I am pleased to report to the House the success of this program and the very large number of bookings we have had over the past six months. Both the University of Adelaide and the University of South Australia are utilising this venue for exhibitions of students' work, the University of South Australia from the Architecture School and the Adelaide University from visual arts students in the School of Art. The theatre will also be used as part of the Adelaide City Council's 'Click' New Year's Eve celebrations, and it will be the special venue for a dance party in December.

Many within the chamber would certainly be aware that the theatre was used as a venue in the 1996 and 1998 Adelaide festivals—with great success, as I am sure members will recognise. I am delighted that this wonderful old venue will again be highlighted during the 2000 Telstra Adelaide Festival. *Ur Faust* will be performed by a group of young Australian actors from Melbourne during the festival, and *Langs De Grote Weg* will be produced by a Dutch theatre company.

I am also pleased to advise the House that the Queen's Theatre will be sponsoring a production of *Quartet* by Brink Productions. Brink Productions is a young Adelaide based ensemble which is renowned for creating imaginative theatre which is challenging, thought provoking and certainly most entertaining. I am told that *Quartet* will be performed over three weeks in May 2000, during which time an audience of about 1 000 people is expected to attend.

The sponsorship deal supports both a young and vibrant South Australian commercial enterprise that links that support with the protection and the promotion of our industry and culture. I am also told that, to enhance those links in a very practical way, an officer of Heritage SA will be invited to address the audience prior to the first public performance to elaborate on the importance of conserving the built heritage of this state.

In addition to raising public awareness and understanding of South Australia's history, the sharing of historic venues such as the Queen's Theatre also has a positive fiscal benefit to the state. The hiring fees from the Queen's Theatre last year raised some $10 000, which was directly reinvested in the conservation and the day-to-day management of the theatre. This money is in addition to the $86 000 annual commitment from this government.

Therefore, hiring fees are, in fact, contributing to the upkeep and the protection of our historic theatre. I am sure all members will be pleased to see that the positive icons of our history are celebrated and shared through such public events as the ones about which we have talked. I look forward to next year's Adelaide Festival and to supporting the work of our South Australian artists in our very own historic Queen's Theatre.

ELECTRICITY, PRIVATISATION

The Hon. M.D. RANN (Leader of the Opposition): My question is again directed to the Premier. Following the Auditor-General's warning that the process for leasing ETSA is seriously flawed, does the Premier continue to have full confidence in the Treasurer and the Treasurer's ability to continue to oversee the sale of South Australia's biggest publicly owned commercial asset? On 10 November 1999, the Auditor-General warned the Economic and Finance Committee that he had concerns about the adequacy of the process for leasing ETSA. He said, 'if it were to continue down the road it is continuing now, I think the outcome could be prejudicial to the interests of the state' and could expose the state to endless litigation.

The Hon. J.W. OLSEN (Premier): Yes.

FORESTRY SA

Mr LEWIS (Hammond): My question is directed to the Minister for Government Enterprises. How is Forestry SA contributing to tourism in the South-East?

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): I thank the member for Hammond for his question about an industry which is clearly a major and an integral part of the economy in the green triangle and which, in fact, is a contributor to tourism. This was very well exemplified as late as yesterday when, between Nangwarry and Penola, I opened the first forest information stop on the Riddoch Highway. It is the first stop of its type in the South-East. There is a walk at the stop of about 1.2 kilometres through an arboretum, which has a series of different trees, all of which acknowledge the role of the early pioneers of the forest industry. In the period of about 1934 and 1935, these pioneers planted a series of trees, all of which were planted with the objective of seeing whether they would be appropriate plantation species in the area.

I would recommend people to look at this stop because it is a clear example of why *Pinus radiata* is the preferred species. One can see quite obviously at this stop that *Pinus radiata* thrives in the conditions whereas a number of other trees, which were suggested as potential plantation species in the early and mid 1930s, have not thrived as well. The information stop reaffirms Forestry SA's economic contribution in the South-East which is enormous. The forestry and wood products sector of the economy in the South-East contributes approximately 30 per cent of the regional product, 25 per cent of the regional employment and approximately 20 per cent of the household income in the—

Mr McEwen interjecting:

The Hon. M.H. ARMITAGE: This is your area. It may not be your area but you were there. In fact, it is probably not the honourable member's area, if the truth be known. The member for Gordon indicates that I said this yesterday. I am delighted to acknowledge to the House that I did. The member for Gordon was obviously listening yesterday and I am not surprised because it is riveting information. I am sure that every member knows—

Members interjecting:

The Hon. M.H. ARMITAGE: I think it is riveting, anyway. I think that it is fascinating, riveting and all those sorts of words because I am sure that every member in the House acknowledges the importance of the forests to the South-East. It is only when one sees the specific figures which I have quoted and which the member for Gordon heard me quote yesterday and which I quoted in the House earlier (and I shall not quote them again) that the absolute embedded value of the forest and wood products to the economy is known. As I indicated, the forest information stop provides an excellent opportunity to acknowledge the work of the pioneers of the forest industry in the South-East.

It also reminds the South-Eastern community, and particularly visitors to the community, of the importance of that industry. The stop is immediately on the Riddoch Highway which, as all members would know, is a very important tourist highway. A number of interpretive signs are provided in the immediate stopping area which detail the local history of forestry. A number of information signs are displayed which talk about the present industry and where it will be going in the future and, as I indicated, there is a particularly nice forest walk.

The forest information stop has been developed with the particular assistance, as was acknowledged by Mr Ian Millard, CEO of Forestry SA, yesterday, of the Wattle Range Council, Transport SA and the Nangwarry community, particularly a number of local tourism and interested community groups. The member for Hammond's question

particularly asked: how is forestry contributing to tourism in the South-East? As I indicated, the information stop is between Nangwarry and Penola and, of course, anyone who has travelled through Penola knows that one can easily wile away a couple of weeks visiting wineries in the area, as I am sure most members of the House would like to do on occasions.

I am informed that the local tourism outlets in Penola have taken a number of inquiries from people wanting to know how they can learn something about the trees because, obviously, they have just driven through the forests. This is a way for people to learn about the history and the future of the forestry industry. I am sure that all members who have children of varying ages know that if you are on a long trip it is terrific to stop, let them run around and use up some of their energy.

Mr Foley interjecting:

The Hon. M.H. ARMITAGE: And if the member for Hart does not know that now I am surprised. I urge every member of the House when travelling down to the South-East to take a break at the forest information stop and, after they have done so, I am sure they will have a greater appreciation of the importance of the forestry industry to the green triangle.

ELECTRICITY, PRIVATISATION

Mr FOLEY (Hart): When was the Premier first advised of the initial probity auditors's conflict of interest? Who advised the Premier, and what was the Premier's response?

The Hon. J.W. OLSEN (Premier): I simply cannot recall that. I assume that that would have been a matter that the Treasurer might have raised with me in conversation on one occasion, indicating the action that he would take in response to that.

PRISONER REHABILITATION PROGRAMS

Mrs PENFOLD (Flinders): Will the Minister for Police, Correctional Services and Emergency Services outline what initiatives have been developed by the Department of Correctional Services—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The leader will come to order.

Mrs PENFOLD: —in relation to prisoner rehabilitation programs?

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services): Having already this year visited the Port Lincoln prison with the honourable member, and knowing how important economically that prison is to the honourable member's electorate, I acknowledge her commitment to the holistic issues surrounding correctional services. I look forward, again early next year, to making a further visit with the honourable member when we open the new education facility at the Port Lincoln prison. The annual report of the Department of Correctional Services, which has been tabled today, contains some very good information.

As members would know, over the last 10 years there has been a 53 per cent increase in prisoner numbers in South Australia. As a result of the government's commitment to truth-in-sentencing and to law and order we have also seen a situation where in recent times prisoners have received very long sentences: 39 and 43 years in fact. We also have a situation where we have an obligation and an opportunity to rehabilitate many of these prisoners to get them back into mainstream society as people contributing to the growth and wellbeing of our state. In order to do that and in order also to answer the honourable member's question, it is important to highlight what is occurring at the moment, particularly with respect to the Prisoner Rehabilitative Industries and Manufacturing Enterprise (PRIME) where approximately 30 per cent of all prisoners in the prison system now are involved in either manufacturing or rural industry.

I am pleased to see that through the dairy at Cadell, where we now have a national accreditation for milk product, we are able to supply all the prisons, with the exception of Port Lincoln, with homogenised and pasteurised milk. Very soon, we will be developing further agricultural programs at Port Lincoln where, in particular, we will be able to supply all the eggs to prisoners throughout the prison system. We are manufacturing card tables and helping in the assembly and base production of furniture manufacturing at Port Augusta. Recently, I was pleased to see a report where low risk, minimum security prisoners, under the supervision of prison staff, were involved in repairing a number of jetties, particularly at the Port Lincoln marina, and some other locations on Eyre Peninsula are currently being looked at.

With respect to restorative justice, there have been a number of initiatives involving community service. Recently at Cadell I was again able to see some work that had been done around the school there by the prisoners. As the member for Chaffey would be pleased to know, quite a lot of work was also done on upgrading the institute hall in Waikerie. During 1998-99 the Department of Correctional Services completed 1 139 work placements, with major clients including government departments, education institutions, importantly, charitable institutions and organisations, and a number of local government organisations and general community organisations.

The value of the benefits to the community of those programs during 1998-99 have been estimated to be in the vicinity of $6 million which, through restorative justice, we have been able to put back into the community to offset the costs of running the Correctional Services Department. Importantly, one of the other programs highlighted in the report is Operation Challenge, a superb program for first-time offenders, primarily younger offenders, where the object is to ensure that they do not become long-term offenders. It is a very tough course. It is, in a sense, a semi-military style course in which they are responsible for looking after all their dormitories and where they have to wear specific uniforms when attending education facilities. In the mornings they start on an exercise program before the sun gets up, and they complete that program after the sun goes down.

Importantly, they are also restoring a lot of areas around the electorate of the Minister for Environment, Heritage and Aboriginal Affairs, and particularly at Danggali Conservation Park in the Murray-Mallee, the Coorong National Park and the Gammon Ranges National Park. In recent times they have also been doing work in Wilpena Pound.

When the centenary of Federation occurs in 2001, we will have an opportunity to see the largest re-enactment of paddle-steamers along the Murray River. One of the problems in being able to stage an event when they finish at Goolwa after travelling through the river systems of the Murrumbidgee and Murray is to supply enough timber. I am pleased to see that, as part of the community services work, the prisoners will be pulling old fence posts out of the Danggali Conservation Park and cutting up dead timber right along the river to ensure that

that event can come through to South Australia. It will have enormous economic benefits for South Australian regions along the Murray River and that is, again, another example of prisoner rehabilitation that is putting something positive back into the community of South Australia.

ELECTRICITY, PRIVATISATION

Mr FOLEY (Hart): My question is directed to the Premier. What was the date of the appointment—

Members interjecting:

Mr FOLEY: Sorry?

Members interjecting:

The SPEAKER: Order, the member for Goyder!

Mr FOLEY: What was the date of the appointment of the second probity auditor who performed the probity auditor's functions after 22 June when the first probity auditor told the government of his conflict of interest; and can the Premier assure the House absolutely that the first probity auditor undertook no further work for the government's ETSA privatisation after declaring his conflict of interest on 22 June?

The Hon. J.W. OLSEN (Premier): I will seek the date.

HEALTH FUNDING

Mr MEIER (Goyder): Can the Minister for Human Services outline to this House the implications for health care in this state as a result of the commonwealth passing to the states more of the financial risk in health funding?

The Hon. DEAN BROWN (Minister for Human Services): The South Australian government has made a submission to the Senate Inquiry into Health Care. I remind the parliament that this Senate inquiry was made necessary after the Premiers had called for a national inquiry and national debate into health or hospital funding across Australia. When the Federal Government turned that down, the Senate then agreed to take up the proposal with a full Senate inquiry. The South Australian government has made a detailed submission, and I have released copies of that submission.

Very interestingly indeed, the submission highlights the change in the percentage of funding that has occurred between the states of Australia through the state governments and the commonwealth in terms of the share of public hospital funding. In 1984-85, the states contributed 46 per cent of the cost of running public hospitals across Australia. By 1997-98, that share had risen from 46 per cent to 53 per cent, and it is estimated that under the current Australia health care agreement the share will rise to 57 per cent. In other words, the states' share has gone from 46 per cent to 57 per cent. In the same period, the commonwealth government's share has dropped from 42 per cent to 39 per cent.

The other significant component that has changed has been the reduced amount of money coming in from private patients. In other words, the state governments around Australia have picked up the drop in revenue out of private patients as part of their funding—and even part of the Federal Government's share of running the public hospitals system. Members can see the argument that has been put forward consistently by myself and the other states of Australia has now come to fruition. These are commonwealth government figures: they are not state figures, they are commonwealth government figures. So on its own information that it has made available, it shows how there has been a significant shift indeed from the federal government across to the state governments in terms of funding.

That is why I have called on the federal government to put additional money into the public hospital system of Australia. After all, it is absolutely awash with money. It has a budget surplus of $5 billion; it has $16 billion coming out of the Telstra sale; $3.2 billion out of the dividend for Telstra for this last year; and $3.5 billion out of the Reserve Bank dividend for the last year. The federal government is absolutely awash with money. Put all that together and I think you end up with about $27 billion. It is time that it put some of that surplus money back into health care around Australia.

The other thing that has now come through from a range of submissions to the Senate inquiry has been the growth in demand that is occurring through the ageing of the population, medical technology, the dramatic drop in private health insurance—which, after all, is the responsibility of the federal government—and population growth. As a result of those factors, across Australia a growth rate of about 4 per cent a year has occurred. The other interesting thing that has occurred is that the independent arbitrator has now come down with its judgment on what the inflation factor should be. Castles has said that there should be an adjustment for inflation based on inflation between March of this year and March of next year, plus a further 8.5 per cent payable to the states.

On the figures so far available that would suggest that the state governments will get an inflation of about 2.2 per cent or, in South Australia's case, a further $8.5 million this year. In fact, under that inflator put down by Castles, the states would deserve another $1 billion over the life of the present health care agreement. Certainly it is time that the federal government picked up its share. I know it does not like the decision of the independent arbitrator. It rejected the first figure from the ABS, even though it is a federal government agency. It fell back to its reserve of 0.5 per cent. The federal government nominated Castles as the independent arbitrator and it should now accept the umpire's decision and pay up as quickly as possible so we can spend the extra money in this financial year.

I also highlight the fact that, if members look at some of the evidence now given to the Senate inquiry, they will see that not only the states are voicing this view but many other people are as well. In fact yesterday Dr Deeble (the man who set up the Medicare system around Australia) said that successive federal governments were to blame for a shortfall in hospital funding, but that the system had weathered the explosion in hospital admissions very well. He points out that, for every staff member employed in the public hospital system across Australia now, they are dealing with 30 per cent more patients than they were in 1986—a very substantial increase in productivity indeed. Members can see from the figures I have given to the House that it is the states that have funded the increase in funding throughout the system.

I also highlight the fact that the AMA and the Australian Catholic Health Care Association have equally joined the states in also calling for further federal funds to go into the health care agreement and therefore the public hospital system of Australia. The argument and the case is compelling and I hope that, at long last, the federal government listens to both the independent arbitrator, the Senate inquiry and the evidence that has been given.

SAND REPLENISHMENT

Mr HANNA (Mitchell): My question is directed to the Minister for Environment and Heritage.

Members interjecting:

Mr HANNA: It is a very good question, too. Will the state government allocate sufficient funds to the Coast Protection Board to enable both state and local governments effectively to carry out the work that is required to manage sand along our metropolitan coastline? After taking up concerns of a constituent in Mitchell regarding rocks and sand on Brighton beach, I wrote to the City of Holdfast Bay. The Mayor of Holdfast Bay, Mr Brian Nadilo, wrote back to me saying that he would welcome my support in approaching the state government 'to allocate sufficient funds to the Coast Protection Board to enable both state and local governments effectively to carry out the work that is required to manage sand along our metropolitan coastline'.

The Hon. D.C. KOTZ (Minister for Environment and Heritage): We all understand the importance of the sand replenishment program that has been undertaken throughout the whole coastline since the 1970s. In fact, without sand replenishment programs, obviously we would not have the beaches that we have today and it can be said that they have been made by these particular sand replenishment programs. In the interests of the state and all people it is vital to ensure that those programs are continued. Under the budget of this government moneys are put aside for sand replenishment programs. Obviously instances arise when specific areas of our coastlines desire extra manufacturing, if you like, and therefore different circumstances arise to deal with different projects on different areas of coastline.

It is the Coast Protection Board's job to look at all aspects of coastal protection and, when these circumstances arise, to ensure that the programs continue and, if additional funds are required, then to make the case to the department. I am quite sure that the member well and truly knows that that particular program is under consideration at the moment and, when I receive the appropriate material advising on the necessity and how that project will be managed, I will then be able to tell the member whether this particular project will have additional funding. However, until I see those recommendations, I cannot advise this House any further than that.

GRIEVANCE DEBATE

The SPEAKER: The question before the chair is that the House note grievances.

Mrs GERAGHTY (Torrens): Early in September I was contacted by a mother who sought my help regarding funding assistance for their 13 year old daughter Rebecca. Rebecca suffers from a rare degenerative brain disorder, which means she is losing her ability to walk and talk, she has to be fed and dressed and is doubly incontinent. The added problem for the family is that incontinence funding support is available only to people between the ages of 16 and 65 years through an employment support program. This is placing a very considerable financial strain on this family. Naturally, the family feel that the age limitation is unfair and discriminatory, and I have to say, having spoken to this family, I agree with them.

The fact is that in Rebecca's case she will never work. Sadly, her lifetime will not be a long one. Given Rebecca's age and her size, the family is having to purchase special nappies which are very costly. I have to agree with the family in that I am at a loss to understand why there is an age barrier for this kind of funding support when Rebecca and children such as her still have the same needs. I wrote to the minister for health about the plight of Rebecca's family and his reply was quite sympathetic and understanding. The minister said:

> I am sympathetic to the situation of Rebecca and her family.

The minister went on to outline in his letter that other ongoing assistance to the family would continue. While the family is grateful, it is funding support for Rebecca's incontinence that is the major worry because it is a financial burden that it cannot afford. I understand that the family gets something like 11 hours per week of assistance at home. In his letter, the minister went on to say:

> . . . Rebecca is a client of IDSC options coordination. I am aware that Rebecca's options coordinator has requested $600 to purchase a 12-month supply of incontinence aids from the IDSC budget. I understand that this request is under consideration while the 1999-2000 IDSC budget is being finalised.

I spoke to IDSC about this matter and I was informed by staff, who are very familiar with Rebecca's situation, that it is very doubtful that the $600 funding will be approved as there is insufficient money in the IDSC budget to cover it. It was also put to me that there are some 20 to 30 families in the same situation and that, if Rebecca's family was provided with $600, other families would seek that funding too, and rightly so.

It appears that the budget review and the decision to pay the $600 was placed on hold until the manager came back from leave. We thought we could be patient, but many weeks have passed now and still the family has not heard whether it will get any additional assistance. I ask the minister to investigate the matter. Along with all members, I appreciate and support the government's funding of employment programs that provide assistance to those who are seeking work. However, children like Rebecca also need assistance, and so do their families. We are saying that the age barrier is unfair and unjust on this family and others who are in the same situation.

Families who have a child with a disability face real financial difficulty. Rebecca will not be with her family long, but it is the family's intention to have their child with them at home to the very end, and I think that is exceptionally commendable. This is a very caring and loving family and, with assistance, this family is able to have Rebecca with them, but that incurs a huge financial impost, so a little bit of money from the government would help.

The Hon. R.B. SUCH (Fisher): On 25 October a Southern Youth Speak Out was held in the City of Onkaparinga council chambers at Noarlunga. Along with the member for Reynell, I was privileged to be on the panel that responded to issues raised by 47 young people from high schools and private colleges in the southern region. The panel included David Kelly, the team leader of Community Development, City of Onkaparinga, and David Sharp, Community Development Officer, Youth, City of Onkaparinga. The program was put together by Rebekah Kuehn, who is the Youth Development Officer for Mission SA.

I would like to share with members the outcome of that Speak Out, the minutes of which I have only recently received, because it is important that young people have an

opportunity to have a voice. I am pleased that the Minister for Youth is present because I know that he takes a keen interest in issues raised by young people. The Speak Out tackled three areas—welfare, education and health—and I will go through them without passing any judgment, because they show significant insights into various aspects of our society. These young people would like to see more awareness about how jobs work and how people use Centrelink; lower dole payments to promote job seeking; ignoring parents' income for the purpose of the youth allowance; and better customer service provided by public transport and a set price for all trips.

They argued that police should not jump to conclusions: there should be better communication between police and youth, for example, youth forums; there should be more youth centres with recreation activities; and they acknowledge that youth centres and recreation activities are especially needed in areas such as Moana. They acknowledge that many young people have difficulties in finding employment, in particular students, who would like part-time or casual work, and they made the point that it seems that it is necessary to know someone in the right place to get any type of work.

In relation to health issues I will, once again, express their remarks in the language that has been communicated to me so as not to put any interpretation on them. The young people claimed that more information should be provided at schools on drugs, alcohol abuse and teen pregnancy and that the information should be more detailed. More experienced people should be giving talks to youths about their experiences, for example, people who have been through the experience of taking drugs. There should be more confidential counselling in schools, outside schools and in the general community.

In relation to drugs, teachers need to be more aware of what students are doing and do something about it, for example, counselling rather than going to the police. There should be more recognition between police and youth and we should change the police stereotype that youth are bad and they should not judge youth so quickly. There should be more youth representation in any law or policy-making bodies and in education. There should be more Speak Outs about government representatives and more youth representation in council. They argued for more awareness and advertising of youth services and projects and they acknowledge that youth are diverse and that not all young people are students.

There should be more awareness of services that are available to young people in the general community. They also argued that a student suspected of drug use should be offered a drug management plan and counselling before teachers pursued legal action via the police. They also said that there should be more information about how the health system in Australia works, for example, entitlement to Medicare and health care cards, doctors' fees and the entitlement to see a doctor without parents if a person is under the age of 18. They also acknowledged that many young people are concerned about friends who have mental health illnesses such as depression or suicidal thoughts, and they pointed out that it is sometimes difficult to know how to help their friends.

In relation to education, they felt that teachers should be held accountable for their teaching standards; teachers should be retrained at certain intervals to ensure teaching standards; they argued for smaller classes; mutual respect between students and teachers; students should ensure a safe working environment at school for each other and there should be no harassment; schools should attempt to overcome the mentality of separation or distinction between high and low achievers; mechanisms should be put in place to help high and under achievers, including students with learning difficulties; greater access to subjects that are both SACE and TAFE accredited; and schools need better computer facilities that are compatible with students' computers and up to date.

Other services needed include specialised teachers, sports centres and general property maintenance. They argued for greater recognition of student representative bodies by school administrators; greater tolerance and range of counselling services for students involved in drugs or who are pregnant, rather than expulsion; and greater access to community youth projects, TAFE and other education courses. They are some of the important issues raised.

Time expired.

Ms BREUER (Giles): Today I will discuss a proposal to establish a centre for regional development in Whyalla. The University of South Australia's Whyalla campus is proposing to establish a university-funded centre for regional development. This centre will focus on rural and regional needs. The goals of the centre will be to conduct, apply and disseminate multi-disciplinary applied research into regional development in the areas of rural health, community wellbeing, regional enterprise and sustainable energy. It will pursue a research agenda in collaboration with government, industry, commerce, the professions and other community groups.

The objectives of the centre will include establishing the centre's profile in the generation, collection, dissemination and application of rural and regional research. It will provide a research environment for the education and training of postgraduate students to the highest possible standards so that graduates are prepared to value add to the development of the region, both locally and internationally. It will strengthen and extend multi-disciplinary approaches to regional development and implement continuous improvements to academic programs that are relevant to regional development.

An impressive team will run this project and key university researchers will include Dr Brian Cheers, who is the proposed head of the centre. He is a rural and community sociologist and Director of the Centre for Rural and Remote Area Studies and senior lecturer at the Whyalla campus of the University of SA. He was previously at James Cook University in north Queensland, where he was founding director of the Northern Australian Social Research Institute, the Social and Welfare Research Centre and the Welfare Research and Studies Centre. He is well known nationally and internationally for his research on regional development.

Also present will be Professor David Wilkinson, who was appointed inaugural professor of rural health and head of the South Australian Centre for Rural and Remote Health in Whyalla in January 1999. He was recruited from South Africa and was previously a specialist scientist with the South African Medical Research Council. The main focus of his work was infectious disease. He is well known as an expert in public health and epidemiology, and has published over 80 papers. Associate Professor Jim Harvey is dean of the Whyalla campus of the university, and he came with an established reputation for his research in education and rural and regional community development. He has continued this work in regional communities.

Dr Maureen Dollard was appointed the associate dean of Whyalla campus in 1997. She is currently the national

convenor of the Rural and Remote Psychology Interest Group and director of the Work and Stress Research Group. She is well known for her work as a research consultant in state government departments and is currently a recipient of the Australian Research Council industry research grant. Except for a few years, she has always worked in rural Australia.

Further support will be provided by university staff, research fellows and research assistants. All PhD students—24 in number—enrolled at the Whyalla campuses will be involved. I fully support this initiative and hope that the university hierarchy appreciates the value of this proposal, and that the university of Whyalla campus obtains the funding needed to establish this centre, which is a real opportunity for truly regional development, as Whyalla is on the doorstep of some of the most disadvantaged country regions.

There is much talk about regional development, and every government and political party is aware of dissatisfaction in regional Australia. The experience and skills of those heading this project and their contacts in their communities will ensure that this centre is successful, and I urge this government and the USA to support the proposal.

On Tuesday 2 November I was pleased to attend a concert of the SA Police band at the Middleback Theatre in Whyalla. It was presented in the style of the English proms, and it was an absolutely fantastic night. The performers were excellent, everybody enjoyed themselves and I fully congratulate them on their performance. However, I was concerned to hear on the night that one of the reasons the band was doing this country tour was to raise money for it to go to the Edinburgh tattoo in the year 2000. Although the members of the band are paid by the government, no funding has been given by the government to send them there.

This is an excellent opportunity for them to sell South Australia. I am pleased that the Minister for Tourism is in the chamber because she may realise that, by sending them over there, they will be recognised internationally as having come from South Australia. We are looking only at a matter of $200 000. It is not right for them to have to go out and sell T-shirts and raffle tickets when we could be providing this sort of funding, given the money that we invest in tourism. This is an excellent opportunity, and I urge the Minister for Tourism and the police minister to get together on this and support the members of our police band, who are wonderful performers and ambassadors for this state.

Mr MEIER (Goyder): On Sunday, I was privileged to be in attendance at the opening of the Yorke Peninsula Bird Rescuers' Service. That was a treat in itself. I had visited the Yorke Peninsula bird rescuers on one previous occasion and was aware of how they were seeking to develop their facilities. However, being there on Sunday opened my eyes to what the community has done at Maitland. The Bird Rescuers' Service is run by two people, namely, Marcia Kemp and Tony Sutcliffe, and they give all their time voluntarily. In fact, they have to spend a lot of their own money not only on looking after the birds that they rescue but also on running their vehicle to collect birds that need to be rescued. Their trips take them all over Yorke Peninsula, and outside Yorke Peninsula, because they are now well known in South Australia generally.

It was great that so many people turned up to the gala day, on which the new bird hospital was officially opened. It was something of news to me when I first heard about it that a bird hospital was to be built. Marcia and Tony did not have the money themselves to build the hospital, so the Buffalo Lodges of Yorke Peninsula came to the rescue with this money, and they were also aided by the Apex Club of Maitland. It was a real credit to these organisations that they should get together. Additionally, a lot of sponsorship has come forth from private companies and organisations on Yorke Peninsula. To them, I also say a very sincere thank you.

I was interested to hear the speeches. A gentleman by the name of Trevor Cowrie opened the hospital. When he finished his speech, there was a lot of applause, and all the birds around went absolutely berserk with their whistling and carrying on—as I thought I almost heard from members opposite. It was really as though all the birds in the cages realised what was going on and they were thrilled to bits.

Members interjecting:

Mr MEIER: I will not say that we burst into laughter, but many of us certainly laughed to some extent, including the organisers with the way in which the birds all rallied behind this opening. Mr Cowrie is involved not only in the Buffalo Lodge but he is also a person who has some knowledge in this area of treating birds. It is an undertaking that one does not see very often.

Members interjecting:

Mr MEIER: I was delighted that Keith Martyn, on his 5AD radio program, was able to highlight it a day or two beforehand. Also, there has recently been a special feature on Channel 9 *Postcards* which some members may have seen. It appears at 5.30 p.m. Sundays and highlighted the Yorke Peninsula Bird Rescuers Service. To Tony and Marcia, I say a sincere thank you and offer my congratulations. I had the privilege of doing that at the opening. It was wonderful to see so many gather around and support this project, and I urge anyone who is visiting Maitland or Yorke Peninsula to call in at Parara Avenue and have a look first-hand at what these people are doing to help birds which have been wounded or injured and which in most cases are released back into the wild so that nature is kept in balance.

Ms BEDFORD (Florey): Last week, I mentioned to the House the matter of Workplace Health and Safety Week. I want to continue on in that theme, because one of the things that contributes to the great loss of working days is workplace bullying. Workplace bullying costs this nation up to $4 billion directly and $20 billion in ripple effects annually. This is according to some of the figures I have been given from Queensland barrister Peter Gorman, who has been a long-time crusader against workplace bullying.

This is not a new issue faced by employees in the workplace, yet it remains a virtually taboo subject. However, the veil in this process of taboo is being lifted, with much work being done in the area and, in particular, excellent reports emanating from the Working Women's Centre. That report was prompted by fivefold increases in bullying complaints to the centre from 71 in 1990 to 378 in 1996.

Another report that I would like to mention and the most recent one I have in my possession is from the Employee Ombudsman's Office and is titled 'Bullies not wanted'. It reports similar increases. Workplace bullying is the persistent ill-treatment of an individual at work by one or more persons, and we in this place can do a lot to prevent it. We must not underestimate the importance of legislation in putting an end to undesirable behaviour of any description. By legislating against something, the community can express its disapproval of that behaviour and give support to those who are prepared to make a stand against it. Both reports that I have mentioned

identify workplace bullying as a major source of employee discontent. It not only results in creating a stressful, unsafe workplace but it also produces lost productivity—and I am sure that the initial statistics that I cited, in dollar terms, proves that.

There are many reasons why bullying is not reported. Bullies rely on the silence of their victims to enable them to persist with their bullying behaviours. Therefore, any action against the workplace bully must commence with efforts aimed at increasing the number of people prepared to report this behaviour—either the victim or someone who witnesses this behaviour. The Working Women's Centre Report states that 70 per cent of the 340 victims surveyed had taken time off work because of harassment.

The report found that managers were the most common bullies, with the bullying taking the form of insults, nitpicking, inappropriate criticism (often in front of co-workers), the freezing out of workers of workplace activities and groups ganging up on individuals. Victims reported that bullying led to a loss of confidence, a loss of appetite, anxiety, poor concentration, palpitations and chest pains. Another study by the Griffith University in Queensland showed that 71 per cent of the 373 respondents attributed managerial bullying to a lack of communication. Others blamed bullying on managers wanting to gain power, scapegoating or teaching people a lesson. Of the 222 people who directly experienced bullying, 71 sought counselling or medical attention and 74 took time off work.

Chris White, from the UTLC here in South Australia, stated that workplace bullying in this state was more widespread after dramatic restructuring of the public and private sectors because of the increased pressure on everyone during those changes. Dr Ken Rigby, from the University of South Australia, is an expert in this field. He says that schoolyard bullies tend to become workplace bullies and he supports calls for anti-bullying programs, suggesting that dismissal could be an option in serious cases.

The Ombudsman's report, 'Bullies not wanted', states:

> Extent of the workplace bullying problem is revealed by the number of complaints received in recent years by organisations whose responsibilities include that of dealing with such issues. For example, the Office of the Employee Ombudsman is currently receiving more than 5 000 complaints a year on workplace bullying related issues, a figure that is increasing each year. . . one survey conducted in the UK found that more than half of all employees had been bullied at some time during their working lives.

The causes are many. The report continues:

> A growing perception among some managers that industrial deregulation means that they can do what they like. Although this is not true, many believe it and think they can get away with such practices. The decline in union membership over the past 10 years or so further reinforces this perception, even though unions in many workplaces retain the capacity to take effective action against bullying.
>
> The growth in the use of contractors and casual employees at the expense of permanent staff further ensures that bullies will get away with it. What is worse there are now indications that the more control oriented managers (who are most likely to engage in bullying) are choosing to replace permanent employees with contractors not because the latter are more productive or efficient but because they are more easily controlled.

Time expired.

Mr SCALZI (Hartley): Today I would like to reflect on the recent commonwealth referendum on 6 November. Everyone is aware of the result and that the Australian people overwhelmingly voted to retain Her Majesty Queen Elizabeth II as the Australian head of state. Some would say that the issue should now be laid to rest and that, in a way, I am foolish to speak on this matter because I voted 'Yes.' However, I do so because I believe that it is important to reflect on where we are at as a constitutional monarchy, as a Westminster system of government and as a federation.

The Westminster system of government in the United Kingdom—and, indeed, in Australia—has survived not primarily because it is a constitutional monarchy: indeed, one could argue that the constitutional monarchy has survived for so long because it is supported by a democratic Westminster system of government, with the separation of powers and a bicameral system. This was not the case in Germany, Italy or tsarist Russia. In Australia, we must be proud of our British heritage, and I believe that the greatest gift our founders gave to Australia was our system of government. We must support and promote the Westminster system of government and our federal system ahead of the constitutional monarchy. The Westminster system of government has survived in many commonwealth countries that have moved on from being constitutional monarchies—and, indeed, they have remained members of the commonwealth. However, the Westminster system has survived, and will only survive, under a constitutional monarchy or an appointed head of state.

If the constitutional monarchy in Australia is losing its appeal amongst the Australian people (for at least 45 per cent voted against the present system), it is time to reflect. It is our responsibility, I believe, to promote the Westminster system ahead of the constitutional monarchy. The Westminster system would not survive under a directly elected head of state: the two are simply incompatible. I am afraid that at the last referendum the campaign by some 'No' supporters not only damaged the constitutional monarchy, or the directly elected head of state supporters but, indeed, to an extent, damaged the Westminster system. The slogan, 'Do not trust a politicians' republic' had the effect of promoting mistrust of politicians—that is us—and trust is the basis of our system.

As many members will be aware, we are all part of the Commonwealth Parliamentary Association—indeed, many of the member countries have a Westminster system of government. I believe that all members of parliament should be seen at all times to be supporting the Westminster system, our federation, and the separation of powers, which has served us well for a very long time, and we should not jeopardise the system that has made Australia what it is for short-term political gains or to achieve a particular result.

Nevertheless, I acknowledge the result of the referendum. I believe that we should move on from there. However, we must be forever vigilant of any move to attack the very system that has served us well for so long. Indeed, I believe that it should be the responsibility of all members of parliament to ensure that we should, in many ways, be friends of the Westminster system in Australia—perhaps we should form an organisation that would support it. That remains for the future, but I thought it important that we reflect on the result today.

GOVERNMENT BUSINESS ENTERPRISES (COMPETITION)(MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 November. Page 370.)

Mr CLARKE (Ross Smith): Mr Speaker, I draw your attention to the state of the House.

A quorum having been formed:

Mr CLARKE: Although I am not the Opposition lead speaker on this bill, I would like to make some remarks on the measure. The issues I would like to address are perhaps more appropriately taken up in committee and, as I now see the deputy leader, I defer to her greater knowledge on this bill than my own.

Ms HURLEY (Deputy Leader of the Opposition): This bill deals with the application of competitive neutrality principles for government business enterprises and the complaints mechanism which is contained within the act. The bill clarifies 'government agency', the definition of which, in clause 3(b), now includes:

(a) a minister; or
(b) a department or administrative unit of the Public Service; or
(c) any other agency or instrumentality of the Crown. . .

The definition of 'local government agency' is as follows:

(a) a council or body established by a council. . .
(b) the Local Government Finance Authority of South Australia.

It is particularly important that we have this sort of clarification in terms of those to whom it applies and how it operates, particularly within local government. For example, the Civil Contractors Federation of South Australia has contacted me expressing some concerns about the way in which competitive neutrality operates in the local government sphere. It is concerned that local government too often uses its business structures within the council, as well as its position within the community, to gain an unfair advantage over private operators who are contracting for similar work in the area.

The bill addresses a number of those complaints. Perhaps we might monitor this bill to see how it continues to operate. The principles of competitive neutrality are defined in the principal act and any amendments or alterations to it are currently defined by the Governor. This bill changes that ability to allow the minister to set out those policies. The minister publishes policies under subclause (2) rather than having the Governor publish a proclamation. We are informed that this is for better coherence, to eliminate duplication between the existing policies published by the minister and any of the Governor's proclamations and to cause less confusion for people using this act.

While initially the opposition had some concerns about the possibility of the minister's being able arbitrarily to make decisions and implement policies without proper reference to other groups and to the cabinet, I understand that is not the case: that cabinet will examine these issues and that there will be openness and transparency in the mechanism. I would appreciate the Premier's clarifying that aspect. That being so, it seems to me that enabling the minister to amend policies from time to time probably makes for a simpler and more streamlined arrangement; and I take the point that it might be better understood by users of the act.

The bill also refines the complaints mechanism. For example, it ensures that no confidential information obtained as part of the complaints process is used improperly by any of the bodies involved (and that is obviously an important issue where some mediation or discussion takes place between the parties): that any confidential information about the operation of businesses or pricing policies, for example, are not revealed to anyone else in a way that is likely to prejudice any of the parties to that complaint. That, again, is a perfectly understandable amendment. Another part of this complaints mechanism amendment allows copies of the report to be published by the minister and distributed to the public.

I congratulate the government on this move. I understand that the current act provides for the distribution of reports from the commissioner to the minister and the parties involved, but these amendments will allow publication of the summaries of those reports, which will be available to the public at a place determined by the minister. That is a significant step forward and will allow a body of reports to be built up so that parties involved will have some idea of which way the commissioner is operating, which complaints might or might not be successful and how this act is operating. I believe that is a step forward—and a very useful step.

The opposition will be monitoring the operation of this act. It is a very important act, obviously. Government business enterprises have become more commercial in the way in which they operate, and in most cases I have no quarrel with that—they should be. They should face no unfair competition with the private sector in terms of the way in which they operate. It is important that that is made clear, that there be a reasonable complaints mechanism if any parties feel that is not occurring and that such matters be dealt with expeditiously and fairly. The opposition will certainly be monitoring the operation of this act to ensure that this is the case. We support the bill.

The Hon. J.W. OLSEN (Premier): I thank the opposition for its support. The deputy leader indicated that she would like some reassurance in terms of one aspect. I am happy to give that reassurance. Currently, there is both the Governor's proclamation and a government policy statement. That is duplication because the two documents tend to cover the same territory. In addition, it can be confusing to the public because, in some instances, they are not quite identical. The competition policy agreement does not require a proclamation and therefore we have taken this particular step.

The intent remains: the minister shall bring the policy to cabinet for determination. The deputy leader sought an assurance on that point and I am happy to give her that assurance. Again, I thank the opposition for its support of the measure.

Bill read a second time.

In committee.

Clauses 1 and 2 passed.

Clause 3.

Mr CLARKE: As I outlined in my second reading contribution, I do have a couple of queries. As I said in that extensive second reading contribution, I thought that the points I wanted to highlight were best left to the committee stage. I refer to the definition of 'confidential information'. If we read that definition in clause 3 and then relate that to clause 7, which prevents a complainant releasing or disclosing the confidential information that may have been acquired as a result of that complaint, it seems to me that the definition is very broad, because paragraph (a) provides:

(a) information that is commercially sensitive or otherwise of its nature confidential. . .

I ask how blue is the sky. It seems to me that the definition is so broad that any information that is provided could be deemed by the minister as confidential and nothing could be released, even if the complainant thought that they were being hard done by, if they wanted to reveal publicly the basis of

their complaint and if they wanted to substantiate their complaint by the information which they had received. However, because of the broad definition, he or she would be prevented from publicly disclosing that information simply because the minister of the day says that it is commercially sensitive or otherwise of its nature confidential. Is the Premier able to give an exact definition of what is 'confidential information'? What are the parameters? The Premier has said that he is open and transparent. Well, here is a chance for him to show that.

The Hon. J.W. OLSEN: Let me just go back a step to the principle behind this amendment and then I will come to the definition that the member has raised regarding commercially confidential information. The principle of this amendment is to prevent complainants using confidential information acquired as a result of a complaint for business purposes or any other purposes related to that complaint to the disadvantage of other enterprises.

As to the broadness of the definition to which the honourable member has referred, I am advised by crown law that that is the generic description, for the want of a better word, of 'commercially confidential information' as supplied in looking at this government business enterprise.

With respect to the member's concern that this might be a lack of transparency, there is a fine line where the interests of a complainant and those of the body complained against must be given some due regard. At the end of the day, someone has to make a judgment about that, and that is clearly a political judgment. A political judgment then brings exposure in this forum if there has been an overzealous response by a minister in relation to the information. Let me assure the honourable member that this relates to protecting the interests of the respective bodies—not of the government—in terms of information which is acquired and upon which an assessment of a complaint is made.

Mr CLARKE: In one sense I am pleased with the Premier's answer, because it confirms just how broad the definition is. If it is the generic definition of 'commercial in confidence' which has been applied ad nauseam over the last six years with respect to freedom of information requests on the water contract, EDS and various other undertakings, it is a very broad definition indeed and does not fill me with confidence in terms of openness and transparency.

The definitions also include local government agencies. Can local government bodies determine their interpretation of what is confidential as broadly as the definition allows them to do so? From what the deputy leader said about some concerns expressed by the construction contractors federation, might their fears be somewhat well founded?

The Hon. J.W. OLSEN: In seeking advice on that, one hopes in the first instance that it can be resolved at a local government level, and that is the intent as the first objective. If it cannot, then the matter is referred to the complaints office, where the complaint will be dealt with there, that is, if there is disagreement. Of course, at that point the minister has an involvement in that process.

Clause passed.

Clause 4.

Mr CLARKE: Why are the words 'relationship with' being deleted and substituted with 'control by'? I have read the principal act, but I wonder what were the legal reasons for the government's introducing that amendment. It seems to me that 'relationship with' actually open the scope a bit more than simply 'control by'.

The Hon. J.W. OLSEN: I am advised that it effectively cannot apply to a business enterprise with which we have a relationship: it must apply to a government business enterprise that we control. It must be accountable for that which you control—not accountable for that with which you merely have a relationship.

Mr CLARKE: I refer to the principles of competitive neutrality. I know of the reason the Premier gave in closing the second reading debate about why this has gone from the Governor issuing a proclamation to a minister. The Premier gave certain assurances to this House as a result of issues raised by the deputy leader, but I am still concerned that the act provides that the minister of the day can make these policies. You have set in train a policy—presumably at cabinet level—to say that these things will only be done with the approval of cabinet. Premiers come and go, but the statutes stay on the books. Therefore, there is nothing to say that cabinet next week might say, 'We will leave it to the minister of the day to do it. It does not have to come back through collective cabinet responsibility.'

I am concerned that this is being done, on the surface, simply to make it a bit administratively easier for the minister to be able to publish the criteria rather than have a proclamation issued by the Governor. I am concerned that is being done, given that your assurance is only as good as your sitting in that job or until cabinet changes its mind next week. The statutes will be on the books and the minister of the day can do what he or she wants.

The Hon. J.W. OLSEN: To give reassurance to the honourable member, the cabinet handbook guides ministers on practices to be implemented. In this instance the cabinet handbook is exactly the same as the cabinet handbook used by Premier Lynn Arnold. There have been successive governments with the same handbook, with the same criteria and process to be followed by ministers. I hope that gives the honourable member the assurance he is looking for.

Mr CLARKE: I know I have been here a lot less time than the Premier but, as a result of the interpretation of that ministers' handbook and guidelines over the past six years, it does not fill me with confidence. However, I understand what the Premier has said.

Clause passed.

Clause 5.

Mr CLARKE: I notice the second reading speech states:

> The act came into operation in August 1996 and provides inter alia for a formal competitive neutrality complaints mechanism. Since that time eight formal complaints have been received, six of which have been assigned to the Competition Commissioner for investigation.

What agencies were subject to these eight formal complaints; which of those agencies have been assigned to the Competition Commissioner for investigation; what were the circumstances that led to those complaints; have any results been forthcoming from the Competition Commissioner and, if so, what were they?

The Hon. J.W. OLSEN: To expedite the matter, I refer the honourable member to the annual report of the Department of Premier and Cabinet that supplies the information that he is looking for.

Clause passed.

Clause 6 passed.

Clause 7.

Mr CLARKE: Where a complainant believes that the authority or the minister (or whoever is responsible for it) has said that it is confidential, because of the broad definition of

'confidentiality', what rights of appeal, if any, exist for the complainant to say, 'Hang on, I do not believe your application of the definition is correct. I would like it reviewed because I want to issue these things publicly to back up my case and to enable greater public accountability.'?

The Hon. J.W. OLSEN: At some stage you have to create the opportunity: at some stage the process has to stop. It is not like a judicial or legal process where one can appeal the determinations. This is a matter of complaint that goes to the commissioner. The matter is investigated and then a determination is made. That is then released. If there were issues with which the complainant was at serious variance, I have no doubt the complainant would take that matter up with the commissioner.

Mr CLARKE: At the end of the day, is it the minister who has the final say as to whether or not the information is confidential? You can go through the Complaints Commissioner and the Complaints Commissioner might say this, that or the other, but if the government minister of the day says, 'This is confidential information,' then is it all over red rover with no right for judicial review? Is that what the Premier is saying?

The Hon. J.W. OLSEN: I preferred it when you were focusing on the branch network, Ralph. When a complaint is made to the commissioner, quite often a company will respond to a complaint with confidential information, designated as such for business purposes. In that context the commissioner, I think, is morally bound to respect the confidentiality of the information that has been given to them. You would not want a set of circumstances where the information of a complainant against, say, a government business enterprise was released publicly so that the complainant's other private sector competitors became aware of its business plan, its strategies or whatever. Then you would not have anyone lodging a complaint because you would create exposure to that company by simply taking the complaint. Principally, it is in the hands of the commissioner.

Clause passed.

Title passed.

Bill read a third time and passed.

PROBITY AUDITOR

The Hon. J.W. OLSEN (Premier): I lay on the table a ministerial statement issued in another place by the Treasurer this day regarding the probity auditor's contract.

GUARDIANSHIP AND ADMINISTRATION (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 11 November. Page 370.)

Ms STEVENS (Elizabeth): The opposition has pleasure in supporting the bill. During the course of gathering information, we contacted many groups and we thank them for the input they have given to us. I will make particular mention of people who spent quite a lot of time working with us to achieve the best result for the bill.

I would like to start by referring to the history of the act that is currently the law and the bill before us. The Guardianship and Administration Act was debated and passed in the parliament in March 1993 with the Mental Health Act 1993 under the stewardship of the former member for Elizabeth (now the member for Bonython), the Hon. Martyn Evans. The bill was the first major revision of guardianship and mental health legislation since the 1977 Mental Health Act. As it was in so many areas, South Australia was the national leader with the development of the system of guardianship and review which was embodied in the Mental Health Act 1977.

This lead was one that was subsequently taken up by other states in Australia. Guardianship was seen as providing an alternative decision maker in areas such as financial management and accommodation for people incapable of making those decisions themselves. Concurrently, it was recognised that some mental health treatment decisions which involved coercion, such as detention in hospital and compulsory treatment, should be determined or reviewed by an independent body.

The mechanism for both was the Guardianship Board and the Mental Health Tribunal. A review of the Guardianship Board and the Mental Health Tribunal was established in 1988 and, after considerable consultation, resulted in the new guardianship and administration bill. I refer to the second reading speech of the minister handling the bill in the upper house in which he said:

> The bill focuses on maintaining family and local support for individuals with a mental incapacity. It seeks to reduce and minimise the level of bureaucratic intrusion into the lives of such people, yet ensure the checks and balances exist for protecting these vulnerable members of our community. It will provide a sound balance between an individual's rights to autonomy and freedom and the need for care and protection from neglect, harm and abuse.

It also established a clear philosophy for the way in which all matters would be dealt with by establishing a set of principles to guide decision makers. These principles emphasise the primacy of the decision which the person would have made had they not been mentally incapacitated—substitute decision making. It also required due consideration to be given to maintaining existing informal arrangements which are working well for the care of persons or the management of their finances. Any decision or order made must be the least restrictive of the person's rights and personal autonomy and is consistent with his or her proper care and protection.

The two principal structures established under the act were the Guardianship Board and the Public Advocate. The Guardianship Board is a multi-disciplinary specialist legal tribunal whose functions include: appointing a guardian to make personal lifestyle decisions for the protected person; appointing an administrator to make financial decisions; making decisions relating to major medical procedures, such as sterilisation and termination of pregnancy; and hearing appeals against detention orders under the Mental Health Act.

The Public Advocate has a major role in promoting and protecting the rights and interests of mentally incapacitated persons and their carers. The board may appoint the Public Advocate to be the guardian or one of the guardians of a person, but only if the board believes that no other person would be appropriate; in other words, the Public Advocate might be regarded as the guardian of last resort.

During the passage of the legislation in 1993 parliament inserted a sunset clause to ensure that the legislation and arrangements underpinning it were reviewed prior to the third anniversary of its commencement. I note from a look at some of the speeches made at the time in the other place that a major driver for that sunset clause was concern about the independence of the Public Advocate being compromised by the placing of the Public Advocate in close physical proximi-

ty with the Guardianship Board and with it, under the jurisdiction of the Minister for Health. There was a view that the Public Advocate should be under the jurisdiction of the Attorney-General. Interestingly, the legislative review that preceded the bill before us today made no mention of this matter; nor did members of the other place who were part of the debate in 1993 comment on this matter during the debate on this bill in the Council last week. I can only conclude that this is no longer of concern to anyone, but I would be interested in hearing the minister's view on that matter.

As we all know, the legislation was due to expire on 6 March 1998, but this has been extended on two occasions to allow time for the legislative and operational reviews to be completed and considered. The minister in his speech in the upper house referred to the legislative review and noted that it was pleasing that generally there was support for the act and that legislation could benefit from some changes mainly of a technical nature. However, because of issues raised in a number of the 56 submissions, the Minister for Health at that time conveyed in March 1997 that an operational review would also be undertaken. A number of concerns were voiced about the implementation of the act. When you look at the two reviews—the legislative review and the operational review—it seems to me that the substantial concerns in relation to this legislation lie not in the legislation itself but in the way in which it has been implemented.

I refer to a paper by Ms Sue Jarrad, who is the Executive Director Services of the Alzheimer's Association of South Australia. In her paper 'Soft law, hard decisions: the implementation of guardianship legislation in South Australia' she said:

> The outcomes of this new legislation when viewed three years later, however, indicated dissatisfactions in some aspects of its implementation, and in a more minor way, sections of its legislative framework. Operational issues arising from the legislation were given some credence from the public phone-in and feedback from the newly formed support group for carers of protected persons and were recognised by a ministerial response after due course. Analysis of issues from the consumer survey in 1989 and the phone-in in 1997 suggest that the issues have, in general, remained the same. A few of those affected by the process for formal protection have questioned the intrusion into personal liberty; the majority have been concerned with the processes and types of decisions made, not the need for substitute decision making as such. Therefore, the legislative supports of positive rights for those requiring substitute decision making have been validated, but the implementation of these positive rights have been questioned.
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> In exploring in detail the areas of attitudes and values, and of guardianship, several themes have come to light. While the legislation is seen as innovative in its welfare orientated, positive rights principles, the implementation has been observed to be clinging to the values and judgments of liberal ideology. This has created conflicts between the expectations and options offered by the legislation and what occurs in reality. A number of reasons are put forward to explain the conflict: one is that as legislation moves into new welfare areas, practices which reflect the new value base are slow to catch up, especially at a time when retrenching government services are reluctant to increase funding for new public services. Another reason has been the mismatch between legislation and practice: the legislation has allowed for and relies on a range of alternative options that keep formal processes as a last resort, but this infrastructure has been inadequately supported and developed. Thus a reliance has occurred on the formal legal and public mechanisms, and with the pressures of possibly unexpected high demand has created dissatisfaction amongst stakeholders, with the lack of structured evaluation and research about the impact of the new act.

Those words are well worth thinking about because they sum up very well the issues around the legislation itself and its implementation.

In relation to the legislative review, the opposition notes that, of the 29 recommendations that the review brought forward, only seven have been adopted. However, the opposition is generally satisfied that the major issues have been covered. We were particularly pleased to see further amendments to section 23 introduced in the other place last week, as this will allow the Public Advocate to delegate any of his or her powers or functions not only to any Public Service employee or Health Commission employee who has been assigned to assist the Public Advocate in the performance of his or her functions but also, with the approval of the minister, to any other person. This provision will enable the consideration of the use of community guardians. This matter was raised with the opposition by the present Public Advocate, Mr John Harley, and we raised it in our discussion with the minister.

I understand that the use of community guardians occurs in Victoria. I was pleased to note that, in his speech, the minister in another place stated on the record that he is prepared to look at this issue. I agree with his comments that there are many issues to be worked through, for example, education and training, ongoing support and liability. The amendment that has been made to section 23 will enable any successful pilot scheme to be introduced without a further need for legislative change.

The opposition is also pleased to see a further amendment to the original bill in an addition to section 21 to enable the Public Advocate to establish committees for the purpose of providing him or her with advice in relation to the performance of any of his or her functions. I refer again to the same paper by Sue Jarrad in relation to the issue of enabling a mechanism for ongoing review, monitoring and research. She stated:

> The need for research identified by the review in 1989 as necessary has still not occurred, possibly as the confidence in the new act was such that the review did not give a high priority to this area. Nevertheless, monitoring and identification of issues and research into the impact of substitute decision making could have assisted in the future direction and ongoing evolution of this legislation. As it is, issues such as finding the balance between protection and autonomy continue to create concern for individuals, their families and health professionals.

If such a monitoring process had been in place, perhaps the lengthy delays in providing the legislative and operational reviews could have been avoided. As protective laws are relatively new and still evolving, in line with knowledge and attitudes about capacity and decision making, an ongoing monitoring, review and research process is crucial. I look forward to seeing what will happen as a result of the inclusion of this amendment in the act which enables the Public Advocate to establish committees for the purpose of providing him or her with advice in relation to the performance of any of his or her functions, and this will spill over into the operation of the act.

I turn now to the operational review. The bill has adopted a major recommendation of the review, namely, the opportunity for preliminary assistance prior to a hearing of the board and, further, an option for mediation. In relation to the provision of preliminary assistance, the bill before us provides that this assistance will be provided to ensure that parties to proceedings are fully aware of their rights and obligations, to enable identification of issues, if any, that are in dispute between any of the parties to the proceedings, canvassing options that may obviate the need to continue the proceedings, and where appropriate facilitating full and open communication between the parties to the proceedings. The bill also allows the board, its President or Deputy President, with or without consent of the parties to proceedings, to refer

the proceedings or any issues arising in the proceedings to the Registrar for mediation.

One point that I must make—and this was raised in a letter to which I will refer later—is that I do not believe it is possible to force anyone to be part of a process of mediation, so referring someone without their consent to mediation will not be a productive way to go. I think it is in the same category as leading a horse to water but not being able to make it drink. It is to be hoped, however, that this new mechanism will streamline the business of the board and will also be a much more satisfactory process for the people coming before the board. This addition to the act has been welcomed by all the people with whom we have consulted. Everyone believes that this is a sensitive way in which issues can be handled, people's concerns can be clarified and other alternatives canvassed, and it will hopefully be a helpful process for both the people coming before the board and for the board itself.

The operational review covered a wide range of concerns which I hope will be taken up. The summary of recommendations is very comprehensive and, as I said before, when one reads the two reviews—the legislative review and the operational review—it becomes quite clear that the operational review contains the really substantial issues that need to be considered.

The Hon. Dean Brown interjecting:

Ms STEVENS: As the minister said, they are practical issues, but they are very substantial. We can have legislation but we must be able to implement it, so, even with the best act in the world, if the management and operational style do not match it, we will not achieve what we want to achieve and what we need to achieve from that legislation.

I will mention some of the recommendations because they are very important. They have not been translated into the legislation because they are operational issues, but they need to be addressed. I will be interested in watching what happens and I hope that the minister will as well.

Just briefly, the recommendations were itemised under major headings, the first one being 'Information, education and training'. The review recommended that further provision of information, education and training should occur at several levels, such as schools and the general community, and include translation of Office of the Public Advocate pamphlets into other languages, which it was recommended should proceed as a matter of urgency. It also mentions professions and the need for the people who deal with this legislation to be able to understand it. It seems commonsense, but there is a real issue about professionals understanding the act and the principles behind it.

The next section is titled 'Consumer comfort'. The review recommended that the Guardianship Board and the Office of the Public Advocate should be located separately. Interestingly enough, this theme came through in some of the correspondence to me—people wanting to be sure that there would be independence between those two entities.

With regard to resourcing, the review recommended that resourcing, funding and staffing of the Guardianship Board and the Office of the Public Advocate should be reexamined in the light of any changed functions which may be adopted as a result of the legislative review and operational review. I know that, in creating the mediation function there is at least one extra position of an executive officer as well as the registrar. Certainly, that comes directly out of the changes to the legislation. However, there are other resourcing issues to which I will refer later.

A number of recommendations were made in relation to guardianship board hearings and related issues under the headings of 'Application to the board' and 'Diversion'. Under 'Diversion', there was a recommendation that pilot funding be sought for a trial to test the feasibility of a community based specialised mediation service to which families, professionals and other relevant parties could have recourse as the less formal means for conflict resolution. I hope that one is considered. There were recommendations on multiple and single member hearings and on the manner of conducting hearings and quality assurance. One of those recommendations was that a quality assurance monitoring and advisory committee be established. Hopefully, this recommendation will be picked up in a committee that the Public Advocate can establish.

I will now refer to issues that were raised with me by groups that responded to our request for feedback. I will put on the record a letter that I received from MALSSA Inc. involving issues of people of non-English speaking backgrounds with a disability and their carers, because MALSSA is an independent community organisation advocating for the rights of those people. I will quote from the letter it sent me, as follows:

> A significant proportion of our work on behalf of people of non-English speaking backgrounds with a disability and their carers concerns guardianship and administration issues, participation in the board hearing and liaison with the Public Advocate.
>
> The amendments take important steps towards setting up a process of mediation for participants before the board of which MALSSA supports. In spite of these changes MALSSA believes that consideration of the following would enhance the effectiveness of and access to these processes for people with a disability of non-English speaking backgrounds and their carers.
>
> 1. A right for people with a disability and/or their carers to have an interpreter present. It has been our experience that, while people with a disability have been provided with an interpreter to participate, this has not been the case for carers. This is of concern given that the act highlights the important role of carers and their communication in the board processes.
> 2. A provision in the section stating that the board members, Registrar and Public Advocate are linguistically and culturally sensitive.
> 3. A right for people with a disability and/or their carers to have the freedom to choose to participate in the mediation process.

It makes the point to which I alluded earlier. Further, it goes on to say:

> The amendment to section 15A(2) states that 'with or without the consent of the parties to the proceedings, refer the proceedings or any arising in the proceedings to the registrar for mediation'. This is of concern as mediation literature states that the willingness of the parties to participate in the process is essential to its success.
>
> Furthermore, it appears adverse to achieving the intent of the legislation which promotes individual autonomy and freedom. It fails to achieve a balance between the need for care with protecting the rights of individuals, particularly in circumstances that compel parties to attend mediation works against a community standard which provides mediation as an option upon consent of the parties.
>
> 4. People with a disability and/or their carers should have a right to utilise an advocate of their choice at the mediation to safeguard and protect their rights.

The issues that it raises there are the important ones. I hope that we can give a commitment that these measures will occur.

I now want to touch on the issue of resources. I know that this was mentioned by my colleague the Hon. Paul Holloway in another place. However, it seems clear that the level of resourcing of the Guardianship Board is such that the board really is unable to properly carry out its function. I want to refer to an article written in the September 1999 edition of the

COTA update, which is the regular bulletin from the Council on the Ageing, as follows:

South Australia's public advocate John Harley called together service providers for an urgent meeting on 19 August, to draw attention to an acute shortage of resources and staff, which affects the services the office can provide. Officially, the Office of the Public Advocate (OPA) has 9.5 full-time equivalent staff, but at present it is 7.7. The OPA's budget has remained static in spite of steadily increasing workloads. The OPA has 2.5 guardians to look after 220 people under guardianship orders or 'guardian of last resort'.

John Harley compared the office in South Australia with that in Western Australia which has a fairly similar population base. Western Australia has more than double the budget and staff but, only 95 people under guardianship. He pointed out that, with so few guardians for so many guardianships, the South Australian office cannot guarantee that the substitute decision making, which is the Public Advocate's role, is in line with the person's own wishes, that is, what the person would have wanted to happen before he/she became incapacitated.

He pointed out that in South Australia this is the basis for substitute decision making rather than what is considered to be in the person's best interests. John Harley expressed concerns that many orders seek to achieve an outcome which cannot be achieved. Many doctors, dentists and nursing homes are only willing to act if a guardianship order is in place, but in most cases this is not necessary.

The office provides an information service from 10 a.m. till 1 p.m. but often queries take all day to follow up. The need for this could be reduced by a proposed project to disseminate basic information to service providers, but this project has had to be shelved because of the extreme lack of resources. The office will seek to reduce guardianships from 220 to 100 by the end of the year. In the long term, John Harley favours the appointment, under his supervision of 'community guardians', that is, volunteers who undertake such duties on the lines of schemes which exist in Victoria and the US, but this would require legislative changes.

The article concludes with these sentences:

It was clear that the office of the Public Advocate urgently requires extra resources if it is to fulfil its duties. While Minister Lawson encouraged the Public Advocate to apply for a budget increase next year, the office desperately needs an injection of extra funding now.

I think that is a very clear case for arguing that something needs to happen in terms of resourcing, and it needs to happen immediately. Essentially, what is being said here is that, in spite of having legislation with such laudable principles, particularly the principle of substitute decision-making—because there is such an overload of people under guardianship, guardians cannot do the job. So, in fact, the whole act is being undermined. This is a serious situation which needs to be addressed, and simply creating a new position to provide preliminary assistance and enable mediation to occur will not fix it. I would like to hear what the minister has to say about this matter, because it is not a new issue at all.

I have just looked at the 1998 annual report of the Guardianship Board, and lack of resources was mentioned also in that report. Before the chair of the Guardianship Board, Mr Tony Lawson, signed off, he said:

We have now exhausted the opportunities to work smarter, that is, producing more for less. If the board is to continue to meet its statutory obligations and community expectations, it will need some additional resourcing.

I note that last week, in response to concerns expressed by the Hon. Paul Holloway in relation to levels of resourcing, the minister in the other place made the following comment:

The government is well aware of the necessity to provide additional resources, but it is believed that it is appropriate to introduce the new legislative measures and the new mechanisms of mediation and then to see how the system works before finally deciding upon the extent of those additional resources.

I believe that that is an absolute, complete cop-out. It is quite clear that, even if we started it tomorrow, we still have the 220 people involved. Even if we reduced that number to 100 by the end of the year (and I am not quite sure how we expect to reduce it from 220 to 100), there is still the issue of how you can properly manage substitute decision-making when you have people with so many to look after. How can you get inside someone's shoes when you just do not have the resources to do that? So, it is an urgent matter. One just cannot keep saying, 'Yes, we know, but we will look at it later,' which is, essentially, what the minister said in the other place.

I received quite an extensive set of correspondence from Mrs Evelyn Miller, who wrote to me as part of the Carers of Protected Persons Action and Support Group in South Australia. I want to thank Mrs Miller for the time and effort that she put into making her submission to me on this act and on these matters. I know that she has had considerable, and often unsatisfactory, experiences in relation to the Guardianship Board, the Public Advocate and the Public Trustee over the years. I will not quote from the correspondence but I want to summarise what she said, because the matters she related were not just things that were experienced by her: they were experienced also by others—but certainly she was a more notable case. Some of the things included poor fact finding prior to board hearings; subsequent decisions, when based on poor information, having a high impact on parties; expertise of board members about dementia being limited and, thus, decisions being poor; and no effective complaints process in existence, so that appealing to the court was the only option.

I hope that all those issues can now be addressed under the proposed section 15 and by collaboration of the registrar with the Office of the Public Advocate. I also noted that there was a recommendation in the operational review that a complaints process be set up, and I think that, in any modern organisation these days, it is an absolute must to have an effective, transparent, clear and accessible complaints process.

Concerns with the Public Trustee are widespread and real. I understand that the Public Trustee is seeking cultural change but it is very slow—and, of course, the Public Trustee does not come under this act. However, it is still a matter of concern to many people. Health professionals are significant players in this area but many are unskilled in this jurisdiction, lack professional protocols and can be inclined to take sides. There are some options operationally to improve this situation but it could still remain a difficulty and it needs to be addressed. Some of those issues were mentioned in the operational review.

In her letter, Mrs Miller stated that she was pleased with the mediation possibility but pointed out that the mediator should be impartial and independent. She wondered—and I would like the minister to comment on this—whether the registrar could refer to specialist mediation services outside the board. I suppose that is just an indication of the lack of trust and breakdown that has occurred with people in relation to the present situation.

Mrs Miller also made the point about intimidation and prejudice and said that this has been experienced by many and involves the attitudes of board members and hearings. She has written about this aspect, and certainly this is something that I hope will be addressed by perhaps a cultural change in relation to the way in which things operate and the user friendliness of the process to the people. She also mentions that lack of sufficient resources has led to poor and inadequate investigation—and, of course, I have previously

mentioned that matter. She also raises the issue of the complaint process. I thank her for that, and I thank her for the effort that she put into doing that for us.

Ms Key interjecting:

Ms STEVENS: And also, as the member for Hanson (who referred her correspondence to me) said, for the service that she has provided in establishing the support group for people who have had and who need to have contact with the Guardianship Board, the Public Advocate and the Public Trustee.

The opposition supports the bill and is pleased to note that the legislation, which was introduced in 1993, is essentially sound. The principles on which the legislation is based are sound and have stood the test of time and are, indeed, very important in relation to the philosophy behind the legislation. We note the additions to the legislation—the mediation function, the ability to investigate community guardians and the other matters that have been brought in to enable the legislation to work more effectively—and we are pleased about this.

We note the operational review and earnestly hope that all those matters contained within the operational review will be seriously considered. We understand that, in terms of the operational review, resources will be a major issue and we say to the minister that we have sound legislation. It is now his responsibility to ensure that sufficient resources are made available to enable that legislation to work in the way that parliament intends.

It seems to me that in this whole area of guardianship, powers of attorney and medical powers of attorney that, in terms of all the different acts, the next step, somewhere in the future, will be to bring together powers of attorney, guardianship orders and medical powers of attorney to make them even more user friendly and simple for the public to use. Finally, towards the end of her paper, Sue Jarrad states:

> While further exploration of the relationship between law and the state is not possible in this paper, four general conclusions can be drawn in summary: that positive acts of protection for people with mental incapacity have been adopted and reinforced in policy and law as desirable; that the form of the law not only permits but relies on other social structures to meet individual welfare needs; that prime reliance on informal structures, rather than the law, is desirable; and that the state has a responsibility to ensure, directly or indirectly, that the social rights of citizenship are achieved through the nurturing of these appropriate social structures and mechanisms of support.

That quote sums up the situation. We have the legislation. We all have a role to play and the state has a particular role to ensure that the legislation is achieved.

The Hon. DEAN BROWN (Minister for Human Services): I thank the member for Elizabeth for her contribution. I acknowledge the quality of the honourable member's contribution. The points she has made are points about which a lot of people and families who have had clients before the Guardianship Board have been very concerned. I understand that because I was receiving a large number of letters from people. Certainly, they had many concerns about the operation of the Guardianship Board, and that is why I commissioned the operational review. The previous minister commissioned a review of the legal aspects, and it looked at the legal structure under which the system operated.

I recognised a further dimension and that was the day-to-day operation under which it proceeded. Whilst the legal review took longer than expected, the operational review (although it commenced 1½ years later than the legal review) was completed at about the same time. I want to acknowledge and say that the government is committed to going through and changing the operational procedures. The important aspect was to get in place the legislative framework. Members of the parliament would understand that the presidency of the Guardianship Board has been out for appointment. That is very close to finality.

We have a new Public Advocate. The Guardianship Board therefore has the chance to start with not only a new Public Advocate and a new President but also a new legal structure. I believe that will be a good foundation, therefore, for also changing the operation of the Guardianship Board. Many consumers, or their carers, and people who have had to deal with the Guardianship Board have argued for some time that they wanted the system changed. I will not go into the details but the member for Elizabeth has quite rightly highlighted those points that have been raised by the operational review. The honourable member understands that I was very much a party to the implementation of that operational review. I wanted to see many of these complaints from people tackled, identified and dealt with. The honourable member can be assured that I am a strong supporter of ensuring that that occurs.

Many concerns about this issue have been raised in this and the other House. The legislation, of course, whilst I think in a technical sense is dedicated to me, is administered day to day by the Hon. Robert Lawson in another place as the Minister for Disability Services, as is the Public Advocate. However, the minister does consult very closely with me. I appointed the committee to conduct the operational review either before or at the same time as the Hon. Robert Lawson was appointed minister, so it was important that I continued to have some significant involvement. The Minister for Disability Services and I worked very closely on this, even though he has ultimate responsibility on a day-to-day basis.

One issue that has been raised is that of resources. I can assure the honourable member that it is a very significant issue. It is part of our budget process. Significant budgetary issues are involved and we are picking those up as part of this current round of applications for the year 2000-2001. There is no oversight on those matters at all. I want to assure the honourable member that we are picking up and recognising the need for those additional resources.

I thank the honourable member and the other members in another place for their contribution. I assure members that these matters will not be overlooked. They will be actively pursued. Ultimately, further amendments might need to be made to the act, but it was important, in terms of the sunset clause being set for early next year, to ensure that we got the present amendments passed as quickly as possible. As the honourable member recognises, we have rolled over this act on two occasions now, waiting for these amendments to come through. We could not bring them through until both the legal and operational reviews were finished. They were finished.

We therefore immediately started work on the drafting, and now these are through. I urge all members of the House to support this measure, recognising that there need to be ongoing changes, particularly in terms of the operation of the Guardianship Board. Those issues are being canvassed. I appreciate the honourable member's support.

Bill read a second time.

In committee.

Clauses 1 and 2 passed.

Clause 3.

Ms STEVENS: I refer to an issue that was raised with us by the Public Advocate. Before doing so, I neglected in my contribution, so I will take the opportunity now, to thank John Harley and his staff for their willingness to be contacted on a number of occasions in relation to this bill. It was very important to us. I thank him for that. I notice that he is in the House; I do thank him.

During the course of our discussions in relation to the definition of 'medical treatment', 'medical treatment' is defined in section 3 as 'treatment or procedures administered or carried out by a medical practitioner in the course of medical or surgical practice and includes the prescription or supply of drugs'. There is a change to that definition. The issue I want to highlight was raised in the other place. John Harley mentioned to us that legal advice had been obtained from the Crown Solicitor's office that this definition did not include palliative care where it may involve the withholding of medical treatment. This necessitates a guardian applying to the board for an order to empower the guardian to consent to palliative care. The board has taken the view, contrary to the Crown advice, that no such order is necessary. Confusion is now reigning supreme as guardians are making application to the board, which then tells the applicants that it is unnecessary. I understand that people approach the Public Advocate asking for advice on the matter, and the Public Advocate has a different view from the Crown Solicitor.

In the other place the minister was asked this question by the Hon. Sandra Kanck to which he replied:

> Once again, this was not a matter that was agitated in the extensive legislative review which was undertaken and in which there was that widespread consultation. One can obtain differing legal opinions on almost any point of law, and I do not believe it is appropriate to say that the current legislation is decisively flawed in any way in this respect.

It is clear that the minister took the view that the Guardianship Board is correct in its interpretation. It would seem to me that some guidance over handling that matter needs to be given as there is one set of advice being given and different interpretations.

The Hon. DEAN BROWN: I have a transcript of what the minister in another place, the Hon. Robert Lawson, said. Firstly, he is saying that the current legislation is not decisively flawed. The minister has a different view from the legal opinion expressed. The minister is a QC. Whilst I have not seen all these different views from lawyers, I at least acknowledge the minister's view as being one of some standing. The minister has indicated that he will look more at this issue. I accept that and would support that in that there are countering views. The minister's point concerns the withholding of a service rather than not having access to palliative care.

The minister sums it up by saying, 'I feel that there should be wider consultation before the proposal is adopted.' I accept that. That is not shutting the door on the issue at all, and should not be seen as such. The minister is indicating that he will go out and consult further on it, and I want to back that up. I appreciate the honourable member's raising the issue again. There are differing legal views on the issue, and we will follow that through to see whether there should be a subsequent change to the law. I see no difficulty in that. The important thing at present is to make sure that we get the new act in place and have it operating before the sunset provisions apply.

Clause passed.

Clause 4 passed.

Clause 5.

Ms STEVENS: I refer to the new section on preliminary assistance and mediation. It has been put to me that, generally, people are not prepared to negotiate when they appear before the Guardianship Board. That was actually put to me by a member of the board. I do not want to name the person, but they certainly thought—

The Hon. Dean Brown interjecting:

Ms STEVENS: Yes—people had reached a situation where mediation was not possible. Will the minister comment on that? Essentially, does the minister think this will be taken up? Secondly, the Registrar presumably could do the mediation, or could that person refer people to a specialist mediation service? The idea of a specialist mediation service was mentioned in the operational review. There was also the issue of the independence of the Registrar, which was an important theme that came through in correspondence to us. How independent will that person be?

The Hon. DEAN BROWN: I believe that the point the honourable member raised has not been raised previously. I will certainly raise it with minister Lawson. I would have thought that 15A, which I think is what the honourable member is referring to, is probably wide enough, if the Registrar thought it was worth while bringing in an outside mediator to facilitate, to allow the Registrar to do that. I do not see that being excluded under 15A(1)(c): 'canvassing options that may obviate the need to continue the proceedings'. Therefore, to help canvass those options, you could bring in an outside party.

On the first point that the honourable member raised about people appearing before the board and not being willing to negotiate, there are a number of factors. First, I have heard that there is an air of frustration and desperation that therefore is not conducive to negotiation by the time they get to the board. That is the point to which the honourable member may have been alluding. I suspect that the other aspect, though, is the general proceedings of the board and the nature and the tone under which those proceedings take place. I would hope that the proceedings of the board would be in an atmosphere encouraging mediation, discussion and settlement of the issues as quickly as possible.

I am not present for the hearings; therefore, it is hard to comment. I have talked to a number of the board members, and I believe that that view prevails amongst a number of them. As I said, we are in the process of appointing a number of new staff. Let us stress that point: that that is the sort of atmosphere that we would like from the board in terms of its operation. Therefore, I have taken on board the honourable member's point and believe that this should apply on that basis. When a new appointment takes place, I will highlight to the new appointee the basis under which we would like the act to operate.

Ms STEVENS: I refer back to the matters I raised on behalf of MALSSA in relation to people from a non-English speaking background and the right for them to have an interpreter present, and the need to make sure that the board members, registrar and Public Advocate are linguistically and culturally sensitive. I would hope that in this preliminary assistance stage that would be abundantly clear to any sensitive registrar—and I certainly hope the registrar will be sensitive—and that would be arranged. Can the minister comment on that?

The Hon. DEAN BROWN: This issue has been raised by the Multicultural Advocacy Liaison Service of South Australia. It is an issue which I raised; in fact, as Premier I

set up a review called 'Equity and Access within government' so that all South Australians have access to a range of government services regardless of their language background. I know it is something dear to your heart, Mr Chairman. It is very important to ensure that no language barrier is artificially created in terms of equity and access to services. That is the issue which MALSSA has raised and it is the issue which the honourable member also has raised. There are resource implications behind it. I indicate that we will work through those issues again as part of this year's budget. Interpreter services are available within government and I think it is very important, indeed, that people have access to those services. It is an operational issue which I will continue to ensure is followed up by the minister.

Ms KEY: As the member for Elizabeth has already mentioned, one of my constituents, Mrs Miller, has been very active not only in her own affairs with the board, the Public Advocate and Public Trustee but also in meeting with other people who have a similar concern and providing a support service. No doubt, the minister has heard of Carers of Protected Persons Action and Support Group in South Australia. I do not in any way profess to have any expertise in this area—I am looking to the member for Elizabeth and the minister for such expertise—but I note that Mrs Miller has put together a handbook and made herself and others available through, I think, Disability Action and a number of other organisations, providing a support service and telephone service. Is there any opportunity for those organisations, after proper verification and checking of the information that is available, to get any assistance or resources from the department in relation to the service they are providing?

I am not suggesting that this particular support group, a community organisation which set itself up, should replace any of the state's responsibility in this area, but I wonder whether there has been an opportunity for the minister and his officers to look at the handbook and some of the information that has been given out to see whether it is correct information which does provide all the available options; and, secondly, whether officers would be made available—if this has not already happened—to ensure that information being given out by community organisations is in fact correct. I do not doubt that there is a lot of experience, support and dedication from that group, but we need to ensure that people who find themselves in the situation of having to get information quickly—and I put myself in that category—could be reassured that, if they made a telephone call to this organisation, the information received was up to date and appropriate for the questions being asked.

Finally, through the process being suggested in the legislation, is alternative support available in the pre-mediation stage to people through the new process that has been described?

The Hon. DEAN BROWN: There have been some discussions already. I think the appropriate course would be for Mrs Miller to go to the Carers Association and then for the Carers Association to apply for grant funds under one of the various lines. There would be a number of different lines where this may be possible: it might be Community Benefit SA or in one of the disability areas, but various grant lines are available. In other areas of my portfolio, I support material such as this being published provided the material is of an accepted standard. We do not want to support the publication of material which is factually wrong or likely to be misleading. As a government we have supported a number of advocacy lines, and this is effectively similar to that. It is best if they go to the Carers Association, which is a broader body. Perhaps the honourable member could suggest that to Mrs Miller.

Ms KEY: One of the points that has been raised by not only Mrs Miller but also other constituents who have come to my electorate office is the lack of information that is available to some health professionals who get caught up in the whole issue of guardianship. I know that the member for Elizabeth mentioned this in her contribution. Is there any training or information available to health professionals? The minister may have covered this, but I cannot recall his discussing this issue. As I said, a number of people get caught up in this respect but do not necessarily have the information—myself included. Are information and training available for those people?

The Hon. DEAN BROWN: I guess that is part of the recognised educational role. Often people unexpectedly get brought into this area and they are in a position where there is a great deal of ignorance. That would apply also to members of parliament. It is fair to say that very few members of parliament have much involvement with the Guardianship Board. Therefore, hopefully, if we can get the resources, we can provide that sort of educational role and information so that they understand the system and have ready information available to them.

Ms KEY: We on this side of the House have the opportunity and the pleasure to look at a banner directly across from where we are sitting, featuring 'A Woman's Place is in the House' and referring to the infant guardianship bill debate. I remind the minister that every day we are here we are reminded of the issues of the past and certainly the current issues. Likewise, you look up at the banner on this side of the House and see some of the 'sheroes' of parliament.

The Hon. DEAN BROWN: I am fully aware of that. I look at the women who drove it, and their legend lives on more than 100 years later.

Ms STEVENS: With the insertion of new section 15A into the act, presumably, if things work well, we will have a more streamlined and better process for the Guardianship Board, and perhaps we will have a reduction in the number of guardianships. Will the minister comment on why South Australia has so many more statutory guardians than, for instance, Western Australia? I refer also to the article in the COTA September edition in which John Harley was reported as saying that the office would seek to reduce guardianships from 220 to 100 by the end of the year. How will that occur?

The Hon. DEAN BROWN: I think this is probably part of an historical attitude problem within South Australia compared to Western Australia, where people tend to resolve many of these issues themselves. In South Australia people tend to look to the government to resolve these issues. Frankly, as we improve the educational role, we will find that some of these attitudes may change, but they will not change over night, and it is something on which we need to work. Certainly, I personally would like to see people becoming more involved and resolving matters without government intervention. It is a point which is interesting to note but which, in many ways, reflects community attitudes in South Australia and has done so for many years.

Ms STEVENS: The other point I was making was that the office is seeking to reduce guardianships from 220 to 100 by the end of the year. How will that occur?

The Hon. DEAN BROWN: They will not reach their target of 100 by the end of the year. They have reduced it from 220 to about 180. They are going through all the old

orders, and that is basically the way in which it is being achieved. Apparently a lot of orders which have been there for a long time are no longer relevant and they are going through those old cases.

Clause passed.

Remaining clauses (6 to 20), schedule and title passed.

The Hon. DEAN BROWN (Minister for Human Services): I move:

That this bill be now read a third time.

Ms STEVENS (Elizabeth): I am pleased that the bill is about to be passed. I reiterate my thanks to the people who participated in its reaching this position. I thank the minister for his willingness to discuss issues and resolve matters before coming to the House to ensure that we were able to deal with this matter expeditiously. I have given my thanks to John Harley for his help. I also mention in particular Sue Jarrad from the Alzheimer's Association of South Australia who was very willing to spend as much time as needed to explain matters and to assist us in our positions. I thank all the other people who have provided us with information.

The Hon. DEAN BROWN (Minister for Human Services): In closing the third reading debate, firstly, I pay a tribute to the many people who have worked hard to bring this legislation to fruition. It has been a long process. As I mentioned in the second reading debate, in particular, it had a very extensive legislative review, and I thank the people involved in that. An extensive operational review was undertaken, although that was done over a much shorter time frame, but much time and effort was devoted to talking to people who have been involved as clients and who have appeared before the Guardianship Board. I also thank those who made submissions to that hearing, including people from universities and other bodies such as that, as well as a whole range of carer associations within the community.

For a long time many people have been looking to have some changes made to the Guardianship Act and the way in which the board operates, and they should be very pleased indeed. I want to acknowledge the work of the volunteers who have made submissions and who, for a long time, have fought to achieve this. I also thank the people who have carried out the reviews and who have put the issues before this parliament, and I include the Public Advocate in that as well.

I urge members to support the third reading of the bill and, in doing so, show our appreciation for their support and the benefit that this will bring to a lot of people in the community.

Bill read a third time and passed.

THE CARRIERS ACT REPEAL BILL

Received from the Legislative Council and read a first time.

ADJOURNMENT DEBATE

The Hon. DEAN BROWN (Minister for Human Services): I move:

That the House do now adjourn.

Ms KEY (Hanson): I have two issues to raise today, and the first one concerns the airport curfew. A number of comments have been made in this House about the Adelaide Airport curfew, the latest one being that the constituents of Hanson, especially those under the flight path, should show community spirit and allow the curfew, which is not enshrined in legislation and which applies to incoming and outgoing aircraft, to be removed during the Olympics to allow easy access to and from Adelaide. A number of comments have been made in our local Messenger paper with regard to positions that should be taken on this issue.

I am pleased to report that, unlike the federal member for Hindmarsh, Mrs Chris Gallus, the local people would like to consult the constituents, especially those who live under the flight path, as to what their views are with regard to getting rid of the curfew altogether. I might say that the curfew is not official. At this stage it is an agreement that exists between the Adelaide Airport and the local council, and we are looking forward to the long-awaited curfew legislation that has always been promised by the member for Hindmarsh. I think that we have been waiting eight years for the legislation to eventuate. We also wait with bated breath on the issue of noise abatement, which always seems to be put on the backburner with regard to airport noise.

The other matter that I would like to address this evening concerns the Adelaide Workmen's Homes. As members of this House may be aware, some time ago, through a private act of parliament, Thomas Elder established the Adelaide Workmen's Homes and there are a number of these homes throughout Adelaide. The area that I am speaking of tonight is the Richmond estate, where 77 families live in houses that were built in the 1930s, 1940s and 1950s. A number of flats have also been established for the elderly and frail in the community. I do not have the objects of the Adelaide Workmen's Homes in front of me, but the basic tenor of the act is to provide affordable quality homes to workers and their families, and this tradition has been carried out by the various trustees of Adelaide Workmen's Homes.

In going to the workmen's homes in Richmond, one is struck by the uniqueness of the architecture and the well-laid plans for those houses and the gardens that surround them. The rumour, and the story that has become folklore, is that Thomas Elder is considered by many of the tenants to be not only a charitable man but a man with a lot of foresight about the way in which families work. A number of residents have told me that the Hon. Mr Elder thought it was important for working class families to have dwellings that would allow them to sit around the dining room table in the evening and talk to each other about the day's events. So the design of the Adelaide Workmen's Homes includes a proper and separate dining room to the rest of the house.

The houses also contain more than one bedroom so, although the children have to double up, they have a bedroom that is separate from that of their parents. We take these things for granted today, but they were certainly part of the Thomas Elder dream, which has proved to be a very important part of the accommodation in the electorate of Hanson. The other view that Thomas Elder is alleged to have had is that backyards should be adequate so children have space. When I go around the homes in Richmond I notice that there is an abundance of bird aviaries, many families have animals, as in dogs and cats, and the gardens in many instances are beautiful and quite productive. There are a number of fruit and nut trees and, in one particular house in Frederick Street, a 100 year old walnut tree provides the whole community with walnuts.

There is also a big group of men in this estate who are very fond of their sheds, and we have all benefited from the

work of Mark Thompson, namely, *Blokes and Their Sheds* and also *Stories from the Sheds*, and I am pleased to say that this little area is a case study for him. In fact, I have asked Mark Thompson to meet some of these residents because they bear out his views about men and their sheds. It is alive and well in the Richmond estate.

Near Christmas Eve last year, a number of phone calls were made to my office because some of the tenants in the Richmond estate had received notices from Adelaide Workmen's Homes saying that they would have to relocate from those houses as the trust planned to knock down the existing houses and build two-storey town houses. I am not accusing Adelaide Workmen's Homes of throwing people out onto the street in two minutes; that is not what I am alleging. But this news was a great shock to the residents, particularly those who had been there for over 40 years. They were very upset by the news, especially at Christmas time, that they would have to move.

I am pleased to say that we have had great success in negotiations with Adelaide Workmen's Homes. The tenants have shown great foresight and tolerance in those negotiations. One of my suggestions, which was taken up by the residents, was that they set up their own residents' association. We now have a group called RENT, which is the Richmond Estate Tenants Association, and over half of the 77 families affected by this move have joined together to work out what the different issues are and what the log of claims is for the different tenants in the estate. I am very impressed with the professionalism they have shown in getting together quite difficult legislation, particularly with respect to planning legislation, and in making a presentation to the Environment, Resources and Development Court. Although it is not a threatening situation, it is a little difficult for people who are not used to appearing before a court and who do not have qualifications in planning or architecture. So I pay tribute to the tenants who have gone ahead and represented their rights by taking up these issues.

One of the problems that we are finding at the moment (and I include myself in the group, having met with the tenants on a regular basis) concerns maintenance. Last night when we met in one of the kitchens, quite a roomy kitchen for that estate, some real concerns were expressed about the fact that, because Adelaide Workmen's Homes intends to knock down these houses, the maintenance has been put on the backburner. While in most cases the houses are sturdy and in quite good shape, there is a real need for plumbing and weeding in the houses that have been vacated.

A brown snake has been seen and one of the many dogs has been bitten and, although we cannot tell whether it was bitten by a snake, that is what the vet suggests. Fear is running through the neighbourhood that, unless these vacant houses are tenanted, this might be more of a problem in the future. Maintenance needs to occur. Another issue of concern with regard to this development is the stormwater flooding, and that needs to be looked at in the plans. In summary, I place on record the good work that the tenants of the Adelaide Workmen's Homes are doing and I compliment Adelaide Workmen's Homes on sitting around the negotiating table, trying to come up with the solutions that are required for the 77 different families that are affected by this proposal. I also plead with Adelaide Workmen's Homes to reconsider knocking down these beautiful old houses and to look at the Thomas Elder dream and live it out.

Mr LEWIS (Hammond): It is not with any great joy that I again draw attention to a problem which Australia ought to do its best to avoid. In our pome fruit industry—that is, apples and pears—we have a lot of which to be proud in this country and in this state in particular. Yet there is a disease called fire blight which came from the north of America and which occurred in that continent as a natural phenomenon over 200 years ago. It has already, as you would know, Mr Speaker, caused enormous devastation to the pome fruit industries in Italy, having extended into the Po Valley and the southern Tyrol regions there. It has got into New Zealand, but we do not need it here. We can keep it out. In fact, an act of federal parliament of 1941 excludes the importation, without the minister's permission, of apples and pears and other pomes such as quinces and pomegranates from any country which has that disease. I am amazed and appalled that the minister even contemplates allowing the importation of the fruit from those species or, for that matter, parts of plants from those species.

Indeed, I do not have anything against New Zealanders but they can keep their Erwinia amylovora—that is its scientific name. It is a bacterial disease, and it has devastating consequences for some varieties more so than others, but all are adversely affected and losses are very high. It is more serious in pears, for instance, in the United States in the north-west coast area than all the other pear diseases in the United States lumped together. We would be absolutely dopey to put our industry at risk. An application was made by New Zealand exporters to export to Australia in 1989 but additional information which was sought in relation to that matter in 1992 has not been either prepared or satisfactorily provided for consideration by Australia, and the reasons for rejecting the 1995 application still have not been addressed by New Zealand, yet it has come back with another application now.

A risk analysis process being used to review the application this year lacks transparency. It is not legitimate. There is no doubt about the fact that trade pressures are being applied in an indirect manner to get the Australian government to buckle. Well, the Australian government had better not buckle, and the state ministers of primary industries in their federal council meeting ought to tell the federal minister that he has a duty to everybody in this country, not just the apple and pear growers. We do not need the higher price our fruit will inevitably cost us if fire blight gets loose amongst our pome fruit industries. It is one of the most widely researched horticultural diseases in the world yet, even after that lengthy research, there is still no way of totally eradicating it once it gets itself established and into commercial orchards. The only way you can do that is simply stop growing pome fruit and burn your trees. It continues to be a major disease in those parts of the world that have it for that reason.

I do not like the way in which New Zealand pretends to threaten us by saying that it will take us to the World Trade Organisation if we do not agree to allow its fruit in here, even though it cannot demonstrate to us that it can supply us with fruit free of fire blight for our market—not that we need it. If it is really keen about exporting it, it ought to send it to East Timor. People need fruit there now, and they will eat it. They will welcome it. We do not need it; we can export our fruit quite satisfactorily and successfully to a good many other countries at present, because we are free of this ruddy pest. No minister should believe that it is sensible to provide some sop to other industries, albeit in a country as friendly as New Zealand is to us. We like beating New Zealanders in

netball, rugby, cricket and so on, and they are handy to have around for that purpose, but we do not need their apples or pears, and we do not want their diseases.

The Hon. R.L. Brokenshire interjecting:

Mr LEWIS: Indeed we can; we can produce enough milk, I am reminded by the Minister for Correctional Services. They have lovely cows in New Zealand but we just do not need their milk. It is more important for us, though, to focus on the reasons why we do not need this disease or New Zealand's fruit. It would be crazy for us to do anything other than simply to reject its application to export apples and pears to our markets. It cannot establish satisfactory phytosanitry measures that will enable us to have any measure of confidence adequate to bring fruit in here. In my judgment, the only kind of fruit it could export to this country would be cooked, canned apple pulp. I do not know what cooked, canned pear pulp tastes like—and I do not even want to know, although if somebody else wants to try it I would be quite happy for them to do so.

I am most emphatic about these things, because these days not enough is said about the risk involved not just to the growers but to the consumer interests. If these kinds of diseases get in here it will increase the cost of production, it will reduce the yield, but the amount of capital that has to be invested will not be reduced, and that increased cost of production will, therefore, mean that the cost of fruit will go up not just by 10 or 20 per cent but by the same order of cost as it has in the United States, by a magnitude of several fold—two or three times as much. We do not need that, because to get it in here, worse for us, we lose the prospect of ever being able to export to Japan, Korea and China. If we are half smart now, we can begin exporting to those markets. Most members would know what a nashi pear is; it is a russeted skinned pear that is squat in shape, almost the shape of an apple, and it has a very crisp, sweet flesh. In Korea, each piece of fruit from local orchards—because there is no great production there but there is very heavy demand—sells in the street side markets for about $4.80 to $5.60, and it costs you more if you go into a department store and buy it.

Those pears, then, could be produced in Australia and, indeed, a Korean gentleman has migrated here and, as much as anything, I declare an interest in that respect. I am anxious that he is able to succeed, because if he does we will start exporting hundreds if not thousands of tonnes of this fruit to those markets in Korea and Japan. He is a substantial producer there. I do not think that anybody in their right mind ought to allow the importation of any product that is likely to produce disastrous consequences for our industry and our consumers in Australia, and I say that as someone qualified to do so.

I was a plant quarantine officer in the department of agriculture for three years, and I have also done well enough in my postgraduate studies in statistics to understand what the aetiology of such diseases and pests is likely to be when you add that information—that is, an ability to analyse statistics—into an understanding of the biology of the disease and its hosts, and the manner in which it spreads. Without being in the least bit funny, I want the House to understand that, whilst this is nowhere near as serious a threat to the Australian economy as is branched broomrape, it is still nonetheless a very serious threat to an industry that we have enjoyed for years and one which will expand rapidly in the near future as we gain access for our fruit into those Asian markets that already enjoy particular varieties.

Motion carried.

STATUTES AMENDMENT (VISITING MEDICAL OFFICERS SUPERANNUATION) BILL

Received from the Legislative Council and read a first time.

ADJOURNMENT

At 6 p.m. the House adjourned until Wednesday 17 November at 2 p.m.